



**Brighton & Hove  
City Council**

# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>14 January 2009</b>
Time:	<b>2.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<p><b>Councillors:</b> Hyde (Chairman), Wells (Deputy Chairman), Barnett, Carden (Opposition Spokesperson), Davey, Hamilton, Kennedy, McCaffery, Mrs Norman, K Norman, Smart, Steedman and C Theobald</p> <p><b>Co-opted Members:</b> Mr J Small (CAG Representative) and Mr R Pennington (Brighton &amp; Hove Federation of Disabled People)</p>
Contact:	<p><b>Penny Jennings</b> Senior Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk</p>

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## AGENDA

### 156. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

### 157. MINUTES OF THE PREVIOUS MEETING

1 - 18

Minutes of the meeting held on 3 December 2008 (copy attached)

### 158. MINUTES OF SPECIAL MEETING

Minutes of the Special Meeting of the Committee held on 12 December 2009 (copy to follow – it is anticipated that these will be available for circulation prior to this meeting)

### 159. CHAIRMAN'S COMMUNICATIONS

### 160. PETITIONS

To receive a petition presented by Councillor Fryer at Council on 4 December 2008 relative to the activities of "Starbucks" coffee house, St James' Street, Brighton.

### 161. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 7 January 2009)

## **PLANNING COMMITTEE**

No public questions received by date of publication.

### **162. DEPUTATIONS**

(The closing date for receipt of deputations is 12 noon on 7 January 2009)

No deputations received by date of publication.

### **163. WRITTEN QUESTIONS FROM COUNCILLORS**

No written questions have been received.

### **164. LETTERS FROM COUNCILLORS**

No letters have been received.

### **165. NOTICES OF MOTION REFERRED FROM COUNCIL**

No Notices of Motion have been referred.

### **166. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

### **167. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST DATED 14 JANUARY 2009**

(copy circulated separately).

### **168. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF ITEMS ON THE PLANS LIST**

### **169. TO CONSIDER AND NOTE THE CONTENT OF THE REPORT DETAILING DECISIONS DETERMINED BY OFFICERS UNDER DELEGATED AUTHORITY**

### **170. APPEAL DECISIONS 19 - 54**

(copy attached).

### **171. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 55 - 56**

(copy attached).

### **172. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 57 - 60**

(copy attached).

**Members are asked to note that officers will be available in the Council Chamber 30 minutes prior to the meeting if Members wish to consult the plans for any applications included in the Plans List.**

## PLANNING COMMITTEE

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

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For further details and general enquiries about this meeting contact Penny Jennings (01273 291065, email [penny.jennings@brighton-hove.gov.uk](mailto:penny.jennings@brighton-hove.gov.uk) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)).

Date of Publication - Tuesday, 6 January 2009



<b>PLANNING COMMITTEE</b>	<b>Agenda Item 157</b> Brighton & Hove City Council
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**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 3 DECEMBER 2008**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Hyde (Chairman), Wells (Deputy Chairman), Allen, Barnett, Carden (Opposition Spokesperson), Cobb, Davey, Kennedy, McCaffery, Smart, Steedman and C Theobald

**Co-opted Members** Mr J Small (CAG Representative)

**PART ONE**

**140. PROCEDURAL BUSINESS**

**140A Declarations of Substitutes**

140.1 Councillors Allen and Cobb attended as substitute Members for Councillors Hamilton and Norman respectively .

**140B Declarations of Interest**

140.2 The Deputy Development Control Manager declared a personal interest in respect of Application BH2008/02452, Garages at the rear of 90 Cromwell Road . He was a Member of the Sussex County Cricket Club which had raised objections to the proposal. He had taken no part in processing the application or in writing the report which was placed before the Committee for decision that day .

**140C Exclusion of Press and Public**

140.3 The Committee considered whether the press and public should be excluded from the meeting during consideration of any items contained in

the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present there would be disclosure to them of confidential or exempt information as defined in Section 100A (3) or 100(1) of the Local Government Act 1972.

**141. MINUTES OF PREVIOUS MEETING**

141.1 It was noted in respect of Application BH2008/02532, The Hyde, Rowan Avenue, that the fellow Ward Councillor referred to should have been Councillor Janio. The park referred to should have been Knoll Recreation Ground rather than Stoneham Park .

141.2 **RESOLVED** - That subject to the amendments set out above the minutes of the meeting held on 12 November 2008 be approved and signed by the Chairman.

**142. CHAIRMAN'S COMMUNICATIONS**

**Web-casting of Planning Committee Meetings**

142.1 The Chairman explained that afternoon's meeting of the Planning Committee was to be web-cast as part of a pilot study which would run until June 2009. Members were reminded to speak directly into the microphones and to switch them off when they had finished speaking in order to ensure that they could be heard clearly both within the Council Chamber and the Public Gallery above.

142.2 The Clerk to the Committee explained that correspondence sent to those wishing to make representations at meetings included information to ensure that they were aware that meetings were to be web-cast and guidance was given relative to use of equipment available in the meeting room including operating instructions for the microphones .

142.3 **RESOLVED** - That the position be noted.

**143. PETITIONS**

143.1 There were none.

**144. PUBLIC QUESTIONS**

144.1 There were none.

**145. DEPUTATIONS**

145.1 There were none.

**146. WRITTEN QUESTIONS FROM COUNCILLORS**



146.1 There were none,

**147. LETTERS FROM COUNCILLORS**

147.1 There were none.

**148. NOTICES OF MOTION REFERRED FROM COUNCIL**

148.1 There were none.

**149. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

149.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination.

\*BH2008/03140, Delphi House, English Close, Hove  
Deputy Development Control Manager

\*BH2008/03094, 105 Wellington Road, Portslade  
Deputy Development Control Manager

\*BH2008/03248, 18 Wellington Road Brighton  
Deputy Development Control Manager

\*BH2008/03121, 25 -28 St James' Street, Brighton  
Deputy Development Control Manager

\*BH2008/03015, Maycroft & Parkside, London Road,  
and 2 - 8 Carden Avenue, Brighton

BH2007/03943, & BH2007/03942 30 -33 Bath Streets , Brighton  
Councillor Mrs Theobald

\* Anticipated as applications to be determined at the next scheduled meeting of the Committee.

**150. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST : 3 DECEMBER 2008**

**(i) TREES**

150.1 There were none.

**ii) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY**

150.2 **Application BH2008/02095, Royal Alexandra Hospital, 57 Dyke Road, Brighton** - Demolition of all existing buildings. Erection of 149 residential; units comprising 40% affordable units and 807.20 square metres of commercial floor space for a GP surgery (Use Class D1 including 102 square metres

for a pharmacy - Use Class A1) together with associated access, parking , amenity space (including a public garden) and landscaping.

- 150.3 It was noted that this application had formed the subject of a site visit prior to the meeting .
- 150.4 The Area Planning Manager (West) gave a detailed presentation setting out the constituent elements of the scheme including the mix of market and affordable housing .
- 150.5 Dr Towers spoke on behalf of local objectors to the scheme stating that in their view it would be possible to provide a financially viable scheme which retained a converted main building . The applicant had chosen not to investigate that option fully. The development as presented was considered to be of scale, mass detailing and appearance which were at variance with the existing street scene and would have a detrimental on the neighbouring conservation areas .Dr. Marshall-Andrews spoke on behalf of the applicant referring to the need to relocate their existing surgery within the locality and to the difficulties they had encountered in finding suitable purpose built premises which would enable them to provide modern facilities for patients/ future patients . Mr Brown spoke on behalf of the applicants in support of their application reiterating that in the applicants view the existing buildings on site were not viable and that the opportunity would exist to maximise the sites potential in terms of providing much needed housing and modern medical facilities which were needed in the area. Councillor Kitcat spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme stating that in his view and that of local residents the existing main hospital building was a local landmark, was of a pleasing deign and should be retained .
- 150.6 Councillors Cobb and Mrs Theobald sought information regarding the dimensions of the proposed living areas within the flats and location of kitchen bathroom facilities., location of refuse storage and recycling arrangements and relative to on site parking.
- 150.7 Councillor Wells stated that he was very concerned in respect of the purported viability of the site and as to whether the price paid by the applicant for the land had been taken into consideration. In response to a query raised by Councillor Wells the legal adviser to the Committee explained that whilst “viability” was capable to being a planning consideration that was dependant on the particular circumstances of any given application. All relevant information had been placed before Members relative to the application before them .
- 150.8 Councillor Steedman enquired as to whether the revised plans had been fully consulted upon and was advised that they had .Mr Small (CAG) referred to the alterations made stating that he was perplexed and puzzled by them as there appeared to be a large number of matters remaining to be determined which could significantly impact of the appearance of any development ultimately built on site. He considered overall that the scheme

as presented represented an overdevelopment of the site and that its bulk and massing was too great

- 150.9 Councillor Kennedy stated that she had grave concerns regarding the scheme considering that the applicant had failed to demonstrate that loss of the main building was necessary. She was of the view that it should be preserved and could form an integral part of any scheme. She was also very concerned that notwithstanding measures purportedly put in place to prevent deterioration of the building and to protect it from vandalism that on the site visit windows of the building were observed wide open which could give rise to damage as a result of water penetration. The building had clearly deteriorated since the last occasion on which Members had carried out a site visit.
- 150.11 Councillor Barnett stated that she considered the design and appearance of a number of the blocks to be inappropriate as did Councillor Mrs Theobald. She was concerned that the location and size of the communal areas was inappropriate and additionally that there would be too little on-site parking. Councillor Smart also concurred in that view.
- 150.11 Councillor Steedman stated that in his view the scheme had major deficiencies and would be totally overbearing and inappropriate in its proposed location. He considered that it was ill conceived and that the existing frontage should be maintained. Whilst provision of an additional doctor's surgery would be welcomed he considered that some of the treatment rooms would be poorly located and that the case had not been compellingly made that it would not be possible to find other suitable accommodation available for conversion.
- 150.12 A vote was taken and on a vote of 9 with 3 abstentions planning permission was refused on the grounds set out below.
- 150.13 **RESOLVED** - That the Committee has taken into consideration the reasons for the recommendation set out in the report but resolves to refuse planning permission for the following reasons :
1. it is not considered that the development by virtue of its siting, height, scale, mass, detailing and appearance does not contribute positively to its immediate surroundings and would have a detrimental impact on the character and appearance of both the street scene and the Montpelier and Clifton Hill Conservation Area and the setting of the West Hill Conservation Area. The proposal would therefore be contrary to policies QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.
  2. The proposed development would provide an inappropriate amount of private amenity space and a lack of children's outdoor recreation space on the site or the occupiers of the residential properties, contrary to policies HO5 and HO6 of the Brighton & Hove Local Plan.

[**Note1:** A vote was taken and on a vote of 9 with 3 abstentions planning permission was refused in the terms set out above].

[**Note 2:** Councillor Kennedy proposed that planning permission be refused this was seconded by Councillor Steedman. A recorded vote was then taken. Councillors Barnett, Cobb, Davey Kennedy, McCaffery, Smart, Steedman. Mrs Theobald and Wells voted that planning permission be refused. Councillors Hyde (The Chairrman), Allen and Carden abstained. Therefore on a vote of 9 with 3 abstentions planning permission was refused].

150.14 **Application BH2008/ 02808, Royal Alexandra Hospital, 57 Dyke Road, Brighton** – Area Consent for demolition of all existing hospital buildings.

150.15 It was noted that if members were minded to refuse planning permission that their resolution should state that they were “minded” to refuse the application as it subject to a reconsultation period expiring on 21 /12/08.

150.16 A vote was taken and on a vote of 10 with 2 abstentions the Committee resolved that it was minded to refuse conservation area consent on the grounds set out below.

150.17 **RESOLVED** - That the Committee has taken into consideration the reasons for the recommendation contained in the report it is minded to refuse (subject to the reconsultation period expiring on 21/12/08) conservation area consent for the following reason :

1. Policy HE6 of the Brighton & Hove Local Plan states that demolition in conservation areas will not be considered without acceptable detailed plans for the site’s development. In the absence of an approved planning application for the redevelopment of the site, the demolition of the existing buildings would be premature and result in the creation of a gap site which would fail to preserve or enhance the character or appearance of the Montpelier & Clifton Hill Conservation Area, and adjoining West Hill Conservation Area.

[**Note 1:** A vote was taken and on a vote of 10 with 2 abstentions minded to refuse planning permission was agreed in the terms set out above].

[**Note 2:** Councillor Kennedy proposed that minded to refuse conservation area consent was agreed. This was seconded by Councillor Steedman. A recorded vote was then taken. Councillors Hyde (Chairman), Barnett, Cobb, Davey , Kennedy, McCaffery, Smart, Steedman, Mrs Theobald and Wells voted that minded to refuse conservation area consent be approved. Councillors Allen and Carden abstained therefore on a vote of 10 with 2 abstentions minded to refuse consent was agreed as set out above].

150.18 **Application BH2008/03220, Sussex Education Centre, Nevill Avenue,Hove** – Proposed three- storey extension to existing education centre to create a 1688m2 office building for NHS Trust..

- 150.19 It was noted that this application had formed the subject of a site visit prior to the meeting.
- 150.20 The Area Planning Manager (West) gave a presentation explaining the proposals in detail .
- 150.21 Mrs Bowman spoke on behalf of the applicant explaining the proposal would enable the Sussex partnership Trust to move its existing Head Quarters building from Swandean in Worthing and to locate centrally within its area and to a site where a number of its services were provided . It would also create additional job opportunities in Brighton & Hove. Councillor Janio spoke in his capacity as a local Ward Councillor setting out his objections to the proposal. He was of the view that the proposed office block was completely inappropriate. On a site which should be used solely for the provision of health services . The proposed use would create additional traffic movements and congestion within the locality. He did not concur that additional jobs would be created considering that in the current economic climate the majority of staff would relocate from Worthing and would drive there daily travelling from the current site 89 miles to the west and increased current levels of congestion in the area.
- 150.22 Councillors Barnett and Smart concurred with the views expressed by Councillor Janio considering that the site should be used solely for health care services and no ancillary services and were of the view that the increased traffic movements created by the scheme would be detrimental to local residents and would create very few local jobs.
- 150.23 Councillor Allen stated that on balance he considered it would be advantageous to have these centrally located services within the City not least because they were likely to improve care provision available to the residents . Councillors Davey and Steedman concurred in that view. Councillor Steedman referred to proposed Condition 6 which related to action to be taken should any agreed permission cease. He considered that this provided adequate re- assurance for Members. He also referred that only 4 local letters of objection appeared to have been received relative to the scheme.
- 150.24 Councillor McCaffery stated that on balance she also supported the scheme, although she considered its design to be somewhat disappointing. Councillor Mrs Theobald expressed concern that the level of parking would be inadequate.
- 150.25 A vote was taken and on a vote of 6 to 3 with 3 abstentions planning permission was granted in the terms set out below.
- 150.26 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves it is minded to grant planning permission subject to the completion of a Section 106 Obligation the terms of which are set out in the report and to the conditions and informatives set out in the report

- 150.27      **Application BH2008/01992, Northfield, University of Sussex, Brighton -**  
Construction of halls of residence comprising 798 student bedrooms arranged in 14 blocks, reception building, bicycle storage, visitor and disabled car parking.
- 150.28      It was noted that this application had formed the subject of a site visit prior to the meeting.
- 150.29      The Area Planning Manager (East) gave a presentation detailing the constituent elements of the scheme which was an outline application for the erection of 14 blocks of student residential accommodation set over three and four storeys. Photomontages were shown for illustrative purposes.
- 150.30      Councillor Steedman enquired whether it would be possible to add an informative at in order to seek to avoid the use of metal roof coverings and to ensure that suitable materials were used for the external finishes to the buildings. and it was confirmed that this could be done. In his view sedum roofs of downland grass would be appropriate to the buildings surroundings. Councillor McCaffery was also of the view that infomatives should be added relative to material and finishes to be used.
- 150.31      The Chairman sought clarification regarding the number of parking spaces to be provided stating that some students needed cars in order to enable them to drive to off - site evening / weekend employment in order to support themselves through college. Councillors Barnett and Mrs Theobald concurred in that view and sought information regarding location of the nearest bus stops, considering the number of parking spaces would be inadequate. The Area Planning Manager (East) explained that the number of parking spaces provided accorded with that required by the University itself. The University had its own systems in place whereby in addition to pay and display arrangements parking permits were made available at a reduced rate in approved cases. Councillor Davey considered that the University was leading the way in seeking to uphold a sustainable transport strategy and that it should be supported in that.
- 150.32      Councillor Wells stated that he was in agreement with those who considered that the level of parking to be provided would be inadequate.
- 150.33      Councillor Kennedy expressed her support for the proposals provided that it measures were out into place to ensure that the materials to be used were sensitive to the site's surroundings. It was explained in answer to questions that the information provided was indicative and that details of the scheme would form the subject of a further "reserved matters" application.
- 150.34      A vote was taken and on a vote of 7 to 3 with 2 abstentions minded to grant planning permission was granted in the terms set out in the report.
- 150.35      **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of the report and resolves to be minded to grant planning permission subject to the

completion of a S106 Obligation to include a Habitat Creation and Management Plan and a contribution towards public art., provided that there are no further objections received that raise further material planning considerations which have not already been considered within the report or by the Committee and to the conditions and informatives set out in the report and to the amendments and additions set out below :

Amend Condition 3 to read: “No less than 20 bat hibernation boxes.”

Add new informative : The applicant is advised that the use of metal roof coverings should be avoided, the external materials should use local distinctive materials where possible and the colours of the external materials should be of muted, earthy tones.

Add new informative: The written scheme of investigation should accord with the relevant portions of East Sussex county Council’s “Recommended Standard Conditions for Archaeological Fieldwork , Recording and Post-Excavation in East Sussex (Development Control)(2008)” including Annex B. The Programme of works should include:

- field walking (surface artefact collection) and / or test pitting;
- geophysical survey (magnetometry);
- geo-archaeological and palaeo-environmental evaluation; and
- evaluation trial trenching

**(iii) DECISIONS ON MINOR APPLICATIONS WHICH VARY FROM THE RECOMMENDATIONS OF THE DIRECTOR OF ENVIRONMENT AS SET OUT IN THE PLANS LIST (MINOR APPLICATIONS) DATED 3 DECEMBER 2008**

150.36 There were none.

**(iv) OTHER APPLICATIONS**

150.37 **Application BH2008/02452, Garages at the Rear of 90 Cromwell Road -** Demolition of existing single storey garages and construction of one two-bedroom mews house.

150.38 The Planning Manager (East) gave a presentation detailing the constituent elements of the scheme and setting out the rationale for the Officers’ recommendation that it be refused.

150.39 Mr Bareham spoke on behalf of the Sussex County Cricket Club a neighbouring objector stating that the proposed dwelling would conflict with existing activities carried out by the cricket club due to its close proximity to the application site; the existing distance between the cricket ground and neighbouring residential properties in this location acted as a “buffer” .Its design , location and size were inappropriate in relation to the surrounding area. Ms Cattell spoke on behalf of the applicant in support of their application

explaining that the development had been well designed in order to slot in behind the neighbouring developments and that the application had been submitted following extensive pre application discussions. The proposed amenity space was considered to be adequate and had been located so that it faced away from the cricket ground.

150.40 Councillor Cobb sought confirmation regarding the current garage use and it was confirmed that one of the garages was in the ownership of the applicant and had been used for storage which had been displaced off site , The garages had not been in general use .

150.41 A vote was taken and on a vote of 10 with 2 abstentions planning permission was refused on the grounds set out below.

150.42 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to refuse planning permission for the following reasons :

1. Policies QD1 and QD2 of the Brighton & Hove Local Plan state all new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics. The proposed dwelling and associated garden would appear incongruous in relation to surrounding development, with the restricted size of the plot also significantly smaller than surrounding development. The proposed dwelling by reason of its siting abutting the site boundaries to three sides, has unsuitable and insufficient spacing around the structure and would be reliant (at first floor level) on light and outlook over neighbouring sites to ensure an acceptable standard of accommodation. The proposal fails to respect the local context or to enhance the positive qualities of the local neighbourhood, and is considered to be an inappropriate form of development contrary to the above policies to the detriment of the visual amenities and character of the area.

2. The scale of the proposed structure is considered to be excessive and would form an unduly prominent feature detrimental to the setting of the neighbouring properties and the visual amenities of the surrounding area. The outlook from neighbouring windows and garden areas would be harmed. Furthermore, details of the design are considered to be unsympathetic, and out of keeping with the appearance of neighbouring dwellings. The proposed development is therefore contrary to policies QD1, QD2, Qd27 and HE6 of the Brighton and Hove Local Plan.

Informatiives:

This decision is based on drawings and details submitted on 22 July and 3 September 2008.

[**Note:** Councillors Allen and McCaffery abstained from voting in respect of the above application].



- 150.43      **Application BH2008/02629, 321 Mile Oak Road, Portslade** - First floor extension to convert bungalow into house ,including front porch extension.
- 150.44      It was noted that in his absence the applicant had submitted a letter in support of his application which had been circulated to Members.
- 150.45      A vote was taken and on a vote of 9 with 1 abstention those Members present when the vote was taken voted that planning permission be refused on the grounds set out below .
- 150.46      **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to refuse planning permission for the following reasons :
1. Policies QD1 and QD2 of the Brighton & Hove Local Plan state that new development should be designed to emphasise the positive qualities of the surrounding area. QD14 states that planning permission for extensions or alterations to an existing building will only be granted if the proposed development is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. The existing bungalow is located on a small plot with an unusual relationship with neighbouring properties. The proposal to extend the bungalow to two storeys is considered to be an overdevelopment of the site which fails to respect the constraints of the plot and its relationship with neighbouring residential dwellings. The extension would result in a cramped form of development, and is considered to be inappropriate.
  2. Policies QD24 and QD27 of the Brighton & Hove Local Plan state that planning permission for development will not be granted where it would cause material nuisance and loss of amenity to neighbouring residents , and that residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook. The bulk of the proposed extensions would have an enclosing and overbearing effect on the outlook from the rear windows and rear gardens of neighbouring properties located to the west of the site; particularly no.4 Oakdene Close which adjoins the rear of the site.
  3. There is an existing retail unit with residential accommodation above located to the east of the application site at no. 323 - 325 Mile Oak Road. The proposed first floor windows facing onto this site would be located approximately 12 metres away from the first floor rear windows no. 323- 325 Mile Oak Road. This would create an unwelcome relationship of overlooking between these properties, harming the privacy of residents. The outlook from the rear windows of no.323 - 325 Mile Oak Road would also be harmed. Furthermore, the development conflicts with the recently approved scheme for the construction of a block of nine flats at nos. 323-325 Mile Oak Road. An unwelcome relationship of overlooking between habitable rooms of no. 321 as proposed , and the new block of flats would be created, harming the privacy of residents . The proposed extension would also harm the outlook from the rear windows of the proposed flats. The scheme is contrary to

policies Qd14 and QD27 of the Brighton & Hove Local Plan which seek to protect residential amenity.

Informatives:

This decision is based on drawings and details submitted on 4 August, 8 September and 29 October 2008.

[**Note:** Councillors Allen and Barnett were not present at the meeting when the vote in respect of the above application was taken].

- 150.47     **Application BH2008/02662, 35 - 38 Lewes Road, Brighton** - Variation to Condition 2 of application 95/1064/FP for an extension of the existing hours of use.
- 150.48     A vote was taken at which time 10 Members of the Committee were present. On a vote of 9 to 1 planning permission was granted.
- 150.49     **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.
- [**Note 1 :** Councillor Davey wished his name to be recorded as having voted that planning permission be refused ].
- [**Note 2 :** Councillors Allen and Barnett were not present at the meeting when the vote relative to the above application was taken].
- 150.50     **Application BH2008/01541, 39 Mafeking Road, Brighton** – Erection of first floor extension to provide office space and erection of ground floor porch.
- 150.51     A vote was taken and the 10 Members present at the meeting voted unanimously that planning permission be granted.
- 150.52     **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendations set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report .
- [**Note :** Councillors Allen and Barnett were not present at the meeting when the vote in respect of the above application was taken].
- 150.53     **Application BH2008/00405, 189 Carden Avenue, Brighton** - Demolition of existing vacant public house and construction of 17 flats, basement and ground floor A1 retail, with associated car parking, cycle storage and amenity space (Resubmission of BH2007/02045).
- 150.54     The Area Planning Manager (West) gave a presentation setting out details of the scheme and the rationale for the Officers' recommendation.

150.55 Councillor Kennedy commended officers for their work with the applicants to enable a much improved scheme to be brought forward following the previously refused scheme. Councillors Cobb and Mrs Theobald considered that it was regrettable that the existing buildings would not be replaced by a row of town houses. Whilst not objecting to the loss of the public house in this instance, Councillor Steedman considered that the cumulative effect of public houses being lost did need to be taken account of as they did represent a community facility. Councillor Wells concurred in that view.

150.56 A vote was taken and the 10 Members present at the meeting voted on a vote of 8 to 1 with 1abstention that planning permission be granted.

150.57 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report and to the amendments and additions set out below :

Condition 7 to be amended to read: "A scheme for rain water harvesting shall be submitted to..."

Add further condition: the solar panels shown on the drawings hereby approved shall be installed and made available for use prior to the first occupation of the flats.

Reason : in the interests of sustainability, to ensure that the development incorporates the solar panels as proposed and to comply with Policy SU2 of the Brighton & Hove Local Plan.

Add further condition: Prior to the commencement of development, detailed drawings, including levels, sections and constructional details of the proposed road works, surface water drainage, outfall disposal and street lighting, shall be submitted to, and approved in writing by, the Local Planning Authority. The works shall be completed prior to the first occupation of the development hereby approved.

Reason : In the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan .

[**Note:** Councillors Allen and Barnett were not present at the meeting when the vote in respect of the above application was taken. Councillor Cobb voted that planning permission be refused].

150.58 **Application BH2007/03493, Garages 53 and 54, 14 Church Place, Brighton** - Demolition of end of terrace, double garage and erection of 1two bedroom house.

150.59 The Area Planning Manager (West) gave a detailed presentation in respect of the proposed scheme.

- 150.60 Mr Baggs spoke on behalf of neighbouring objectors who had grave concerns regarding the loss of amenity, level of overlooking overshadowing and loss of privacy which would result from the proposed development. The close juxtaposition of a modern building to grade I listed buildings was considered inappropriate.
- 150.61 Mr Ridout, the applicant spoke in support of his application stating that he had taken account of the objections received and in consequence had pulled the frontage of the building back. The proposed development represented an improvement to the existing structure on site.
- 150.62 Councillor Wells referred to the car free status of the development considering the development to be acceptable if residents would be able to apply for parking permits. Councillor Steedman stated that he was broadly in agreement with the concerns expressed by CAG that the units would be of poor quality and size and could represent an overdevelopment of the site Councillor Davey echoed those concerns .Councillor McCaffery expressed concerns regarding access arrangements for emergency service vehicles in the event of a fire. It was explained that issues relating to the internal lay out of the units and fire safety were a matter which would need to be addressed in meeting building control regulations.
- 150.63 Councillor Mrs Theobald enquired regarding the distances between the proposed development and the flank walls of the neighbouring properties and expressed concerns regarding the quality of the dwellings and their potential negative impact on neighbouring properties as did Councillor Cobb.
- 150.63 A vote was taken and on a vote of 6 to 5 with 1 abstention planning permission was granted in the terms set out below .
- 150.64 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.
- 150.65 **Application BH2007/03951, Garages 53 and 54, 14 Church Place, Brighton** – Conservation Area Consent for demolition of end of terrace double garage.
- 150.66 A vote was taken and on a vote of 7 to 2 with 3 abstentions conservation area consent was granted in the terms set out below.
- 150.67 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant conservation area consent subject to the conditions and informatives set out in the report.
- 150.68 **Application BH2007/03943, 30 - 33 Bath Street, Brighton** - Demolition of existing buildings to be replaced with proposed development of 2 storey buildings, to be replaced with proposed development of 2 storey buildings to the

rear with B1 office space on the ground floor and 2 x 1 bedroom apartments above and 3 storey building to the front with B1 office space on the ground floor and 5 x 2 bedroom apartments above, with refuse, cycle storage and amenity spaces(Amended).

150.69 Members considered that it would be appropriate to carry out a site visit prior to determining the application.

150.70 **RESOLVED** - That consideration of the above application be deferred pending a site visit.

150.71 **Application BH2007/03942, 30-33 Bath Street, Brighton**–Demolition of existing buildings.

150.72 Members considered that it would be appropriate to carry out a site visit prior to determining the application.

150.73 **RESOLVED** - That consideration of the above application be deferred pending a site visit.

**(v) DECISIONS ON APPLICATIONS DELEGATED TO THE DIRECTOR OF ENVIRONMENT**

150.77 **RESOLVED** - Those details of applications determined by the Director of Environment under delegated powers be noted.

[**Note 1:** All decisions recorded in this minute are subject to certain conditions and reasons recorded in the Planning Register maintained by the Director of Environment. The register complies with legislative requirements].

[**Note 2 :** A list of representations, received by the Council after the Plans List reports have been submitted for printing, was circulated to Members on the Friday preceding the meeting (for copy see Minute Book). Where representations were received after that time they would be reported to the Chairman and Deputy Chairman and it would be at their discretion whether these should (in exceptional cases), be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee held on 23 February 2005].

**151. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF ITEMS ON THE PLANS LIST**

151.1 **RESOLVED-** That the following site visits be undertaken by the Committee prior to determination.

\*BH2008/03140, Delphi House, English Close, Hove  
Deputy Development Control Manager

\*BH2008/03094, 105 Wellington Road, Portslade  
Deputy Development Control Manager

\*BH2008/03248, 18 Wellington Road, Brighton  
Deputy Development Control Manager  
\*BH2008/03121, 25 – 28 St. James' Street  
Deputy Development Control Manager  
\*BH2008/03015, Maycoft & Parkside, London Road  
and 2 - 8 Carden Avenue  
Deputy Development Control Manager  
BH2007/03943, & BH200703942, 30 -33 Bath Street, Brighton  
Councillor Mrs Theobald

\*Anticipated as applications to be determined at the next scheduled meeting of the Committee.

**152. TO CONSIDER AND NOTE THE CONTENT OF THE REPORT DETAILING DECISIONS DETERMINED BY OFFICERS UNDER DELEGATED AUTHORITY**

152.2 The Committee noted those applications determined by the Officers during the period covered by the report.

**153. APPEAL DECISIONS**

153.2 The Committee noted the content of letters received from the planning Inspectorate advising on the results of planning appeals which had been lodged as set out in the agenda.

**154. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

154.1 The Committee noted the list of Planning Appeals which had been lodged as set out in the agenda.

**155. INFORMATION ON INFORMAL HEARINGS AND PUBLIC INQUIRIES**

- 155.1 The Committee noted the information set out in the agenda relating to information on Informal Hearings and Public Inquiries.

The meeting concluded at 7.15pm

Signed

Chair

Dated this

day of





**APPEAL DECISIONS**

	<b>Page</b>
<b>A. SOUTH PORTSLADE WARD</b>	
Applications BH2007/04148, 9 Station Road, Portslade. Appeal against refusal to grant planning permission for a shear storey and mansard extension to the existing building's upper parts to provide two additional flats with bin and bike storage at the entrance. <b>APPEAL ALLOWED</b> (copy of the letter from the Planning Inspectorate attached).	<b>21</b>
<b>B. WISH WARD</b>	
Application BH2007/04287, 61 St Leonard's Gardens, Hove. Appeal against refusal to grant planning permission for erection of a first floor extension over existing ground level extension with associated pitched roof. <b>APPEAL DISMISSED</b> (copy of the letter from the Planning Inspectorate attached).	<b>27</b>
<b>C. CENTRAL HOVE WARD</b>	
Application BH2007/04688, 116 Church Road, Hove. Appeal against refusal to grant planning permission for erection of a rendered boundary wall (east) and the erection of a part covered pergola, retrospective. <b>APPEAL DISMISSED</b> (copy of the letter from the Planning Inspectorate attached).	<b>29</b>
<b>D. REGENCY WARD</b>	
Application BH2007/02515, Norfolk Court, Norfolk Square, Brighton. Appeal against refusal to grant planning permission for proposed roof extension to erect a gambrel led roof extension to house a 1 bedroom flat. <b>APPEAL DISMISSED</b> (copy of the letter from the Planning Inspectorate attached).	<b>31</b>
<b>E. WOODINGDEAN WARD</b>	
Application BH2008/00147, Land to the rear 107 / 109/ 109A Cowley Drive, Woodingdean. Appeal against refusal to grant planning permission to erect a pair of semi-detached dwellings with parking / cycle provision, with access from Pinfold Close. <b>APPEAL DISMISSED</b> and enforcement notice upheld. (Copy of the letter from the Planning Inspectorate attached).	<b>35</b>
<b>F. WOODINGDEAN WARD</b>	

Application BH2006/0638, 87 Balsdean Road, Brighton. Appeal made under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning Compensation Act 1991. Breach of planning control as alleged – without planning permission : (i) construction of a replacement front boundary wall ; (ii) removal of the south-west access of the property and the creation of the south -east access to the property;; (iii) the carrying out of engineering operations to change the ground levels of the front garden area and the creation of hard standing. **APPEAL DISMISSED** and enforcement notice upheld with corrections (copy of the letter from the Planning Inspectorate attached). **41**

#### **G. MOULSECOOMB & BEVENDEAN WARD**

Applications A, BH2007/02969 & B, BH2008/00639, 93 Hornby Road, Brighton. Appeal against (a) proposed side elevation at first floor for additional bedrooms over existing flat roofed ground floor extension and (b) proposed side extension at first floor for additional bedroom No3 over existing flat roofed ground floor extension. **APPEALS DISMISSED** (copy of the letter from the Planning Inspectorate attached). **46**

#### **H. MOULSECOOMB & BEVENDEAN WARD**

Application BH2007/03410, 17 Holton Hill, Brighton. Appeal against refusal to grant planning permission for the erection of a pair of semi-detached houses. **APPEAL DISMISSED** (copy of the letter from the Planning Inspectorate attached). **49**

#### **I. WITHDEAN WARD**

Application BH2007/02980, 32 Redhil Drive, Brighton. Appeal against refusal to grant planning permission for demolition of existing house and construction of pair of semi-detached houses - resubmission of refused application BH2007/00041. **APPEAL DISMISSED** copy of the letter from the Planning Inspectorate attached). **51**



# Appeal Decision

Hearing held on 25 November 2008

Site visit made on 25 November 2008

by **John Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**1 December 2008**

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## Appeal Ref: APP/Q1445/A/08/2073236

### 9 Station Road, Portslade, Brighton BN41 1GA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Momentum Homes Ltd against the decision of Brighton & Hove City Council.
- The application Ref BH2007/04148, dated 8 November 2007, was refused by notice dated 4 February 2008.
- The development proposed is a shear storey and mansard extension to the existing building's upper parts to provide two additional flats with bin and bike storage at the entrance.

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## Decision

1. I allow the appeal, and grant planning permission for a shear storey and mansard extension to the existing building's upper parts to provide two additional flats with bin and bike storage at the entrance at 9 Station Road, Portslade, Brighton BN41 1GA in accordance with the terms of the application, Ref BH2007/04148, dated 8 November 2007, and drawings 0047/PA/001 and 010 subject to conditions 1) to 11) in Annex 2.

## Main Issues

2. I consider the main issues to be;
  - The effect of the development on the character and appearance of the Station Road area of Portslade.
  - The effect of the development on the living conditions of prospective occupiers with particular regard to natural light and ventilation.
  - The effect of the development on the aims of policies on sustainable development.
  - The effect of the development on the provision of lifetime homes.

## Reasons

### *Character and Appearance*

3. There were discrepancies between drawings 10 and 11 with regard to the height of the parapet. The appellant stated that the parapet would be level with the adjoining building, as shown on drawing 10 and on a computer generated image. It was agreed that drawing 11 should be disregarded and that the parapet height could be the subject of a condition.

4. There is symmetry about the centre of the adjoining brick building, and this is carried through to the two flanking rendered buildings to a lesser extent. However, the appeal building to the south is not only the shorter of the two, but is positioned in a prominent corner location where the double roof and the plain, and to my mind, unattractive, side wall and rear are in full view. I acknowledge that there is a wide variety of buildings within the vicinity, of which I find the brick neighbour and the saw-tooth pitched roof buildings to the south among the more attractive. I find that the appeal building detracts from the area as it appears a poor termination of the terrace and the exposed rendered side wall of the brick building is of little value in the street scene.
5. I consider the appeal proposal, with a height which suits its prominent location, to be an enhancement of this corner position, on the main road frontage, and there are also benefits to the side and the rear elevations. I note that the proposed mansard dormers do not line with the windows below, but they do, in my judgement, appear well placed within the roof and that to me is the more important consideration. Within the varied streetscene and given the indifferent quality of the existing building I conclude that the appeal proposal would enhance important aspects of the location including the view along Station Road and hence would accord with the aims of Brighton and Hove Local Plan Policies QD1 and QD2 which seek proposals which take account of design aspects of the surroundings, and local characteristics.

#### *Living Conditions*

6. The Council stated that the cill level was too high at 1700mm and that the deep plan form had too few windows for a good quality of living space. On the first point, it was agreed that the cill is at 1350mm and that this would be acceptable and could be secured by condition. On the second point I am assured that the proposal complies with the Building Regulations which set standards for the design and construction of buildings to ensure the safety and health of people in them. Mechanical ventilation of bathrooms and kitchens is required in any event and can assist in preventing condensation, albeit at an energy cost. In general I do not consider the size and location of windows relative to the size and shape of rooms to be harmful to the health or wellbeing of prospective occupiers, and not adversely affect their living conditions.
7. However, the kitchen to the fourth floor does appear to me to be offset from the window and some way from it, with the door tending to throw a further shadow over the work surface. Here the use of a sun-pipe or lay-light could be appropriate as discussed and would not have any effect on the appearance from street level. I consider that with this addition, covered by condition, the proposals would provide an acceptable standard of accommodation, including improvements over the present arrangements, and would satisfy the requirements of Local Plan Policy QD27 on amenity in particular.

#### *Sustainability*

8. The proposal would make better use of previously developed land within a very short distance of transport, shops and services, all in line with Development Plan aims and those of Central Government guidance such as Planning Policy Statement 3 "*Housing*" and Planning Policy Guidance Note 13 "*Transport*". The lack of car parking provision in this location is acceptable in my view and the
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requirements of Local Plan Policies SU2 on efficiency in the use of energy, water and materials and SU13 on the minimisation of construction waste can be met by schemes resulting from conditions, including achieving Level 3 of the Code for Sustainable Homes. The new flats would make additional demands on public transport in the area and a Section 106 Undertaking has been submitted which I am satisfied would provide for these demands in line with guidance published by the Council and agreed at the Hearing.

#### *Lifetime Homes*

9. Local Plan Policy HO13 requires proposals for conversions to show that, wherever it is practicable, Lifetime Homes criteria have been incorporated into the design. It was agreed that this proposal should be considered as a conversion. The appellant put forward a range of measures that I consider appropriate to the appeal scheme, and to provide a reasonable flexibility for any future occupier to be able remain in their home even where there is reduced mobility or other impairment. I acknowledge that the new accommodation would be accessible only by stairs and that this must have some effect on these aims, but find that the requirements of the Local Plan policy can be met wherever it is practicable, and hence, provided these measures are secured by conditions, the proposals do comply.

#### **Conditions and Undertakings**

10. There was discussion over the detail of the Council's submitted conditions and, with minor alterations, I concur that conditions covering storage of refuse, cycles and the like, materials, Lifetime Homes, the Code for Sustainable Homes and a Waste Minimisation Plan, would be required to comply with policies and to secure a high standard of design that provides the enhancements that I have identified. In addition, I have referred to the need for conditions ensuring the agreed parapet height and cill heights, and the provision of natural light to the kitchen. I consider also that the chimneys are an essential feature and should be secured by condition.
11. The undertaking to provide a Sustainable Transport Strategy Contribution is necessary to compensate for the lack of parking space and I have attached full weight to this in the third main issue. I consider this undertaking satisfies the tests in Circular 5/05 "*Planning Obligations*"; it is relevant to planning, necessary to make the proposal acceptable in planning terms, directly related to the development, fairly and reasonably related in scale and kind to the development proposed, and reasonable in all other respects.

#### **Conclusions**

12. The proposal would provide additional housing, notwithstanding the Council's ability to meet targets, and would be in a sustainable location. There would be an enhancement of aspects of the building and its contribution to the streetscene and with conditions, the accommodation would be to an acceptable standard and comply with relevant national and local policies. For the reasons given above I conclude that the appeal should be allowed.

*S J Papworth*

INSPECTOR

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## ANNEX 1

### APPEARANCES

#### FOR THE APPELLANT:

M Lewis DiplArch(Dist)	25 St Nicholas Lodge, Church Street, Brighton BN1 3LJ
L Russell	Liam Russell Architects Castleworks, Westgate Street, Lewes, East Sussex BN7 1YR
S Currie	Liam Russell Architects Castleworks, Westgate Street, Lewes, East Sussex BN7 1YR

#### FOR THE LOCAL PLANNING AUTHORITY:

C Simpson	Planning Officer Brighton & Hove City Council
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### DOCUMENTS

Document	1	Notification letter dated 8 September 2008 submitted by Council
Document	2	Planning Obligation signed and dated 14 November 2008 submitted by appellant

## ANNEX 2

Conditions attached to planning permission for a shear storey and mansard extension to the existing building's upper parts to provide two additional flats with bin and bike storage at the entrance at 9 Station Road, Portslade, Brighton BN41 1GA.

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until a scheme for the storage of refuse, recycling and cycles has been submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be in place and available for use prior to the occupation of the first of the new flats. The approved provision shall be retained for the storage of refuse, recycling and cycles thereafter.
- 3) No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until annotated drawings have been submitted to and approved in writing by the Local Planning Authority showing the provisions to be made to comply with the Lifetime Homes

- Standards, and the approved provision shall be incorporated within the development.
- 5) No development shall take place until details of measures to ensure that the development achieves Level 3 of the Code for Sustainable Homes have been submitted to and approved in writing by the Local Planning Authority and the approved measures shall be incorporated within the development.
  - 6) No development shall take place until a written statement consisting of a Waste Minimisation Plan confirming how demolition and construction waste will be recovered and re-used on site or on other sites has been submitted to and approved in writing by the Local Planning Authority and the approved measures shall be carried out during the demolition and building phase of the development.
  - 7) The parapet level shown on drawing 0047/PA/010 is to be at the same level as that of the adjoining building at 8 Station Road.
  - 8) The underside of the cills to the mansard dormer windows shall be no higher than 1350mm off the finished floor level of the fourth floor.
  - 9) No development shall take place until a scheme for the provision of natural light to the kitchen on the fourth floor has been submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be in place and available for use prior to the occupation of that flat and retained thereafter.
  - 10) The development hereby permitted shall not be occupied until the two chimneys have been constructed in accordance with details shown on submitted plan 0047/PA/010.
  - 11) No development shall take place until a scheme for the drainage of rainwater from the roof has been submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be carried out.







# Appeal Decision

Site visit made on 18 November 2008

by **David Asher BA DipTP MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**24 November 2008**

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## Appeal Ref: APP/Q1445/A/08/2079117

### 61 St Leonard's Gardens, Hove, East Sussex BN3 4QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Mike Ring against the decision of Brighton & Hove City Council.
- The application Ref BH2007/04287, dated 21 November 2007, was refused by notice dated 29 January 2008.
- The development proposed is the erection of a first floor extension over existing ground level extension with associated pitched roof.

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### Decision

1. I dismiss the appeal.

### Main issue

2. The main issue in this case is the effect of the proposed extension on the living conditions of people at 63 and 59 St Leonard's Gardens, with reference to loss of light and outlook.

### Reasons

3. No 61 is part of a pair of semi-detached houses. The other half, No 63, has been divided into flats at ground and first floor levels. No 61 has a full width ground floor rear extension which extends about 4.2m from the rear wall of the house and the proposed first floor extension would be built above it. It would have hipped roof running back into the main roof.
4. At first floor level No 63 has a window into what appears to be a habitable room, which would be about 1.5m from the side of wall of the proposed extension. I have no doubt that, at this distance, an extension of the size proposed here would reduce light to this window unacceptably, and be wholly overbearing in the outlook from it. This is particularly so as No 61 lies to the south.
5. No 59 is part of the adjacent pair of semi-detached houses, and lies about 3m to the south. Although further from No 61 than No 63, in my view the proposed extension would be unacceptably overbearing when seen from the nearest first floor window in No 59, although since the extension would lie to the north it would not have a material effect on light to that window.
6. I conclude, therefore, that the proposed extension would materially harm the living conditions of people at Nos 63 and 59 because of loss of light and outlook, contrary to policies in the Brighton & Hove Local Plan 2005.

7. I acknowledge the family and other circumstances which led Mr Ring to make this application. However, they do not outweigh the harm which I have found, and Government guidance makes it clear that personal circumstances seldom outweigh the more general planning considerations.
8. I also acknowledge the support from the owners of Nos 63 and 59. However, I must consider the matter on its planning merits and for both present and future occupiers. In doing so I have found material harm, contrary to development plan policies, and this has led to my decision.

*David Asher*

INSPECTOR



# Appeal Decision

Site visit made on 18 November 2008

by **David Asher BA DipTP MRTPI**

an Inspector appointed by the Secretary of State  
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**Decision date:**  
**24 November 2008**

## **Appeal Ref: APP/Q1445/A/2079048** **116 Church Road, Hove, East Sussex BN3 2EA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Misty's Cafe Bar against the decision of Brighton & Hove City Council.
- The application Ref BH2007/04688, dated 17 December 2007, was refused by notice dated 7 April 2008.
- The development proposed is the erection of a rendered boundary wall (east) and the erection of a part covered pergola, retrospective.

### **Decision**

1. I dismiss the appeal.

### **Procedural Matters**

2. There are two parts to the proposal: the pergola, which has been built and for which the Council has refused planning permission; and a proposed boundary wall, which would be structurally separate from the pergola and would replace an existing transparent boundary structure.
3. The Grounds of Appeal say that the pergola "is not considered to become a permanent fixture." However, as the Council argues, it not designed to be dismantled frequently and there is no indication on the application that temporary permission was sought. I have therefore dealt with it as a permanent structure.

### **Main issue**

4. The main issue in this case is whether the pergola and proposed boundary wall would preserve or enhance the character or appearance of the Cliftonville Conservation Area.

### **Reasons**

5. The pergola and wall provide outdoor seating at the rear of the appeal premises in an area which fronts Albany Villas. This road is residential and shares the predominant character and appearance of such roads in the Conservation Area, with attractive and often grand houses, of varying architectural styles and detailing. In contrast, at the centre of the Conservation Area is a short section of Church Road, including No 116, which is a busy commercial street.

6. The building line in Albany Villas is an important aspect of its character and appearance, and is continued to the corner of Church Street by its alignment with the main side wall of No 116. There is a single storey extension (No 116A) in front of this line, and the proposed boundary wall would continue this line, at nearly the same height to the rear of the property.
7. I accept that No 116A lies forward of the existing building line, and indeed there is a similar feature on the opposite corner at No 114. However, in contrast to the proposed wall, in neither case do these buildings extend beyond the rear wall of the main parts of Nos 114 and 116. Their impact on the important building line is therefore limited. In contrast, the proposed wall, because of both its length and height, would be an intrusive feature, standing well forward of a clearly defined and characteristic building line. It would, therefore, neither preserve nor enhance the character or appearance of the Conservation Area.
8. The proposed wall would screen the pergola except from views in Albany Villas to the south. The pergola is made of transparent materials over a dark wooden frame and the roof has two pitches. I have no doubt that, even in the limited views from the south, both the design of the pergola and the materials used are wholly at odds with the character and appearance of the buildings in the area, where render and solidity are determining features. My views on the design of the pergola are reinforced by my findings that the proposed wall would be unacceptable. The impact of the pergola without the wall, when it is clearly seen from several directions, is therefore the more harmful.
9. I conclude, therefore, that the proposal would neither preserve nor enhance the character or appearance of the Cliftonville Conservation Area, contrary to policies in the Brighton & Hove Local Plan 2005. I acknowledge the benefit to the appellants of being able to offer an outdoor seating area, and the possibility that the proposed wall may enclose noise from the area as it is used now. I also saw the other sites which the appellants argue are similar to the proposals here. None of this, however, convinces me to allow a scheme which I have found to be materially harmful.

*David Asher*

INSPECTOR



# Appeal Decision

Hearing held and site visit made on  
2 December 2008

by **Terry G Phillimore MA MCD MRTPI**

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for Communities and Local Government

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**Decision date:**  
**10 December 2008**

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## Appeal Ref: APP/Q1445/A/08/2070301

### Norfolk Court, Norfolk Square, Brighton BN1 2QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Paulanto Ltd against the decision of Brighton & Hove City Council.
- The application Ref BH2007/02515, dated 6 July 2007, was refused by notice dated 17 September 2007.
- The development proposed is gambrelled roof extension to house 1 bedroom flat.

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### Decision

1. I dismiss the appeal.

### Procedural matter

2. Plans nos A.08B, A.11, A.13 and the views provided by the appellant at appeal stage relate to a revised form of extension which was not considered by the Council as part of the application. It was agreed at the hearing that I should regard these as being for information purposes only, although the views are of assistance in evaluating the appeal scheme.

### Main issue

3. The main issue is the effect the proposal would have on the character and appearance of the Regency Square Conservation Area and the settings of nearby listed buildings.

### Reasons

4. The special interest of the Regency Square Conservation Area is described in the Council's Character Statement. It has a strong grid pattern, with streets running downhill towards the sea intersecting others following the contours. The grid is irregular, reflecting the piecemeal fashion of development and with less uniformity in the squares and terraces than at first appears. Thus there are evident differences from the development of terraces in short groups of houses, although there is a common use of bays, balconies, verandas and parapets. Norfolk Square was laid out in the 1820s, and is open to the north onto Western Road.
5. Norfolk Court in the south-west corner of the Square dates from the 1950s. The Statement refers to it and the neighbouring building of Dorchester Court as two modest blocks of flats which replaced houses lost to wartime bombing. The architecture of Norfolk Court replicates some features of the neighbouring

Regency terraces, in particular a rendered front elevation with a full height pair of segmental curved projecting bays. In contrast, however, the flank and rear elevations are finished in brick, and to the rear the building projects to a greater depth than its neighbours and does not continue their characteristic butterfly rear parapet.

6. There is an uneven front parapet level along this part of Norfolk Square, in part following the rise in gradient from the seafront. Norfolk Court does not adhere to this stepping up, and its parapet height is a little below that of the neighbouring building to the south. However, this provides for a step up to Dorchester Court which is to the north. In addition, the parapet feature with a concealed roof appeared to me to be a consistent element in this run of buildings along the west side of Norfolk Square. In my opinion it is an important factor in creating a strong townscape unity within this part of the Conservation Area despite the variations that otherwise exist. Both Norfolk Court and Dorchester Court have roof plant structures that are clearly visible in longer views. Nevertheless, these appear as separate rooftop elements rather than detracting from the effect of the parapet line in marking the principal heights of the buildings.
7. The proposed roof extension would be a mansard type addition with pitched sides and a secondary pitch to the top. It would be set back some distance from the edges of the building, with the parapet raised around this. As a result the extension would not be visible from close by at ground level, nor in some longer views in which mainly the front or side planes of the building are seen. However, there are views from other key positions in which it would be clearly apparent, in particular from the north-east part of the open garden area forming the central Square, and from Western Road to the north. In these views I consider that the extension would be perceived as an incongruous addition which is out of keeping with the prevailing parapet and concealed roof form. This would disrupt an important aspect of uniformity that distinguishes the townscape in this part of the Square. The increased height would also further emphasize the bulk of the building as seen especially in rear views.
8. The appeal site is on a corner at the junction of Norfolk Square with Norfolk Place, but there is no apparent precedent for a higher building with a distinctive roof form in this position. I therefore do not find the proposal to be justified on the basis of location. The existing mansard extension at 20 Norfolk Square is an isolated example, which does not support a roof extension on the appeal property. Embassy Court to the south is a relatively tall building, but is some distance away and similarly does not warrant an increase in height of Norfolk Court.
9. The proposal includes a number of elevational changes to the building. As acknowledged by the Council, some of these, in particular the addition of a bottle balustrade and rendering of the brick elevations, would assist in integrating the building within its context. The Council has reservations about details of the proposed ironwork screen and the design of doors on the north elevation, as well as the width of the dormer windows in the extension. Nevertheless, there is agreed to be considerable scope for improvement in the appearance of the building through the alterations. In addition, the proposal would provide for the removal of the existing rooftop plant structure. However, in my assessment these benefits of the scheme as a whole do not outweigh the

harm to the Conservation Area that would result from the proposed addition of the roof extension to the building due to its impact on the roofline.

10. Buildings to the south of the appeal site (11-15, 17, 17A Norfolk Square) are listed Grade II, as are others to the north and east (nos 1-5, 22-29). The settings of these buildings include their immediate relationship with Norfolk Court and the wider context of Norfolk Square. I consider that the erosion of the townscape as a result of the proposal would detract from their settings.
11. Policies in the Brighton & Hove Local Plan 2005 seek high design standards including having regard to positive local qualities, and to protect Conservation Areas and the settings of listed buildings. I find the proposal to conflict with these objectives, in particular as set out in policies QD1, QD2, QD4, QD14, HE3 and HE6.

### **Other matters**

12. The site lies within a controlled parking zone where there is heavy demand for residents' parking permits. At the hearing it was agreed that the Council's concern on this matter could be overcome by the imposition of a condition preventing occupation until arrangements are put in place such that future occupiers do not obtain a resident's parking permit, thereby assisting the aim of making the development car free in accordance with policy HO7.
13. Policy TR14 seeks provision in all development of facilities for cyclists, with contributions towards off-site improvements to be negotiated where the need generated cannot be met on site. Space for additional cycle parking within the building is limited. The Council explained that it was seeking a contribution towards the intended future provision of on-street cycle parking stands in the vicinity. With the agreed scope for negotiation of such a contribution to take account of the relatively small scale of the development and the sustainable nature of the location, there did not appear to be a fundamental difference between the parties on this point.
14. Policy SU3, reinforced by the Council's Supplementary Planning Document, seeks minimisation of construction industry waste. This matter was addressed in the application, but the Council stated that it did not provide details of the intended waste disposal contractor. As an extension this proposal is likely to generate limited waste. Having regard to this and the information already available, and the potential for a condition to require further details, I consider that the omission on this point would not warrant withholding permission.
15. Existing residents of the building raised concerns about ventilation. This would primarily be a matter for building regulations, with any necessary changes to the form of the proposal needing to be addressed on their own merits.

### **Conclusion**

16. My findings on other matters do not outweigh those on the main issue. For the reasons given above I conclude that the appeal should be dismissed.

*T G Phillimore*

INSPECTOR

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APPEARANCES

FOR THE APPELLANT:

Paul Nicholson	Alan Phillips Architects, Suite 7, Level 5, New England House, New England Street, Brighton BN1 4GH
Simon Bareham	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove BN3 5SG

FOR THE LOCAL PLANNING AUTHORITY:

Jason Hawkes	Brighton & Hove City Council
Geoff Bennett	Brighton & Hove City Council
Steve Reeves	Brighton & Hove City Council
Sonia Kanwar	Brighton & Hove City Council

INTERESTED PERSONS:

Michael Crane	11 Norfolk Court, Norfolk Place, Brighton BN1 2QB
Alan Crowder	12 Norfolk Court, Norfolk Place, Brighton BN1 2QB

DOCUMENT SUBMITTED AT THE HEARING

Secretary of State Direction on saved policies of the Brighton & Hove Local Plan 2005





# Appeal Decision

Hearing held on 18 November 2008

by **J O Head BSc(Econ) DipTP MRTPI**

**an Inspector appointed by the Secretary of State  
for Communities and Local Government**

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**Decision date:  
1 December 2008**

**Appeal Ref: APP/Q1445/A/08/2072165**

**Land to the rear of 107/109/109A Cowley Drive, Brighton, East Sussex  
BN2 6WD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Mike Cross against the decision of Brighton & Hove City Council.
- The application Ref BH/2008/00147, dated 15 January 2008, was refused by notice dated 11 March 2008.
- The development proposed is a pair of semi-detached dwellings with parking/cycle provision, with access from Pinfold Close.

## Decision

1. **I dismiss the appeal.**

## Main issue

2. The Council's reasons for refusal of planning permission relating to the proposed entrance gates; potential EcoHomes rating; submission of a Waste Minimisation Statement and compliance with Lifetime Homes standards were agreed to be matters that could be dealt with satisfactorily by planning conditions if I were to allow the appeal, and appropriate conditions were discussed and agreed at the hearing.
3. The main issue is the impact of the proposed development on the street scene in Pinfold Close and on the character and appearance of the locality.

## Reasons

4. The appeal site was formerly part of the rear gardens of the terraced houses at Nos 107, 109 & 109A Cowley Drive and forms a wedge-shaped plot with a frontage across the end of Pinfold Close, a cul-de-sac of detached and semi-detached bungalows. The proposed dwellings would be 2-storeys in height and of contemporary design, featuring bold monopitched roofs, white painted render and slate cladding and large areas of glazing to the front elevations.
5. Relevant policies in the adopted Brighton & Hove Local Plan 2005 require all new buildings to demonstrate a high standard of design and make a positive contribution to the visual quality of the environment. Policies QD1 and QD2

identify the scale and height of the proposed development and the height, scale, bulk and design of existing buildings as amongst the matters that should be taken into account in assessing proposals, and require new developments to emphasise and enhance the positive qualities of the local neighbourhood. Bearing these requirements in mind, Policy QD3 recognises the need also to make the best and most efficient use of land for housing, particularly in sustainable locations.

6. There is a marked difference in character between the 2-storey terraced housing in Cowley Drive, which generally occupies narrow fronted plots with long rear gardens, and the small scale bungalows with low ridge heights in Pinfold Close, which occupy wider, but shorter, plots. The proposed houses would not feature in the street scene in Cowley Drive other than in a glimpse view between the existing buildings, but would be a prominent feature from the whole length of Pinfold Close and would have a significant impact on the street scene in that road.
7. The main context for the proposed development is, therefore, a street scene of low-roofed bungalows, regularly positioned along both sides of the Close and displaying a general uniformity in design and materials. The properties along the north side of the Close are on significantly higher ground than those to the south, reflecting the hilly nature of the surroundings. The contemporary design of the pair of houses would be unlike anything else in Cowley Drive or Pinfold Close. However, modern design is encouraged by Local Plan policy, in suitable locations. The Council does not object to the principle of a contemporary building in this location, neither is there any objection, in principle, to semi-detached dwellings. The prominent position of the appeal site provides an opportunity for a development that would provide a focal point at the end of Pinfold Close, replacing its present unsatisfactory termination in a rear garden boundary and views of the rear of the Cowley Drive houses. There is, therefore, an opportunity for development at the site to make a positive contribution to the local environment. However, any new development must have proper regard to the established characteristics of the locality.
8. Although a spacing of 18 metres would be maintained from the rear of the existing houses in Cowley Drive, which would be sufficient to prevent any harmful mutual loss of privacy, the rear gardens of the proposed houses would be smaller than most in the surrounding area and particularly so in the context of Cowley Drive and Pinfold Close. The formation of the plot for Unit 1 would involve a reduction in the length of the rear garden provided for the new dwelling currently under construction at 109A Cowley Drive, which is already shorter than its neighbours. There are one or two examples in the surrounding area of dwellings with small rear gardens or with gardens largely occupied by outbuildings, but these are in a minority and often the small rear gardens are compensated for by space to the front and side of the dwellings. That would not apply in the case of the appeal proposal, where the footprint of the building would extend to within 1 metre of the sides of the plot. Apart from a small area of grass in front of Unit 1, there would be no conventional front gardens because of the need to accommodate off-street parking spaces for both of the houses. The location of those parking spaces in front of Unit 2 would preclude any front garden for that dwelling and would be fully on view from the end of

- Pinfold Close, particularly as the entrance gates shown on the submitted plans would not now be provided.
9. I accept that the size of plots may not be immediately apparent from the street. Nevertheless, the spatial standards prevailing in an area are important to its overall character. The appeal proposal would result in a concentration of higher density development at the end of Pinfold Close that would be uncharacteristic of the more generous spatial standards that otherwise apply in Pinfold Close, Cowley Drive and the surrounding area and which are a positive quality of the local neighbourhood.
  10. Because of the restricted size and shape of the plots, the front elevation of the proposed building would be set at an angle to the end of Pinfold Close, following the position of the site boundary. The building would also be offset in relation to the end of the Close, with much of Unit 1 having no proper road frontage and appearing to be set behind the hedge that runs along the eastern boundary of No 13. The first floor and roof of the building would be prominent above the hedge. I accept that the angles and heights of the monopitched roofs have been designed with the intention of reflecting the eaves heights and relative levels of the bungalows at Nos 13 and 20. On balance, however, because of the combination of its height, width and siting, particularly in relation to the bungalow at No 13, I consider that the proposed building would appear awkwardly positioned and overdominant in the street scene at the end of the Close.
  11. The proposed development would cause no harm to the living conditions of adjoining occupiers in Pinfold Close or in Cowley Drive from overlooking or loss of privacy, the resulting relationships between buildings and gardens being conventional ones for an urban or suburban situation. Pinfold Close is quite narrow and I saw that some on-street parking takes place, which I do not doubt may, at times, cause inconvenience. However, the availability of car parking can have an impact on car use, and Planning Policy Guidance Note 13 *Transport* advises that developers should not be required to provide more spaces than they themselves wish, other than in exceptional circumstances. Although the locality is a hilly one and not particularly easy for walking, the site is fairly well located with respect to local shops and services and to bus routes. Bearing those circumstances in mind, and that the parking standards in the Council's *SPG<sup>BH</sup> Note 4* are maximum standards, I see no justification for requiring more on-site parking provision than the 2 spaces that are proposed.
  12. I visited some of the other sites referred to in the representations and at the hearing, but these are not directly comparable to the situation of the appeal site. The scheme at 8 Warren Road involves dwellings with side gardens and conventional road frontages, and is in a different part of Woodingdean. The contemporary style dwelling in Shirley Drive has some architectural similarities to the appeal proposal and is situated adjacent to a bungalow. However, it occupies a conventional plot that is part of a mixed frontage of individual dwellings with no uniformity of design or materials.
  13. Higher densities of development are encouraged by Government policy as set out, for example, in Planning Policy Statement 3 *Housing*. Local Plan Policy QD3 recognises this, but also the equally important requirement to achieve high quality housing through good design that contributes positively to making
-

places better for people. A balance must therefore be struck, involving making more efficient use of land without compromising the quality of the local environment. In this case, I consider that the combination of the restricted size and shape of the proposed plots and the footprint, size and siting of the proposed building would result in a development that would fail to pay sufficient regard to the prevailing characteristics of the surrounding area or to enhance the positive qualities of the local neighbourhood. It would be an overdevelopment of the site that would harm the street scene in Pinfold Close and the character and appearance of the locality, and would not make the positive contribution to the visual quality of the environment that is required by Local Plan policy. On balance, I find that the appeal proposal is, therefore, unacceptable.

*John Head*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Mr D Collins DipTP MRTPI	Collins Planning Services Ltd, 4 Yeomans, Ringmer, East Sussex BN8 5EL
Mr J Chapman	Felce & Guy Partnership, 73 Holland Road, Hove, East Sussex BN3 1LB
Mr M Cross	Appellant, 43 The Ridgway, Brighton, East Sussex BN2 6PD

### FOR THE LOCAL PLANNING AUTHORITY:

Ms K Brocklebank	Senior Planning Officer, Brighton & Hove City Council, City Planning, Town Hall, Norton Road, Hove, East Sussex BN3 3BQ
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### INTERESTED PERSONS:

Mr & Mrs Beasley	13 Pinfold Close, Brighton, East Sussex BN2 6WG (Representing owners of Nos 11, 13 & 20 Pinfold Close)
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## DOCUMENT SUBMITTED AT THE HEARING

- 1 Letter of notification of hearing and list of persons notified

## PLANS

### *Application plans:*

Drawings numbered: 2410.1/01 and 2410.1/02

## PHOTOGRAPHS AND ILLUSTRATIONS

Photo	1 Two aerial photos submitted by Mr Collins
Photo	2 Aerial photo submitted by Ms Brocklebank





# Appeal Decision

Site visit made on 10 November 2008

by **A J Bingham** TD Dipl Arch ARIBA MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**1 December 2008**

## Appeal Ref: APP/Q1445/C/08/2079818

### 87 Balsdean Road, Woodingdean, Brighton, East Sussex BN2 6PG

- The appeal is made under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Peter Joseph Barnard against an enforcement notice issued by Brighton & Hove City Council.
- The Council's reference is: 2006/0638.
- The notice was issued on 6 June 2008.
- The breach of planning control as alleged in the notice is: "*Without planning permission:*
  - (i) *The construction of a replacement front boundary wall.*
  - (ii) *The removal of the south-west access of the property and the creation of the south-east access to the property.*
  - (iii) *The carrying out of engineering operations to change the ground levels of the front garden area and the creation of a hard standing*".
- The requirements of the notice are:
  1. *Reinstate front garden of No 87 Balsdean Road, to the condition which existed prior to the unlawful development as follows:-:*
  2. *Remove the front boundary walls and reinstate them to the dimensions and detail prior to the unlawful development.*
  3. *Remove the eastern access to the property and reinstate the western access.*
  4. *Reinstate front garden ground levels that existed prior to the unlawful development*".
- The period for compliance with the requirements is: "*16 weeks*".
- The appeal is proceeding on the grounds set out in Section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

**Summary of Decision: the appeal is dismissed and the enforcement notice upheld with corrections.**

### The notice

1. I consider that the notice is erroneous in that the allegation refers to "*front boundary wall*" but the requirements cite "*front boundary walls*". By virtue of the requirements of the notice it must be clear to both principal parties that the notice is directed at the front and west flank walls of the front garden of the appeal property. In the circumstances I propose to correct the allegation in this respect. In addition, the allegation refers to the "*the south-west access*" and "*the south-east access*", while the requirements mention the "*eastern access*" and the "*western access*". I intend to correct the notice in order to regularise the description of the two accesses having regard to the fact that Balsdean Road runs almost due east to west. In my opinion I am able to make these minor corrections without injustice to the parties.

### **The appeal on ground (f)**

2. The Appellant alleges that the requirements of the notice are excessive and that lesser steps would overcome the objection to the unauthorised development. In this respect the Appellant refers to a compromise solution to present a development with a "*design to be more closely [related] to planning requirements*". In order to achieve this objective the Appellant proposes to reduce the wall(s) to a more acceptable height and to change its (their) appearance to more closely match those of neighbouring properties. It is relevant to note that no dimensional details of the reduced height are provided as a basis for consideration of the appeal on ground (f). Neither are there details of the proposed means of changing the appearance of the subject wall(s).
3. In this regard, in its appeal statement, the Council contends that "*It is not the place of the LPA to re-design a scheme or propose a scheme that would be acceptable*". That is a reasonable comment, and one which equally applies to me. In view of this the Council claims that the minimum requirement is reinstatement of the appeal property to its former condition. As the matter stands, without any guidance from the Appellant as to the detail of his proposed compromise solution I cannot but agree with the Council. Accordingly, the appeal on ground (f) fails.

### **The appeal on ground (g)**

4. On this matter, the Appellant requests more time to comply with the requirements of the notice than the 16 weeks allowed. An appeal against refusal of planning permission for a replacement front boundary wall was dismissed in January 2008 and it is now argued that additional time should be allowed for the preparation, submission and registration of a revised application, including pre-submission negotiations with Council Officers. It is of relevance to note that the previous appeal was in connection with a retrospective application relating to the unauthorised development, the subject of the enforcement notice.
5. The Appellant states that further time would be required for the decision to be issued following submission of a revised application, particularly as the Council does not always determine planning applications within the statutory 8 week period. Subsequent to receipt of planning permission additional time should be allowed to appoint a contractor to commence and complete the reinstatement works required by the notice. The minimum time requirement for these various activities is 28 weeks.
6. The case presented by the Appellant would be more plausible had an appeal on ground (a) been made or the appropriate fees paid to enable the deemed planning application to have been considered. In those circumstances there would have been an aspiration that the appeal would have been allowed, and if dismissed a start on the activities mentioned by the Appellant could have been made at that time, with an extension to the 16 week period possibly a matter for just consideration. However, with no prospect of a planning permission resulting from this appeal, it seems to me that the Appellant was aware that action needed to be taken on dismissal of the Section 78 appeal in January of this year, or at the latest on submission of the appeal against this enforcement



notice only on grounds (f) and (g) on 16 June 2008. Alternatively, consideration could have been given to restoring the front garden of the appeal property to its former condition, which would not require the grant of planning permission.

7. The Council remains of the view that a 16 week period provides sufficient time to comply with the requirements of the notice or to submit a planning application for an alternative proposal. In the light of my observations set out at paragraph 6 above, I agree. Accordingly, I am not disposed to allow the appeal on ground (g).

#### **Formal decision**

8. I direct that the notice be corrected by:
  - a. deletion of the phrase "*a replacement front boundary wall*" from sub-paragraph (i) of paragraph 3 under the heading THE BREACH OF PLANNING CONTROL ALLEGED, and substitution therefor of the phrase "*replacement front boundary walls*".
  - b. deletion of the term "*south-west*" from the first line of sub-paragraph (ii) of paragraph 3 under the heading THE BREACH OF PLANNING CONTROL ALLEGED, and substitution therefor of the word "*western*".
  - c. deletion of the term "*south-east*" from the second line of sub-paragraph (ii) of paragraph 3 under the heading THE BREACH OF PLANNING CONTROL ALLEGED, and substitution therefor of the word "*eastern*".
9. Subject to these corrections I uphold the enforcement notice.

*A J Bingham*  
Inspector





# Appeal Decisions

Site visit made on 2 October 2008

by **S J Emerson BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

10 OCT 2008 *Delegated*

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Decision date:  
10 October 2008

? **Appeal A: APP/Q1445/A/08/2075399**  
**93 Hornby Road, Brighton, BN2 4JH.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Miss A Sheppard against the decision of Brighton & Hove City Council.
- The application Ref BH2007/02969, dated 17 September 2007, was refused by notice dated 20 November 2007.
- The development proposed is a side extension at first floor for additional bedrooms over existing flat roofed ground floor extension.

✓ **Appeal B: APP/Q1445/A/08/2075398**  
**93 Hornby Road, Brighton, BN2 4JH.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Miss A Sheppard against the decision of Brighton & Hove City Council.
- The application Ref BH2008/0639, dated 4 February 2008, was refused by notice dated 8 April 2008.
- The development proposed is a side extension at first floor for additional bedroom No 3 over existing flat roofed ground floor extension.

## Decisions

### Appeal A

1. I dismiss the appeal.

### Appeal B

2. I dismiss the appeal.

## Main issues

3. The main issues for both appeals are:
  - (a) The effect on the living conditions of the occupiers of 91 Hornby Road, with particular regard to light and outlook.
  - (b) The effect on the street scene.

## Reasons

4. No 93 Hornby Road is a semi-detached house. It is part of a large, planned estate with mainly semi-detached houses in this part of Hornby Road. The house has a flat roofed side extension which extends well to the rear of the main house. The 2 appeal proposals are similar. Both would extend across the

full width of the ground floor extension. Both would have a fully hipped roof to match that of the main house. The ridge of the extension would be below that of the main house. In appeal A, the extension would be set back 1m from the front wall of the house and align with the rear wall. In appeal B, the extension would be set back only 0.3m from the front wall, but 1m from the rear wall. The extension in appeal B thus has a slightly shorter depth than in appeal A.

- 10 OCT 2008
5. The front of No 93 lies to the rear of the adjoining pair of semi-detached houses (Nos 91 and 89). On the side of No 91 is a single storey element which has a frosted glass door to the rear and a frosted window in the side facing the boundary with the front garden of the appeal site. The nearest window in No 91 with any outlook is that of the kitchen (above which is a bathroom window, also with frosted glass). Both of the proposed extensions would be a prominent feature in the outlook from this kitchen window. The occupiers of No 91 expressed concern at the loss of view towards the downs over the top of the ground floor extension and in response to the first application suggested that the extension be set back from the main rear wall to permit an oblique view. I give no weight to the loss of the view of the downs in the mid distance. I am concerned, however, that both of the extensions would appear as a bulky and overbearing structure close to the boundary with No 91, not only from the kitchen window, but equally from that part of the garden closest to the house. The impact of the 1<sup>st</sup> floor extension is made more significant in this location because of the long flank wall of the ground floor extension which extends some 6m further down the rear garden close to the boundary.
  6. The Brighton and Hove Local Plan 2005 indicates (paragraph 3.57) that an important guideline when assessing 2 storey extensions is whether the extension would intercept a 45 degree line drawn from the quarter point of the nearest ground floor window of the adjoining house. Both of the appeal proposals would breach such a line. I consider that this advice is more relevant than that highlighted by the appellant from a neighbouring authority.
  7. Both of the proposed extensions would block for a short period some morning sunlight falling on the rear face of the house and the garden closest to the house. But in my view, the duration and extent of the increased shading would not be so great as to cause material harm. I am satisfied that both of the extensions would be sufficiently distant from No 91 not to materially reduce daylight levels within No 91, especially given the gap between the rear wall of No 91 and the front wall of No 93. This gap would allow midday and afternoon sunlight to continue to reach that part of the garden closest to the dwelling.
  8. Despite the acceptable impact in relation to sunlight and daylight, I consider that both of the extensions would have an overbearing impact on the outlook from No 91 when in the kitchen and when in the garden and, as a result, harm the living conditions of present and future occupiers. There is therefore conflict with policies QD14b (extensions and alteration) and QD27 (protection of amenity) of the Brighton and Hove Local Plan 2005.
  9. The Council has no objection to the design of the extension in appeal A. The 1m set back from the front wall of the house and the lower ridge height than that of the main roof would ensure that the extension was a suitably subservient addition and did not adversely affect the symmetry of the front elevation of the pair of semi-detached houses. The set back of 1m or so is
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similar to the set back on several side extensions nearby in Hornby Road. The extension in Appeal A would have no adverse impact on the street scene.

10. The set back in appeal B is only 0.3m. This would be sufficient to create a visual break between the front wall of the main house and the proposed extension, but the extension would not be subservient to the original front elevation. It would have a slight adverse impact on the symmetry of the pair of semis and does not represent good design, given that there is the opportunity of a more substantial set back as demonstrated in appeal A. There would be a minor adverse impact on the street scene. There is therefore some conflict with policy QD1 (design) and QD14 a (extensions and alteration) of the local plan. This harm and conflict with policy adds some weight to the harm I have already identified.
11. I appreciate that the appellant has a pressing need for additional bedrooms given the size of the family living in the house. But this need does not outweigh the harm that the extension would have on the living conditions of the adjoining occupiers, especially as the extension would remain long after the appellant's needs had ceased to be relevant.

*Simon Emerson*

INSPECTOR





# Appeal Decision

Site visit made on 18 November 2008

by **David Asher BA DipTP MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**24 November 2008**

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## Appeal Ref: APP/Q1445/A/08/2078824

### 17 Holton Hill, Brighton, East Sussex BN2 6RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr and Mrs Simmonds against the decision of Brighton & Hove City Council.
- The application Ref BH2007/03410, dated 16 July 2007, was refused by notice dated 24 December 2007.
- The development proposed is the erection of a pair of semi-detached houses.

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### Decision

1. I dismiss the appeal.

### Procedural matter

2. This is an outline application with all matters reserved for later approval, although it is accompanied by an illustrative block plan and front elevation. From information in the Grounds of Appeal and the Design and Access Statement, I have no doubt that these drawings give a good impression of what it proposed, for the siting, size and height of the proposed houses.

### Main issues

3. The main issues in this case are:
  - i. the effect of the proposed houses on the character and appearance of the area, and living conditions for people at 11 and 13 Dudwell Road; and
  - ii. whether there would be enough garden space for people living in the proposed houses.

### Reasons

#### Character and appearance

4. The appeal site is the side garden of No 17, and includes an area occupied by a side extension to the house which would be demolished. It lies on a corner, in a steeply sloping residential area. I saw on my visit that, as a result, it is prominent and its openness and attractive planting contribute significantly to the character and appearance of the area. This is particularly so as it combines with a similar open side garden to 13 Dudwell Road to the rear, and with an open area between houses fronting Connell Drive, to give the area an open character and appearance. This in turn allows distant views of the South Downs.

5. The proposed houses would largely fill the site and I have no doubt that in doing so they would materially reduce the openness of the wider area which I have described. They would, therefore, materially harm a significant feature of the character and appearance of the area. Because of the steeply sloping nature of the area, they would also be particularly dominant when seen from the lower section of Connell Drive. I conclude on this part of the issue, therefore, that the proposed houses would harm the character and appearance of the area, contrary to policies in the Brighton & Hove Local Plan 2005 which seek to protect such matters.

#### Living conditions

6. The illustrative block plan shows the proposed houses to be within about 3m of the site's boundary with 13 Dudwell Road and about 6m of the boundary with No 11. I note the appellants' comments about the distance between the houses themselves. However, from what I saw on my visit, at these distances I have no doubt that the proposal would lead to an unacceptable level of overlooking of the gardens of Nos 11 and 13 from rear facing first floor windows of the proposed houses. I have no doubt, either, that the house furthest from No 17 would be unacceptably overbearing when seen from the extensive side garden of 13 Dudwell Road.
7. I conclude on this part of the issue that the proposal would materially harm the living conditions of people at 11 and 13 Dudwell Road, contrary to policies in the Local Plan.

#### Garden space.

8. It does not appear that the Local Plan contains standards for garden space. However, I agree with the Council that the provision in this case is very limited and that its usefulness would be further restricted by the sloping nature of parts of the site. Whilst this may not be enough in itself to justify dismissing the appeal, it reinforces my conclusion that this proposal is unacceptable.

#### **Conclusions**

9. I acknowledge the Council's concern to promote energy efficiency and I note the provisions of policy SU2 of the Local Plan in this respect. Since this is an outline application it may be that this could have been resolved through conditions. However, this does not alter my conclusions on the main issues which have led to my decision to dismiss this appeal.

*David Asher*

INSPECTOR

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# Appeal Decision

Hearing held on 26 November 2008

Site visit made on 26 November 2008

by **John Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**11 December 2008**

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## Appeal Ref: APP/Q1445/A/08/2072869

### 32 Redhill Drive, Brighton, East Sussex BN1 5FH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by The Scamans Mercer Partnership against the decision of Brighton & Hove City Council.
- The application Ref BH2007/02980, dated 2 August 2007, was refused by notice dated 14 March 2008.
- The development proposed is demolition of existing house and construction of pair of semi-detached houses – resubmission of refused application BH2007/00041.

---

## Decision

1. I dismiss the appeal.

## Procedural Matters

2. The neighbour at number 34 had requested that I view the site from his land if I felt it necessary, and the Council had informed him of the Hearing by letter dated 10 September. However, he was not present at the Hearing or at the site visit. Having reviewed the information before me, including viewing the mutual boundary from number 32, I was of the opinion that I had sufficient information to come to my decision. Nevertheless, I delayed making my decision until after a letter had been sent requesting that he contact the Inspectorate if he still wished me to visit. In the absence of a response within the stated time, I closed the Hearing in writing and have proceeded to my decision based on the written representations, discussion at the Hearing and my observations on site, and I do not consider this course of action has prejudiced any party's interests.

## Main Issues

3. I consider the main issues to be;
  - The effect of the proposal on the character and appearance of the Redhill Drive area of Brighton.
  - The effect of the proposal on the living conditions of residential occupiers with particular regard to privacy, visual impact, daylight and sunlight.

## Reasons

### *Character and Appearance*

4. As noted above, this is a re-submission of an earlier application and the Council's reasons for refusal of that scheme are pertinent to my considerations

here. That scheme was for two detached houses that, with rooms set within a low pitched roof, appeared as two floors on the front and three on the back. I note the building lines and heights to the four faces of the development and their architectural treatment. The reasons for refusal refer to a detached style, apparent two-storey frontage height, large unrelieved flank elevations, a lack of articulation on the rear elevation and the positioning of upper level windows. There was also criticism of the forecourt arrangement. I concur with the view of the Council that there were serious shortcomings in the design of that proposal which would cause visual harm.

5. The scheme that is before me has addressed many of the issues raised previously. The placing of the two dwellings into a semi-detached form has avoided the unattractive and disjointed detached arrangement, which appeared out of keeping in width as well as detailing. I do not attach significant weight to the lack of similar pairings nearby. The forecourt layout now provides an enhanced area for landscaping and whilst the accommodation is still arranged over the same number of floors, the articulation of the elevations and the positioning of the upper level windows are much improved. In particular, the two storey frontage has been set within a lower roof eaves and would be flanked by yet lower roofs, removing much of the damaging impression of sheer height of the earlier scheme.
6. To the sides I consider the flank walls to be less stark and lacking in interest, and they occupy a smaller area, not appearing as the unrelieved expanse previously exposed. The use of lower flanking roof slopes would reduce the effect along these side elevations with the more abrupt reduction in height achieved by the access steps resulting in a further reduction in exposed area. The rear elevation was proposed as a large area of brick with poorly positioned openings over a full three storeys whereas now the proposal would be for a single storey of wall topped by a roof running back up the ground slope and accommodating the higher floor levels. I consider this well-articulated and a satisfactory way of housing the floor area without the seeming bulk at these lower ground levels.
7. However, the lower side roofs would be truncated at a flat area, rather than rising to a conventional ridge or abutment to a wall and the central roof area would terminate at a ridge around a reverse slope and a sunken flat area. I understand that whilst this flat area might be seen only from a limited number of private viewpoints from houses opposite, and would provide a discreet location for solar panels and roof lights, the lower two flat areas would be plainly seen and would, in my view, appear uncharacteristic of the area and poorly related to the rest of the building. I acknowledge that the highest ridgeline would be the same height as existing, but the use of a central flat area would result in an appearance on approaching from either end of the street of a blocky, deep plan without the attractive relief of a traditional ridge or hips.
8. I consider these uses of flat roofed areas to be out of keeping with the area, where flat roofs tend to be seen more as small valleys or limited dormers. Their use is, I consider, an indication that the accommodation proposed is too extensive for the size of the site and the prevailing height of other buildings, thus requiring an unattractive device to control the height. I conclude that whilst the drop in the land has been successfully negotiated, and the semi-

detached form is appropriate, the resulting roof arrangement causes harm to the character and appearance of the area contrary to the aims of Local Plan Policies QD1 on the scale and height of development and its architectural detailing, and QD2 that requires account to be taken of the local characteristics, including the height, scale, bulk and design of existing buildings.

#### *Living Conditions*

9. Local Plan Policy QD27 seeks to avoid nuisance or loss of amenity to neighbours where it is liable to be detrimental to human health. It appears to me that the present proposal retains a similar gap between the building and the adjoining properties as the relevant parts of the detached two-house scheme. Whereas that scheme had a full-depth flank wall, the appeal scheme utilises a long rear pitch which would have less of a visual effect and would be more satisfactory regarding access to light than the earlier scheme. In addition the eaves line parallel to the boundaries would be lower than before and conditions could ensure that obscure glazing is installed to protect privacy. I conclude that there would be a change to the outlook of the neighbouring dwellings, including that across the road, but that the appeal scheme would not have such an effect on neighbour's living conditions as to be detrimental to health and therefore accords with Local Plan Policy QD27.

#### **Other Considerations**

10. It is clear that there are potential problems from badgers undermining the ground to the rear of the present dwelling and I am satisfied that action could be secured by condition to correctly re-locate the sett on land lower down the slope. Also I attach full weight to the provision of additional housing in this built-up area close to transport and other services.

#### **Conclusions**

11. Whilst the additional dwelling would make better use of previously developed land in a sustainable location, and the proposal is a marked improvement on an earlier refused scheme for a pair of detached houses, the bulk of the building resulting from the truncated and flat-topped roof arrangement would not sit comfortably alongside conventionally roofed buildings nearby. I acknowledge that the proposal would address the needs of protected species and would provide additional housing as a windfall site, whilst not causing real detriment to the health or wellbeing of neighbouring occupiers, but these considerations do not outweigh the harm that I have identified. For the reasons given above I conclude that the appeal should be dismissed.

*S J Papworth*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

C Barker BA(Hons) MATp MRTPI

DMH Stallard, Hyperion House,  
99-101 Queens Road, Brighton BN1 3YB

R Silver RIBA

RS Design, Melbury, 114 Queens Park Road,  
Brighton BN2 0GG

### FOR THE LOCAL PLANNING AUTHORITY:

Cllr K Norman

Ward Councillor  
Brighton & Hove City Council

N Hurley BA(Hons) MTP MRTPI

Development Control Officer  
Brighton & Hove City Council

### INTERESTED PERSONS

T Gibson

43 Redhill Drive, Brighton BN1 5FH

B Johnson

30 Redhill Drive, Brighton BN1 5FH

### DOCUMENTS

- |          |   |   |
|----------|---|---|
| Document | 1 | Notification letter dated 10 September 2008 submitted by Council                      |
| Document | 2 | Application drawing for refused scheme BH2007/00041 submitted by Council              |
| Document | 3 | Drawings 07172/SK/100 and P/03C submitted by appellant                                |
| Document | 4 | Letter from Planning Inspectorate to occupier 34 Redhill Drive dated 28 November 2008 |

**NEW APPEALS RECEIVED**

**WARD**

**NORTH PORTSLADE**

APPLICATION NUMBER

BH2008/02125

ADDRESS

5 Village Close, Portslade

DEVELOPMENT DESCRIPTION

Provision of proposed decking and raised planter (Retrospective -Partially completed) (Resubmission of application number: BH2008/01071).

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

19/11/2008

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**WITHDEAN**

APPLICATION NUMBER

BH2008/00483

ADDRESS

31 Maldon Road, Brighton

DEVELOPMENT DESCRIPTION

Extension to provide two no. flats at second floor level to replace flat roof.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

18/11/2008

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**ST. PETER'S & NORTH LAINE**

APPLICATION NUMBER

BH2008/01562

ADDRESS

St Peters House, 20-26 York Place, Brighton

DEVELOPMENT DESCRIPTION

Regularisation of development as built (commercial on ground floor with residential above). Specifically regularisation of the roof and alteration to architectural adornments to parapet walls.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

13/11/2008

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**HANOVER & ELM GROVE**

APPLICATION NUMBER

BH2008/00725

ADDRESS

29 Shanklin Road, Brighton

DEVELOPMENT DESCRIPTION

Split existing dwelling to form 2 self contained flats, one 1-bed and one 3-bed.

APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 18/11/2008  
APPLICATION DECISION LEVEL Delegated

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**WARD** SOUTH PORTSLADE  
APPLICATION NUMBER BH2008/02144  
ADDRESS 281 Old Shoreham Road, Portslade  
DEVELOPMENT DESCRIPTION Proposed two storey side extension.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 24/11/2008  
APPLICATION DECISION LEVEL Delegated

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**WARD** STANFORD  
APPLICATION NUMBER BH2008/02842  
ADDRESS 211 Old Shoreham Road, Hove  
DEVELOPMENT DESCRIPTION Conversion of single dwelling to form a 3 bedroom maisonette on ground and first floors and a one bedroom flat on second floor.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 25/11/2008  
APPLICATION DECISION LEVEL Environmental Services Planning (Applications) Committee

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**WARD** WESTBOURNE  
APPLICATION NUMBER BH2008/03011  
ADDRESS 9 Lawrence Road, Hove  
DEVELOPMENT DESCRIPTION Loft conversion to incorporate 1 no. dormer to front, 3 no. rooflights and removal of chimney.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 25/11/2008  
APPLICATION DECISION LEVEL Delegated

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# PLANNING COMMITTEE

## Agenda Item 172 Brighton & Hove City Council



Brighton & Hove  
City Council

### INFORMATION ON HEARINGS / PUBLIC INQUIRIES 14 January 2009

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**This is a note of the current position regarding Planning Inquiries and Hearings**

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#### **69-70 Queens Head, Queens Road, Brighton**

Planning application no: BH2007/03632  
Description: Partial change of use of 1st and 2nd floors from solely A4 (incorporating staff accommodation) to mixed use A3, A4 and sui generis. Also proposed new 3rd floor mansard roof with A4 use.  
Decision: Delegated  
Type of appeal: Hearing  
Date: 27 January 2009  
Location: Hove Town Hall

#### **Rear of 48-50 Old Shoreham Road, Hove**

Planning application no: BH2007/04047  
Description: Construction of two, three storey, four-bedroomed houses.  
Decision: Delegated  
Type of appeal: Hearing  
Date: 24 February 2009  
Location: Hove Town Hall

#### **46-48 Kings Road, Brighton**

Planning application no: BH2007/03924  
Details of application: Display of externally illuminated advertisement banner.  
Decision: Delegated  
Type of appeal: Hearing  
Date:  
Location:

#### **Bali Brasserie, Kingsway Court, First Avenue, Hove**

Planning application no: BH2007/04314  
Details of application: UPVC canopy to rear of building to provide smoking shelter (retrospective)  
Decision: Delegated

Type of appeal: Hearing  
Date:  
Location:

**Bali Brasserie, Kingsway Court, Queens Gardens, Hove**

Planning application no: Enforcement case 2007/0547  
Details of application: Construction of smoking shelter.  
Decision: N/A  
Type of appeal: Hearing  
Date:  
Location:

**128 Church Road, Hove**

Planning application no: BH2007/02378  
Details of application: Change of use of first floor with second floor extension, with additional accommodation in the roof space to form five flats.  
Decision: Delegated  
Type of appeal: Hearing  
Date:  
Location:

**124 Church Road, Hove**

Planning application no: BH2007/02379  
Details of application: Alterations and extensions to form part 2, part 3 storey building with roof accommodation to form four flats above existing retail.  
Decision: Delegated  
Type of appeal: Hearing  
Date:  
Location:

**5 The Sett Portslade**

Planning application no: BH2008/00585  
Description: Proposed 2 storey side extension.  
Decision: Delegated  
Type of appeal: Hearing  
Date:  
Location:

**128 Longhill Road Ovingdean**

Planning application no: BH2007/01679  
Details of application: Erection of four detached houses.  
Decision: Against non-determination  
Type of appeal: Public Inquiry  
Date:  
Location:

**128 Longhill Road Ovingdean**

Planning application no: BH2008/01353  
Details of application: Construction of four houses. Existing dwelling to be demolished.  
Decision: Delegated  
Type of appeal: Public Inquiry  
Date:  
Location:



**Maycroft & Parkside London Road & 2 4 6 & 8 Carden Avenue Patcham**

Planning application no: BH2008/00925

Details of application: Demolition of existing buildings and development of residential care home.

Decision: Planning Committee

Type of appeal: Public Inquiry

Date:

Location:

**Royal Alexandra Hospital 57 Dyke Road Brighton**

Planning application no: BH2007/04453

Details of application: Demolition of existing buildings and erection of 156 residential units and 751 square metres of commercial floor space (doctor's surgery and pharmacy). Associated access, parking and amenity space (including a public green). (Resubmission of BH2007/02926.)

Decision: Committee

Type of appeal: Public Inquiry

Date:

Location:

**Royal Alexandra Hospital 57 Dyke Road Brighton**

Planning application no: BH2007/04462

Details of application: Conservation Area Consent for demolition of existing buildings (former children's hospital) (resubmission of BH2007/02925).

Decision: Not determined

Type of appeal: Public Inquiry

Date:

Location:

