

<b><u>No:</u></b>	<b>BH2023/02487</b>	<b><u>Ward:</u></b>	<b>Hangleton &amp; Knoll Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>106 Dale View Hove BN3 8LF</b>		
<b><u>Proposal:</u></b>	<b>Erection of detached dwelling house fronting Kingston Close (C3).</b>		
<b><u>Officer:</u></b>	Jack Summers, tel: 296744	<b><u>Valid Date:</u></b>	08.09.2023
<b><u>Con Area:</u></b>	N/a	<b><u>Expiry Date:</u></b>	03.11.2023
<b><u>Listed Building Grade:</u></b>	N/a	<b><u>EOT:</u></b>	13.12.2023
<b><u>Agent:</u></b>	Lewis And Co Planning 2 Port Hall Road Lewis And Co Planning Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Mr Paul Johnston C/o Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	TA1475/01	B	8 September 2023
Proposed Drawing	TA1475/20	D	17 October 2023
Proposed Drawing	TA1475/21	E	17 October 2023
Proposed Drawing	TA1475/22	D	17 October 2023
Proposed Drawing	TA1475/23	C	8 September 2023
Proposed Drawing	TA1475/24	C	17 October 2023
Proposed Drawing	TA1475/25	E	17 October 2023
Proposed Drawing	TA1475/26	E	17 October 2023
Proposed Drawing	TA1475/27	E	17 October 2023
Proposed Drawing	TA1475/28	A	17 October 2023
Arboricultural Report	Arboricultural Implications Assessment: J64.88	-	24 October 2023

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority.  
Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies CP12 of the Brighton & Hove City Plan Part One; and DM18 and DM21 of the Brighton & Hove City Plan Part Two.
4. The window servicing the staircase on the west elevation at first floor level shall be obscure glazed and non-opening, unless the parts which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjacent property and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.
5. Access to the area of flat roof at first floor level hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.
6. No cables, wires, aerials, pipework, meter boxes or flues shall be fixed to any elevation facing a highway.  
**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies CP12 and CP15 of the Brighton & Hove City Plan Part One; and DM18 and DM21 of the Brighton & Hove City Plan Part Two
7. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc. incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies CP12 and CP13 of the Brighton & Hove City Plan Part One, and DM18, DM20 and DM21 of the Brighton & Hove City Plan Part Two.
8. The development hereby permitted shall not be occupied until it has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). Evidence of compliance shall be notified to the building control body appointed for the development in the

appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Each dwelling shall be retained in compliance with the requirement thereafter.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of the Brighton & Hove City Plan Part Two.

9. The dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans. The internal layouts shall be retained as first implemented thereafter.

**Reason:** To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.

10. Prior to the occupation of the development hereby permitted, and notwithstanding the approved drawings, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c) details of all boundary treatments to include type, position, design, dimensions and materials;
- d) details of measures that have been taken to ensure the building is accessible for persons of all abilities;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or prior to first occupation of the development, whichever is the sooner.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area; to safeguard the residential amenities of local residents; to ensure that the development is accessible for all persons; and to comply with policies CP10, CP11, CP12 and CP13 of the Brighton & Hove City Plan Part One; and DM18, DM20, DM22, DM37, DM42 and DM43 of the Brighton & Hove City Plan Part Two.

11. The development hereby permitted shall be carried out in accordance with the protection measures identified in paragraph 10.3 of the Arboricultural Implications Assessment prepared by Broad Oak Tree Consultants Limited.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained around the site during construction works in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part One, DM22 and DM37 of the Brighton & Hove City Plan Part Two; and SPD06: Trees and Development Sites.

12. One or more bee bricks shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.  
**Reason:** To enhance the biodiversity of the site and to comply with policies CP10 of the Brighton & Hove City Plan Part One, DM37 of the Brighton & Hove City Plan Part Two, and Supplementary Planning Document SPD11: Nature Conservation and Development.
13. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roof have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.  
**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policies CP10 of the Brighton & Hove City Plan Part One, and DM37 of the Brighton & Hove City Plan Part Two.
14. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- a) The phases of the Proposed Development including the forecasted completion date(s);
  - b) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
  - c) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
  - d) Details of hours of construction including all associated vehicular movements;
  - e) Details of the construction compound;
  - f) A plan showing construction traffic routes;
- The construction shall be carried out in accordance with the approved CEMP.  
**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies CP8, CP9 and CP13 of the Brighton & Hove City Plan Part One, DM20, DM33, DM35 and DM40 of the Brighton & Hove City Plan Part Two, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03: Construction and Demolition Waste.
15. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to

the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of the Brighton & Hove City Plan Part Two.

16. The residential unit development hereby approved shall not be operational until it has achieved as a minimum, an Energy Performance Certificate (EPC) rating 'B'.

**Reason:** To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with Policy DM44 of the Brighton & Hove City Plan Part Two.

17. The residential unit development hereby approved shall not be occupied until it has achieved a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy and water and to comply with policies SA6 and CP8 of the Brighton & Hove City Plan Part One.

18. Notwithstanding the proposal hereby permitted, prior to the first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority.

The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of the Brighton & Hove City Plan Part Two and SPD14.

19. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 4.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
4. The applicant is advised to refer to the information in Supplementary Planning Document 11: Biodiversity and Nature Conservation on how best to achieve a biodiverse roof. Habitat design and species mix should be selected to support diverse habitats of local relevance, such as chalk grassland species, rather than sedum monocultures which have immediate aesthetic appeal but limited value to biodiversity. The use of native species of local provenance is encouraged. Thin substrate sedum systems do not maximize the biodiversity potential of green roofs and would not merit Good condition within the Defra Biodiversity Metric. Brown roofs, landscaped with exposed substrates and a varied topography, supporting nectar and pollen rich flowering plants, are also a good alternative and can provide new habitat for invertebrates and other wildlife species such as birds.
5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
6. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the Council from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
7. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: [www.hse.gov.uk/asbestos](http://www.hse.gov.uk/asbestos)
8. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>
9. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
10. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings

approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

11. In order to be in line with Policy DM33 (Safe, Sustainable and Active Travel) cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
12. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
13. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk).
14. The applicant is advised that following the simplified assessment method under Part O of the 2022 Building Regulations is unlikely to achieve the required standard unless it is a single dwelling. In addition, single façade flats, dwellings adjacent to noise and pollutants are unlikely to achieve the required standard of Part O.
15. The applicant is advised that assessment under the CIBSE TM59 Thermal Model option should be submitted as part of a full Building Regulations application.

## **2. SITE LOCATION**

- 2.1. The application relates to the land at the rear of no.106 Dale View, fronting onto and accessed from the west side of Kingston Close. The site was most recently used for parking/storage associated with no.106 Dale View, with small, functional, single storey, flat-roofed garages previously on site (now demolished).

- 2.2. Kingston Close is characterised by two storey residential flats on the east side and residential gardens and garages on the west serving properties on Dale View. Kingston Close slopes up from the south to the north. It is a cul-de-sac with no through road.

### 3. RELEVANT HISTORY

- 3.1. **BH2023/01560** Erection of 2no bedroom detached dwelling house (C3) with associated parking and landscaping to rear of existing house, fronting Kingston Close. Refused for the following reason:  
*'The proposed development would result in a significant adverse impact on the residential amenity of neighbouring occupants at 102, 104, 106 and 108 Dale View by virtue of its scale and the resulting increased sense of enclosure and loss of outlook. It would also, by virtue of the close relationship between the new dwellings and those on Dale View, result in an unacceptable increase in actual and perceived overlooking for neighbours and future residents, contrary to policies DM1 and DM20 of the Brighton & Hove City Plan Part Two.'*

### 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought to subdivide the plot of land at 106 Dale View and erect a detached dwellinghouse at the rear of the site, fronting Kingston Close, with associated parking and landscaping. The two-bedroom, three-person dwelling would be one-and-a-half storeys with a pitched roof form, finished in timber and metal cladding. A single-storey element would sit at its rear (west) end, featuring a flat green roof.
- 4.2. It would have a small garden to the rear (west) along with cycle storage, with bin storage along the side (south). A partially covered parking space would be provided on the frontage (east), along with a small area of planting.
- 4.3. It is a resubmission of the previous application BH2023/01560, amended by reducing the height by 0.5m, and locating it 1m further to the front (east), away from the dwellings on Dale View.

### 5. REPRESENTATIONS

- 5.1. Four (4) representations have been received, objecting to the proposal on the following grounds:
- Disruption on Kingston Close during delivery and construction period
  - Access should be from Dale View only.
  - Access would not be granted via Kingston Close.
  - There are parking restrictions on Kingston Close.
  - Overdevelopment of the land
  - Too large and not comparable with the adjacent garages.
  - Out of keeping, an eyesore, dominant and overbearing;



- Lack of utilities infrastructure
  - Overshadowing/loss of light
  - Loss of privacy
  - Increased traffic
  - Increased noise nuisance.
  - Applicant has a history of building works that detrimentally impact on Kingston Close.
  - Lack of consultation
- 5.2. A representation has also been received from **Ward Councillor Hewitt**, objecting to the proposal. A copy of the representation has been attached to this report.

## 6. CONSULTATIONS

- 6.1. Arboriculture - Verbal No Objection subject to condition(s)  
If minded to grant planning permission, a condition should be included to require hand-dig only construction within the root protection areas of third party trees, as mentioned in paragraph 10.3 of the submitted Arboricultural Impact Assessment by Broad Oak Tree Consultants Limited
- 6.2. Southern Water Comment  
Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
- 6.3. Transport - Verbal No Objection subject to condition(s)  
If permission is minded to be granted, conditions should be included requiring a Construction Environment Management Plan, and cycle parking details.
- 6.4. Further information is requested to clarify that the route from the highway to the cycle parking is wide enough; that the cycle parking itself would be covered (and suitable for long stay parking); and what the current demand for the garage space is.

## 7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove City Plan Part Two (adopted October 2022);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

## 8. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing Delivery
CP7	Infrastructure and Developer Contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP13	Public Streets and Spaces
CP14	Housing Density
CP19	Housing Mix

#### Brighton & Hove City Plan Part Two (CPP2)

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM41	Polluted sites, hazardous substances & land stability
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

#### East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMP)

WMP3	Implementing the Waste Hierarchy
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## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed

development; and the potential impacts on the amenities of local residents; and on highway safety. A site visit was undertaken in October 2023.

#### Principle of Development

##### **Creation of Housing**

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,328 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2022 which shows a five-year housing supply shortfall of 7,711 (equivalent to 1.8 years of housing supply).
- 9.4. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). As such, the provision of one dwelling would make an important, but very minor contribution to the city's housing supply.

##### **Plot Density**

- 9.5. A survey of plot and building sizes of the closest properties on Dale View and Kingston Close (fourteen plots including the application site) has been undertaken. This demonstrates that the average plot size is large, at 320m<sup>2</sup> and the average property occupies 34% of the plot. The application site is slightly above average in size (approximately 365m<sup>2</sup>), with proposed development reducing the remaining plot of no.106 to 229m<sup>2</sup> which is significantly smaller than the next smallest property on Dale View surveyed (333.5m<sup>2</sup>). The subdivision would therefore have an impact on the character of the immediate area, including the large rear gardens associated with properties on Dale View.
- 9.6. The new dwelling would front Kingston Close, and would have a plot size of approximately 134m<sup>2</sup> which is not significantly smaller than the next smallest plot on Kingston Close (160.5m<sup>2</sup>). It would occupy approximately 32% of its plot, which is very close to the average plot coverage of the wider area (34%), and less dense than other properties on Kingston Close in particular. It is therefore considered that the character of Kingston Close would be maintained.
- 9.7. While the scheme would result in the subdivision of the garden of 106 Dale View, the garden is long so the eastern extent is more associated with Kingston Close, particularly as the new dwelling would replace a garage

building that was previously on site. In this context, the change to the character of the area is not considered significant.

- 9.8. Further, the provision of a dwelling on the site was considered acceptable in principle in the previous, refused application (ref. BH2023/01560) which was refused solely on the basis of its impact on neighbouring amenity.

#### Design and Appearance

- 9.9. The design is modern but considered appropriate in its materials and scale. It would introduce a new element into the established streetscene which currently comprises rear garden boundaries, parking garages and other ancillary residential uses. In this context, therefore, it would be a relatively significant structure alongside the single storey garages, replacing a single storey garage previously on the site, introducing a visual change in the streetscene.
- 9.10. However, as acknowledged in relation to the previous, refused application (ref. BH2023/01560) Kingston Close contains a range of buildings of varying sizes and frontages and is opposite larger terraced and flatted blocks set back from the roadway. This, combined with the topography of the Close and the mature trees mean that it would be screened to some extent from views, and that there would be limited impact on the already varied character of the area. It is considered therefore that the scheme would not cause significant harm to the appearance of the site or wider streetscene and would not warrant refusal on design grounds.
- 9.11. Further details on external materials shall be secured by condition in the interest of ensuring a suitable appearance. A condition will also be included restricting the installation of wires, aerials, meter boxes and other ancillary clutter on the east elevation fronting the public highway, in the interest of visual amenity. Furthermore, the permitted development rights for single dwellinghouses shall be removed by condition, in the interest of visual and residential amenity.

#### Impact on Amenities

- 9.12. The greatest impact on amenity likely to result from the scheme is upon residents of Dale View to the rear (west). The rear window at first floor level would relate to the ensuite bathroom, so could be required to be obscure-glazed and fixed shut so there would be no overlooking from this level, and the rear flat-roofed area would not be permitted to be used as a terrace.
- 9.13. The proposed dwellinghouse has been reduced in scale over that refused under application BH2023/01560, so that it is both lower in height (by 0.5m) and further away from the dwellings on Dale View (by 1.0m). The proposed dwelling is approximately 15.3m from the rear façade of no.106 Dale View, with the first floor element set back a further 3.0m. The proposed dwelling is set lower into the ground than the garden level of no.106 (by approximately 0.85m) resulting in it having a ridge height approximately 4.0m above the natural ground level, and an eaves height of approximately 2.0m. It is considered that the impact has been mitigated to an acceptable degree, and

the development is not anticipated to detrimentally impact on the amenities of residents in terms of appearing overbearing.

- 9.14. Concerns have been raised that the proposed dwelling would cause unacceptable overshadowing of neighbouring land. The dwelling is anticipated to cast a shadow across the garden of no.106 in the early morning hours, then areas of the garden of no.108 through to the late afternoon, at which point the shadow would fall over the Kingston Close carriageway. Given the small scale of the development (with a two-storey element with a length of approximately 7.5m), the fact that it would replace a garage previously on the site, and the large rear garden of no.108 (approximately 250m<sup>2</sup>) it is considered that the impact on the far end of this garden would be acceptable.
- 9.15. It is not anticipated that the use of this area as a residential dwelling would cause additional harms arising as a result of noise and disturbance beyond that which would be expected and already experienced as a result of the existing dwellings in the area. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.
- 9.16. Comments were received from the public expressing concerns that the new dwelling could result in an unacceptable loss of privacy on the frontage of Kingston Close. While a degree of overlooking would be introduced, it would not be beyond what is normal for the front elevations of homes and not sufficient reason to refuse planning permission.

#### Impact on the Public Highway

- 9.17. Concerns have been raised regarding the potential impacts during the delivery and construction periods on accessibility to and from Kingston Close. Planning permission should be granted only subject to the submission and agreement of a Construction Environment Management Plan, which would include details on site access, the size and positions of delivery vehicles, and other matters pertaining to highway safety. Concerns about the applicant allegedly carrying out building works that spilled onto the carriageway of Kingston Close are acknowledged but are not a material planning consideration as permission is granted upon the land, not to any individual, and the identity of the applicant cannot be given weight.
- 9.18. The proposed cycle storage location is considered sufficiently convenient; the uncovered Sheffield stands however are not suitable as a long-term parking solution and further details shall be secured by condition. It is acknowledged that on the proposed site plan the placement of the refuse and recycling bins would reduce access to the cycle parking; it is considered necessary for the bins to be relocated elsewhere in the site, and further details can be secured by condition to mitigate this harm.
- 9.19. The proposed development is not anticipated to result in significant additional traffic along Kingston Close that would be reasonable grounds to withhold planning permission. The site has most recently been used for vehicle access associated with no.106 Dale Avenue; two garages can be seen on historic

street view images. The proposed development would remove access from 106 Dale Avenue to Kingston Close, and instead provide access to the new dwelling that includes only a single parking space; ergo, the proposed development is considered likely to reduce traffic along Kingston Close.

- 9.20. It has been asserted in the representations received that access via Kingston Close, a private road, would not be granted. This is not a material planning consideration but would need to be resolved by the developer via separate legal means.
- 9.21. The fact that there are parking restrictions on Kingston Close has been raised in the representations received; the proposed dwelling features an off-street car parking space so should not generate overspill parking. Vehicles associated with the main dwelling (no.106 Dale View) may be displaced but are not anticipated to spill onto Kingston Close, and this should not justify planning permission being withheld in this instance. Overspill parking onto Dale View itself for one dwelling is not considered likely to be significantly harmful; the site is not within a Controlled Parking Zone so residents currently enjoy unrestricted parking on the carriageway.

#### Standard of Accommodation

- 9.22. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. These standards have been formally adopted into policy DM1 of the CPP2 and can now be given full weight.
- 9.23. The submitted floor plan specifies a gross internal area (GIA) of 71.3m<sup>2</sup> over two floors, which exceeds the minimum space standards for a two-bed, three-person, two storey dwelling. The dwelling would comprise living room, kitchen, shower room and a small bedroom (8.7m<sup>2</sup>) on the ground floor, exceeding the 7.5m<sup>2</sup> area and 2.15m width required for a single bedroom. The main ensuite bedroom located in the roof space would have a floorspace with a headroom of 1.5m of approximately 14m<sup>2</sup>, which exceeds the requirement of the NDSS. The main living space is considered to offer adequate natural light and the provision of private outdoor amenity space is considered sufficient for a dwelling this size.
- 9.24. A planning condition will be included with any permission granted that the dwelling be constructed in accordance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings), to ensure that the dwelling is fully accessible. A further condition will be included restricting the internal layout of the dwelling; it is considered that if the rooms are further subdivided (for instance to create additional bedrooms) it could result in an unsatisfactory standard of accommodation.

#### Other Considerations

- 9.25. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees. A suitably worded

condition will be attached to secure an appropriate number of bee bricks within the proposal, along with conditions requiring details of soft landscaping and the green roof to maximise biodiversity gains.

- 9.26. The proposed development would intrude into the root protection areas of third party trees. The Council's Arboriculture Team has not objected to the scheme on the condition that care is taken within the root protection areas of these trees, as outlined in the Arboriculture Implications Assessment; this shall be secured by condition. The method of construction will require hand-digging (i.e. no machinery used) to avoid potential root tearing. Any roots that are encountered should be neatly severed using sharp secateurs.
- 9.27. Policy DM44 requires new build residential buildings to achieve, as a minimum, an Energy Performance Certificate (EPC) rating 'B'. New dwellings are also required to achieve a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption. Both would be secured by condition.
- 9.28. The previous use of the site for domestic garages could have resulted in land contamination; it is considered necessary for permission to be granted only subject to a condition requiring development to cease in the event unidentified contamination is discovered during excavation works. Further information would be required to be submitted to the LPA to ensure that any ground pollution would not have an unacceptable impact on the health of future residents.
- 9.29. It has been asserted in the representations received that the LPA has not adequately consulted local residents on the proposal. The LPA advertised the scheme in accordance with standard practices: letters were sent to adjacent residential dwellings, and the application was displayed on the Council website on the weekly list.
- 9.30. The presence/installation of utilities infrastructure has been raised as a concern in the representations received, but this is not a material planning consideration.

#### Conclusion

- 9.31. The proposed development would deliver a single dwellinghouse to the housing stock at a time when the LPA cannot demonstrate a five year housing supply; this must be given significant weight in accordance with the NPPF. The dwelling would be of good quality and offer a suitable standard of accommodation. It is also considered to be acceptable in terms of appearance, and the impacts it may have on the amenities of local residents, local biodiversity, and highway safety.
- 9.32. The proposed development would result in the loss of garden space for no.106 Dale View which would be out of keeping with the wider urban grain along Dale View. The density of development is considered to be acceptable in terms of the impact upon the character of Kingston Close.

- 9.33. On balance, it is not considered that the harm caused to the character of Dale View by reason of the intensification of development on this plot would significantly or demonstrably outweigh the benefits of the scheme; therefore, planning permission should be granted.

## **10. EQUALITIES**

- 10.1. Compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) will be secured by condition to ensure that the dwelling is accessible for all.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23rd July 2020 and began charging on all CIL liable planning applications on and from the 5th October 2020. It is estimated that the amount of CIL liability for this application is £6,138.10. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as is practicable after the issuing of planning permission.