



**Brighton & Hove
City Council**

Planning Committee

Title:	Planning Committee
Date:	29 April 2009
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	<p>Councillors:Hyde (Chairman), Wells (Deputy Chairman), Barnett, Carden (Opposition Spokesperson), Davey, Hamilton, Kennedy, McCaffery, K Norman, Smart, Steedman and C Theobald</p> <p>Co-opted Members: Mr J Small (CAG Representative)</p>
Contact:	<p>Penny Jennings Senior Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk</p>

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AGENDA

238. 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.

239. MINUTES OF THE PREVIOUS MEETING

1 - 18

Minutes of the meeting held on 8 April 2009 (copy attached).

240. CHAIRMAN'S COMMUNICATIONS

241. PETITIONS

No petitions had been received by the date of publication of the agenda.

242. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 22 April 2009)

No public questions received by date of publication.

243. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 22 April 2009)

No deputations received by date of publication.

PLANNING COMMITTEE

244. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

245. LETTERS FROM COUNCILLORS

No letters have been received.

246. NOTICES OF MOTION REFERRED FROM COUNCIL

No Notices of Motion have been referred.

247. APPEAL DECISIONS

19 - 40

(copy attached).

248. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

41 - 42

(copy attached).

249. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

43 - 46

(copy attached).

250. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

251. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST: 29 APRIL 2009

(copy circulated separately).

252. 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

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

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.

WEBCASTING NOTICE

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If you have any queries regarding this, please contact the Head of Democratic Services or the designated Democratic Services Officer listed on the agenda.

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

Date of Publication - Tuesday, 21 April 2009

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 8 APRIL 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Wells (Deputy Chairman), Barnett, Carden (Opposition Spokesperson), Davey, Hamilton, Kennedy, McCaffery, K Norman, Smart, Steedman and C Theobald

Co-opted Members Mr J Small (CAG Representative)

Officers Present : Jeanette Walsh, Development Control Manager, Bob Bruce, Principal Solicitor, Steve Walker, Area Planning Manager (East), Hamish Walke, Area Planning Manager (West), Jason Hawkes, Planning Officer, Kate Brocklebank, Planning Officer, Adam Batchelor, Project Officer, City Services(Cityclean), Jan Jonker, Head of Strategy, City Services (Cityclean), Lyndsey Beveridge, Senior Planning Officer(Strategic Planning), Steve Reeves, Principal Planning Transport Manager, Penny Jennings, Senior Democratic Services officer

PART ONE

222. PROCEDURAL BUSINESS

(A) Declarations of Substitutes

222.1 There were none.

(B) Declarations of Interest

222.2 Councillor Davey declared a personal and prejudicial interest in application BH2008/03950, "Seasons" café, 36 Gloucester Road, Brighton. He had been involved in discussions with neighbouring objectors and also intended to speak on their behalf in his capacity as a Local Ward Councillor after doing so he would withdraw from the meeting and would take no part in the discussion or voting thereon.

222.3 Councillor Mrs Theobald declared a personal and prejudicial interest in Application BH2008/03950, "Seasons" café, 36 Gloucester Road, Brighton. She had chaired the Licensing Panel meeting at which the premises alcohol licence had been granted and did not therefore consider it appropriate to be involved in determining this application. She would leave the meeting during its consideration and would take no part in the discussion or voting thereon.

222.4 Councillor Hyde, the Chairman declared a personal but not prejudicial interest in Application BH200802307, 57 Falmer Road, Rottingdean. She lived some 20 houses from the application site. However, she had no direct interest in the application, had not predetermined it and remained of a neutral mind. It was therefore her intention to remain in the Chair during consideration of the application and to take part in the discussion and voting thereon.

(C) Exclusion of Press and Public

222.5 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.

222.6 **RESOLVED** – That the press and public be not excluded from the meeting during consideration of any item on the agenda.

223. MINUTES OF THE PREVIOUS MEETING

223.1 Councillor Wells referred to the comments attributed to him in respect of Application BH2008/02376, City College, Pelham Street, Brighton, Paragraph (21), on page 7 of minutes. He stated that his concerns related to the potential impact of the scheme on those dwelling in flats above the shops in Trafalgar Street, rather than specifically to the properties in Whitecross Street or to Mr Bromberg.

223.2 **RESOLVED** – That subject to the foregoing amendment the Chairman be authorised to sign the minutes of the meeting held on 18 March 2009 as a correct record.

224. CHAIRMAN'S COMMUNICATIONS

Web-casting of Planning Committee Meetings

224.1 The Chairman explained that afternoon's meeting of the Planning Committee was being web-cast as part of the on-going 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.

224.2 Correspondence sent to those wishing to make representations to speak at meetings included information to ensure that they were aware that meetings were being web-cast and guidance was given on use of equipment available in the meeting room including operating instructions for the microphones.

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

225. PETITIONS

225.1 It was noted that a petition had been received from Councillor Mrs Brown (57 signatures) at the meeting of Full Council held on 19 March 2009 setting out residents' objections to proposed changes to the working hours and other restrictions currently in place at the Waste Management Facility, Leighton Road/ Old Shoreham Road, Application BH2009/03960 (for copy of report see minute book).

225.2 **RESOLVED** - That the contents of the petition be received and noted.

226. PUBLIC QUESTIONS

226.1 There were none.

227. WRITTEN QUESTIONS FROM COUNCILLORS

228.1 There were none.

228. LETTERS FROM COUNCILLORS

229.1 There were none.

229. DEPUTATIONS

227.1 There were none.

230. NOTICES OF MOTION REFERRED FROM COUNCIL

230.1 There were none.

231. APPEAL DECISIONS

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

232. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

232.1 The Committee noted the list of planning appeals which had been lodged as set out in the agenda.

233. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

234. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

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

Applications:	Site Visit Requested by:
*BH2008/02303, Elmhurst, Warren Road, Woodingdean	Development Control Manager
*BH2008/03893, Land Adjacent Brighton Health & Racket Club	Development Control Manager
*BH2008/00658, 112–113 Lewes Road, Brighton	Development Control Manager
* BH2009/00414 & 00415, The Old Market, 11A Upper Market Street, Hove	Mr Small, CAG; Development Control Manager

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

Note 1: It was noted that Councillors Elgood and Watkins, Ward Councillors, had requested that a site visit be carried out in respect of applications: BH2008/02077, BH2008/01985 and BH2008/01986, 79-80 Western Road, Hove. This proposal was voted on and lost. However, having subsequently heard speakers including Councillor Watkins speaking in his capacity as a Local Ward Councillor, the Committee decided to defer further consideration of these applications pending a site visit.

235. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST: 8 APRIL 2009

(i) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY: 8 APRIL 2009

A. Application BH2009/00087, GB Liners, Blackman Street, Brighton – Demolition of existing warehousing / storage and distribution (B8) building at rear of site facing Blackman Street. Redevelopment of site for offices (B1) on ground and three upper floors together with underground car parking.

(1) It was noted that this application had formed the subject of a site visit prior to the meeting.

- (2) The Planning Officer (Ms Brocklebank) gave a detailed presentation setting out the constituent elements of the scheme including elevational drawings and photomontages.

Questions / Matters on which clarification was sought

- (3) Councillor Mrs Theobald sought confirmation regarding the distance between the front of the development and the reception area of Britannia House which was adjacent to the site. She also sought clarification regarding the monies proposed to meet the percentage for art, suggesting that it might be appropriate for this money to be allocated towards the cost of works in Victoria Gardens which were located nearby. The Development Control Manager explained that Local Ward Councillors would be consulted regarding the use to which funding would be put. Councillor Davey stated that as a Local Ward Councillor his preference would be for the money to be spent in the immediate vicinity of the site.
- (4) Councillor Wells enquired regarding the number and location of the proposed cycle parking bays.
- (5) Councillor Davey sought clarification as to why the applicants had not been required to submit a Travel Plan. The Principal Transport Planning Manager explained that it had been considered appropriate for the applicant to join the New England Quarter Travel Forum. Details of the proposed highway improvement works remained to be finalised.
- (6) In answer to questions by Councillor Hamilton it was explained that the office areas would be laid out as large open-plan floors which could be customised as required by future occupants. This was in line with identified current office space requirements.
- (7) Mr James spoke on behalf of the CSMA Club, occupiers of the neighbouring Britannia House. Whilst not objecting to the scheme in principle, they considered that the visual impact of the scheme as currently conceived would be overbearing and incongruous, would block light from the main reception area and other office accommodation located in Britannia House and would have a poor relationship with it.
- (8) Mr Glenister spoke on behalf of the applicants in support of their application. He explained that the scheme had developed over time in consultation with the Planning Department. He had sought to improve the current appearance and usage of the site and to meet an identified need whilst respecting neighbouring buildings and the character of the prevailing street scene.

Debate and Decision Making Process

- (9) Mr Small (CAG), referred to the fenestration arrangements on the east elevation. The Group considered that these were an incongruous feature which did not sit well with the fenestration elsewhere within that frontage. If the stall risers were to be raised, in their view, this would improve the proportions of the windows. The Development Control Manager responded that, if Members were minded to do so, an informative to that effect could be added to any permission granted.

- (10) In response to further questions, the Planning Officer displayed drawings indicating the positioning of windows, the circulation route through the building and the location of stairways and stairwells within the development.
- (11) Councillors Mrs Theobald and Wells welcomed the scheme and were of the view that it represented an improvement on the existing building on site. Councillor Mrs Theobald was of the view however, that it would have been preferable for the front of the building to be set back further from Britannia House than was proposed. She also considered that the grey cladding proposed for the top storey of the building should match the colour scheme proposed for the remainder of the building.
- (12) Councillor Hamilton stated that the office accommodation proposed appeared to meet a need and should be welcomed. Councillors Carden, McCaffery and Smart were in agreement that the proposal represented an improvement on the existing use and should be supported.
- (13) A vote was taken and Members voted unanimously that the Committee were minded to grant planning permission on be approved in the terms set out below.
- 235.1 **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 that it is minded to grant planning permission subject to completion of a legal agreement and to the Conditions and Informatives and Section 106 Obligation as set out in the report.

B. Application BH2008/03960, Waste Management Facility, Leighton Road, Old Shoreham Road, Hove – Application for the variation of the following conditions attached to planning permission BH1997/00778/ FP:

1. Condition 3 amended to allow the use of the waste transfer building for general household waste and the receipt of dry recyclables.
2. Condition 5 amended to allow extended hours of operation, from 0800 - 1700 hrs Monday to Friday and 0800 - 1300hrs on Saturdays.
3. Condition 6 amended to permit the use of HGV's for operational purposes (other than street cleansing) from 0730 -- 1800 hrs Monday to Friday and 0800 – 1300 hrs on Saturdays.
4. Condition 7 amended to enable use of mechanical shovels and loaders between 0730 – 1800 hrs Monday to Friday and 0800 – 1300 hrs on Saturdays and Sundays.
5. Condition 10 amended to allow the site to accept 25,000 tonnes per annum.
6. Condition 11 amended to allow HGV parking along the eastern side of the waste transfer hall.
7. Condition 17 amended to permit the fitting of a low level reversing safety alarm to transfer station loading plant.
8. Condition 27 amends the wording of this condition, which restricts sale of recycled materials to a designated area, by the addition of the phrase “except where agreed in writing by the Waste Planning Authority.”
9. Condition 29 amended to allow the placement on the ground of metal items delivered by the public, prior to loading into waste containers on a permanent basis.

10. Condition 30 amended to permit the positioning of waste containers in the approved designated areas (drawing LEIGH/04/001/C) except where otherwise agreed in writing with the Local Planning Authority.
11. Condition 35 amended to permit the development to be carried out in accordance with the approved plans, or where otherwise agreed in writing by the Local Planning Authority.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Officer (Mr Hawkes) gave a detailed presentation referring to those conditions to which variation was being sought.
- (3) Mr Fry spoke on behalf of neighbouring objectors. He referred to the nuisance arising from current use of the site in particular from use of heavy lifting equipment and HGV and other movements from within the site from an early hour at weekends. The acoustic wall at one end of the site caused sound to reverberate to other nearby properties. There had been instances when the existing conditions had been exceeded and residents were anxious that a proliferation of current use did not take place.
- (4) Mr Odam spoke on behalf of the applicants Veolia, in support of their application. He explained that Veolia operated a number of sites on behalf of the City Council. Variations were sought to the existing conditions in order to reflect the increase in domestic recycling and changes in the way refuse was processed and stored. Whilst some areas of activity on site would increase, there would be a diminution of others. A number of the proposed variations related to operations being carried out under extant temporary permissions.
- (5) Councillor Mrs Brown spoke in her capacity as a Local Ward Councillor setting out her objections to the proposals and in support of the concerns highlighted by local residents. She also referred to the content of the petition she had handed in at Council in respect of this application (Item 225 above refers). The contents of a letter of objection received from Councillor Bennett also in her capacity as a Local Ward Councillor were noted.

Debate and Decision Making Process

- (6) Councillors Carden and Kennedy supported the application but considered that in the interests of neighbouring amenity, the hours during which the site was in operation should be amended in order to ensure that operations did not commence until 09.00am on Saturday or Sunday. It was noted that the facility was not open on bank holidays.
- (7) Councillors Smart and Wells also expressed general support for the proposed variations, including the hours of operation proposed during weekdays. However, they were unable to support the use of heavy (noisy) lifting equipment from an early hour at weekends and would support closure of the site on Sundays if that was practicable.

- (8) Councillor Hamilton sought clarification that irrespective of any further amendment to the variations requested, the existing arrangements for use of the site by members of the public at weekends would continue. It was confirmed that this would be the case.
- (9) Councillor Barnett referred to the problems caused by noise reverberation across the site. In order to address such problems she was of the view that it would be appropriate to erect a further barrier at the northern end of the western boundary of the site.
- (10) The Chairman stated that as there appeared to be a measure of agreement regarding the variations for which approval was being sought and in respect of further amendments they would require, it would be appropriate to agree each of the variations as set out including those requiring amendment in their view in order to protect the amenity of neighbouring residents. Following discussion, Members agreed to the hours of operation set out in Paragraph 235.2 below.
- (11) A vote was taken and on a vote of 11 with 1 abstention, planning permission was granted in the terms set out below.

235.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 10 of the report subject to the conditions and informatives also set out in the report and subject to the further amendments set out below :

Condition 6 of original permission - hours of operation:

0800 – 1800 – weekdays

0900 – 1300 – weekends - Saturdays and Sundays

Condition 7 of original permission - hours of operation:

0800 – 1800 weekdays

0900 – 1300 weekends - Saturdays and Sundays

Additional Condition

Details of an acoustic fence to be positioned on the south western corner of the site to be submitted and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented within three months of the date of this permission.

Reason: In order to protect adjoining residential properties from the noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.

Note: Councillor Hamilton abstained from voting in respect of the above application.

(ii) **MINOR APPLICATIONS**

C. Application BH2008/02077, 79 – 80 Western Road, Hove - Change of use to mixed A3 / A4 use (restaurant / bar) on ground, first and second floors and variation of Condition 2 of planning permission BH2006/02429 to allow use of premises between hours of 0830 and 0145 (part retrospective).

- (1) The Planning Officer gave a presentation detailing the proposed change of use and other works for which retrospective permission was sought.

- (2) Mr Keighley spoke on behalf of neighbouring objectors. In their view, photographs displayed showing the rear of the premises were misleading as they did not accurately reflect the close proximity of neighbouring dwellings (20 flats and 6 dwelling houses), which would suffer severe loss of privacy, general amenity and increased noise nuisance from use of the first floor of the premises. The roof lights would shine directly into neighbouring flats.
- (3) Mr Shawki, the applicant spoke in support of his application stating that he had spent £1million in refurbishing the premises. He wished to operate a well run and successful business which would cause no detriment to his neighbours.
- (4) Councillor Watkins spoke in his capacity as a Local Ward Councillor setting out his objections to the proposal. He was concerned that the majority of the works had been carried out without the benefit of planning permission for which retrospective approval was now being sought. He lived in this part of the City and knew that it was very densely populated; this explained the rationale for planning permission previously having been granted for use of the lower floors only for this use. In his view this should remain the case. He suggested that in order for Members to appreciate the complexity, limitations of the site and its configuration it would be beneficial for Members to carry out a site visit before determining the application.

Questions / Matters on which Clarification was Sought

- (5) Councillor Smart referred to the concerns highlighted by the objector and to the remedial measures proposed by the Environmental Health Officer. Mr Keighley explained that following a six month delay the insulation works to the refrigeration unit identified had yet to be completed.
- (6) In answer to questions of Councillors Davey, Smart and Wells, Mr Shawki the applicant, explained that the original windows at first floor level had been larger than the recent replacements which were of obscurely double glazed UPVC. He explained that the roof lights had been installed to provide illumination to the roof top storage area. Customers using the premises did not have access to that area.
- (7) Councillor Mrs Theobald asked questions regarding potential noise nuisance emanating from the premises and the number of patrons it was intended to accommodate. Mr Shawki explained that the premises were designed to appeal to a mature clientele. Chairs tables and sofas were to be provided rather than a large area for stand up drinking to take place. Background music would be provided to add to the ambience of the setting.
- (8) Councillor Kennedy sought clarification regarding which parts of the premises were licensed and the hours of operation in place. Mr Shawki explained that an application would be submitted to the licensing authority in respect of the use at first floor level, following successful grant of planning permission.
- (9) Councillors Barnett and Norman queried why the applicant was seeking permission for the premises to be open after midnight bearing in mind the older client group at which the premises were aimed. Mr Shawki explained that longer opening hours were being

sought in order to provide greater flexibility when functions were taking place. It was not anticipated that the premises would be open after midnight every evening.

- (10) Having heard the various points made, the Chairman suggested that Members might wish to reconsider their earlier decision not to carry out a site visit. Members were of the view that given the population density of the area in which the application site was located and the need to respect and preserve neighbouring amenity, that it would be appropriate to conduct a site visit prior to determining the application.
- (11) A vote was taken and Members voted that the determination of this application and the two following it relating to the same address be deferred pending a site visit.

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

Note1: The Chairman reminded those members of the public who had spoken that as the decision to carry out a site visit had been taken following their submissions to Committee, although welcome to attend the next meeting of the Committee at which this and the two following applications would be considered, no further public speaking would be permitted in respect of these applications.

D. Application BH2008/01985, 79 – 80 Western Road, Hove - 6 air conditioning units to the rear of the property

235.4 **RESOLVED** – That consideration of the above application be deferred pending a site visit.

E. Application BH2008/01986, 79 – 80 Western Road, Hove - Proposed three new roof lights to front and rear (part retrospective).

235.5 **RESOLVED** – That consideration of the above application be deferred pending a site visit.

F. Application BH2008/03792, The Royal Pavilion, Church Street, Brighton – display of non-illuminated flags.

- (1) The Area Planning Manager (West) (Mr Walke) gave a presentation indicating the location and appearance of the proposed flags. He explained that this use was requested for a temporary period of two years to coincide with the restoration work currently taking place to the external fabric of the building. The purpose of this signage was to ensure that the location of the entrance to the Royal Pavilion was indicated clearly for visitors. These temporary signs would be removed on completion of the works.
- (2) Councillor Smart enquired whether the signage would require replacement during that period. The Area Planning Manager (West) explained that it was anticipated that the signage would remain intact for the duration of the works.
- (3) Mr Small CAG, referred to the objections received from the Group explaining that they had considered the application further at their meeting the previous day. The Group

had remained unchanged in their view and had reiterated their earlier objections. However, they had been unaware that any permission would be temporary pending completion of the works outlined by the Area Planning Manager.

- (4) A vote was taken and on a vote of 11 with 1 abstention advertisement consent was granted in the terms set out below.

235.6 **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 advertisement consent subject to the conditions and informatives set out in the report.

Note: Councillor Hamilton abstained from voting in respect of the above application.

G. Application BH2008/03670, 2 Forest Road – Erection of a single detached two storey dwelling house.

- (1) The Planning Officer gave a detailed presentation setting out the rationale for the recommendation that the application be refused.
- (2) Mr Bareham spoke on behalf of the applicant in support of their application. He stated that the applicant was seeking to provide a well designed family dwelling which would not be at variance with the neighbouring street scene. The proposed dwelling was anticipated to reach Level 3 sustainability, would meet the requirements of the Local SPD and would be constructed of materials sympathetic with the neighbouring street scene.
- (3) Councillors Kennedy, Norman and Mrs Theobald concurred with the Officer's recommendation agreeing that planning permission should be refused.
- (4) Councillors McCaffery and Wells considered that the proposed scheme was acceptable and that planning permission should be granted.
- (5) A vote was taken and on a vote of 10 to 2 to planning permission was refused in the terms set out below.

235.7 **RESOLVED** - That the Committee has taken into consideration and agrees with the recommendation and resolves to refuse planning permission for the reasons set out in the report.

Note: Councillors McCaffery and Wells voted that planning permission be granted.

H. Application BH2008/03950, "Seasons" Café, 36 Gloucester Road, Brighton – Application for variation of Condition 2 of application BH2999/00436/FP in order to allow opening hours between 8.00am to 8.00pm Monday to Saturday, and removal of Condition 5 in order to allow the preparation and sale of hot food on the premises.

- (1) The Area Planning Manager (West), (Mr Walke) gave a presentation detailing the proposal and setting out the rationale for the recommendation that permission be refused.

- (2) Mr Braithwaite spoke on behalf of neighbouring objectors. He referred to the planning history of the site and to the constraints placed upon it due to its location on a tight corner plot. The rear of the premises was located in very close proximity to neighbouring dwellings. Successive planning permissions granted since 2005 had not permitted food to be cooked on the premises in order to protect the amenity of neighbouring residents. Nothing had changed to make such use acceptable now. A license to sell alcohol had recently been granted by the licensing authority and it was feared that this, combined with later hours and the ability to provide cooked food on the premises, could give rise to significant loss of amenity and noise nuisance for residents.
- (3) Mr Handley, the applicant, spoke in support of his application. He explained that the odour extraction system provided fell just outside the distance criteria set by the Environmental Health Department. In this instance he did not consider these criteria to be appropriate as only "light" cooking would be carried out on the premises which would not generate significant levels of odour.
- (4) Councillor Davey spoke in his capacity as a Local Ward Councillor echoing the concerns raised by objectors. The premises were very small and it was essential that adequate controls were in place to ensure that there was no detriment to neighbouring amenity. He considered that the views of the Environmental Health Officer should be respected and his requirements upheld. This issue needed to be resolved prior to any increase in the existing opening hours being agreed. Having addressed the Committee, Councillor Davey withdrew from the meeting and took no part in the discussion or voting in respect of the application.

Debate and Decision Making Process

- (5) Councillor Hamilton referred to an error in the circulated report seeking confirmation that the premises were located in a Conservation Area. The officer confirmed that the application had been considered and publicised correctly.
- (6) Councillor Smart enquired regarding methods of odour control neutralisation available to the applicant. The Area Planning Manager explained that whilst he was aware that there were odour neutralisation systems available on the market and that they could be expensive, he had no knowledge as to their precise cost.
- (7) Councillor McCaffery enquired whether it would be possible to apply any condition to any permission granted specifying that only "light" cooking could take place. The Area Planning Manager responded that such a condition would be unenforceable.
- (8) Councillors Carden and Steedman enquired whether it would be possible to grant permission which was personal to the applicant. The legal adviser to the Committee explained that the information provided by the applicant had not been corroborated by the Environmental Health Department. It would be difficult to link a personal permission to one issue only (i.e. odour control measures).
- (9) Councillor Kennedy considered it regrettable that an alcohol licence had been granted in advance of these other issues having been resolved.

- (10) Councillors Carden and McCaffery sought clarification as to whether a split decision which separated issues relating to odour control from the premises' hours of operation would be permissible. The legal adviser to the Committee confirmed that it would. However, this proposal was put to the vote and was lost on a vote of 3 to 6 with 1 abstention.
- (11) Councillor Barnett noted that although 15 letters of objections had been received in respect of the application, 21 letters of support had been submitted.
- (12) Councillor Hamilton proposed that planning permission be granted. This was seconded by Councillor McCaffery following an initial vote of 6 to 4. However, on taking a recorded vote, a vote of 5 to 5 was recorded. A further vote was taken therefore and on a vote of 5 to 5 planning permission was refused on the Chairman's casting vote in the terms set out below.

235.8 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to refuse planning permission for the reason set out in the report and subject to the informative also set out in the report.

Note1: Councillors Barnett, Carden, Hamilton, McCaffery and Wells voted that planning permission be granted. Councillors Hyde (Chairman), Kennedy, Norman, Smart and Steedman voted that planning permission be refused. Therefore on the Chairman's casting vote planning permission was refused.

Note2: Having declared a personal and prejudicial interest in the above application Councillor Mrs Theobald withdrew from the meeting and took no part in the discussion or voting thereon.

Note 3: Having spoken in his capacity as a Local Ward Councillor, Councillor Davey, withdrew from the meeting and took no part in the discussion or voting in respect of the above application.

I. Application BH2008/02307, 57 Falmer Road, Rottingdean – Demolition of existing derelict building and construction of 6 x 2 storey town houses.

- (1) The Planning Officer (Ms Brocklebank) gave a detailed presentation setting out the constituent elements of the scheme.
- (2) Mr Small (CAG) requested to be shown elevational drawings and to receive details of the finishes and materials proposed. It was explained that the proposed dwellings would be flint fronted with brick detailing. Councillor Hyde, the Chairman requested to see photomontages indicating the appearance of the development when shown in juxtaposition to neighbouring houses in Falmer Road.
- (3) Councillor Smart enquired regarding the availability / frequency of local public transport. Councillor Wells explained that the site was served by the number 2 bus. This was not a frequent service as it ran three times per hour during the week and less frequently on Sunday. The service ceased early in the evening at around 9.30pm.

Debate and Decision Making Process

- (4) Councillor Barnett stated that she was of the view that provision of 12 cycle parking spaces on site but no car parking provision was unacceptable. Given the out of town location of the site she considered that residents were likely to be car owners. Councillor Barnett made reference to PPG 13, which stated that the car still had an important role to play and would continue to be the only satisfactory means of transport especially in areas away from the city centre. She was of the opinion the development should provide off-road parking.
- (5) Councillor Hyde, the Chairman referred to the comments received from the Traffic Engineer and noted the response given by the Principal Transport Planner that information received from the Police indicated that there had been no accidents in the vicinity of the site and that adequate on-street parking was available. As a Local Ward Councillor she knew the area well and could not concur with the views of the Traffic Engineer. Although the report had quoted policies which the proposed development was considered to meet, two very important traffic issues had been overlooked in her view. The development would adjoin a doctor's surgery on its south side. Considerable congestion already occurred at this point during surgery hours and it was also close to the junction with the Falmer Road which was very busy.
- (6) To the north side there was the access road to the local high school which had a roll of 1200 and this figure was anticipated to expand. The school road was also located close to the junction with the Falmer Road. This junction had poor visibility and difficult access and as a Ward Councillor she was regularly approached by local residents requesting that a mini roundabout be installed. The feasibility of so doing had been explored twice within the last five years but had been rejected. The proposed off-site parking would serve to aggravate the situation at this already dangerous junction.
- (7) The Chairman queried the fact that the report did not mention these issues and requested to know the time at which the traffic survey had been carried out. She was informed that the survey had taken place at 8.00pm. The Chairman stated that in her opinion this was unsatisfactory, as both the doctor's surgery and the school would have been closed at that time and the impact of both of these was important, particularly as the report recognised that the development would result in 8 additional cars being parked on the road at the junction. In her view the development would be contrary to policy TR7.
- (8) Councillor Mrs Theobald sought clarification regarding the height of the properties, the size of their proposed gardens and details of the distance from the rear of the neighbouring properties. She considered that this form of development was too dense and was out of character with the neighbouring properties located in Falmer Road. In her view the development constituted "town cramming". The properties in Falmer Road were detached properties with large gardens. There was currently one building located on the application site. She considered it would be appropriate to provide fewer larger dwellings on site with dedicated parking.
- (9) Councillor Wells stated that given that the development would generate 8 vehicles which would need to park nearby, this could result in parking on the grass verge close to the entrance to the doctor's surgery which would be unacceptable. The area was not

well served by public transport; the one available bus was infrequent and did not travel directly into the city centre. He was in agreement with Councillor Mrs Theobald that on-site parking should be required.

- (10) Councillor Kennedy referred to the existence of slow worms on site stating that in future it would be useful if the Council's ecologist could be in attendance to answer any questions in respect of those applications on sites which were of special interest or where flora or fauna had been identified as being present. She had concerns that if planning permission was to be granted, works might be delayed until November of that year and was seeking confirmation that this would not be the case. The Development Control Manager confirmed that she would seek clarification of this matter on her behalf.
- (11) Councillors Davey and Steedman stated that the proposed scheme would provide quality family homes. Residents would not be precluded from owning cars which could be parked nearby. Access arrangements which would involve vehicles crossing the highway to / from Falmer Road were considered hazardous. The proposed solution was acceptable in their view. Councillor Steedman stated that as the level of available on-street parking was considered adequate, the scheme should be supported.
- (12) Councillor Hamilton concurred that the scheme was acceptable, referring to the fact that on-street parking did not appear to be in short supply within the immediate area, expressions of support had also been received from Rottingdean Parish Council and other community groups. The Chairman stated that in the past the Parish Council and the Rottingdean Preservation Society had been informed that they could not object to a planning application on parking / traffic grounds. The Development Control Manager confirmed that there was only one Parish Council in the City and that Officers had given training to Councillors on Rottingdean Parish Council. The Development Control Manager confirmed that parking, traffic, and transport issues are material planning considerations.
- (13) A vote was taken and on a vote of 6 to 6 the Officer's recommendation for Minded to Grant planning permission was refused. A second vote was taken and on a vote of 6 to 6 a recommendation to refuse planning permission was refused. On the Chairman's casting vote planning permission was refused in the terms set out below.

235.9 **RESOLVED** – That the Committee resolves to refuse planning permission for the following reasons:

1. Policy QD3 states 'in order to avoid town cramming open space and grassed areas within urban areas should be retained'. Properties in the Falmer Road area are characterised by being detached with large gardens. The existing site contains one large building and it is currently in keeping with the character of the Falmer Road area. The proposal does not reflect the character of the existing area. The proposal is therefore contrary to the objectives of policy QD3 of the Brighton & Hove Local Plan.
2. The proposed development is located in an area with low public transport accessibility. Policy TR3 stated that planning permission will not be granted for development proposals that would generate an inappropriate level of car parking

in locations that fall within areas of low public transport accessibility. The proposal is therefore contrary to the objectives of policy QD3 of the Brighton & Hove Local Plan.

3. The proposed development which includes six residential units would increase the danger to users of adjacent pavements and roads, and exacerbate the congestion at the Falmer Road junction. No alternative solutions have been submitted which would overcome the concerns raised. The proposal is therefore contrary to policy TR7 of the Brighton & Hove Local Plan.

Note: Councillors Carden, Davey, Hamilton, Kennedy, McCaffery and Steedman voted that minded to grant planning permission be given. Councillors Barnett, Hyde (Chairman), Norman, Smart, Mrs Theobald and Wells voted that planning permission be refused on the grounds set out above. Therefore, on the Chairman's casting vote planning permission was refused.

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

(iii) DECISIONS ON APPLICATIONS DELEGATED TO THE DIRECTOR OF ENVIRONMENT

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

Note 1: All decisions recorded in this 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 should 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 on 23 February 2005.

237. 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

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

Applications:	Site Visit Requested by:
*BH2008/02303, "Elmhurst, Warren Road, Woodingdean	Development Control Manager
*BH2008/03893, Land Adjacent, Brighton Health And Racket Club	Development Control Manager
BH2008/00658, 112-113 Lewes Road, Brighton	Development Control Manager
*BH2009/00414 & 00414, The Old Market, 11A Upper Market Street, Hove	Mr Small, CAG ; Development Control Manager
*BH2008/02077, 01985 & 01986, 79–80 Western Road, Hove	Councillor Hyde, The Chairman

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

The meeting concluded at 6.00pm

Signed

Chair

Dated this

day of

APPEAL DECISIONS

	Page
A. BRUNSWICK & ADELAIDE	
Applications (a) 008/01692, & (b) BH2008/01691, Rear of 70 Brunswick Place, Hove. Appeals against (a) refusal to grant listed building consent and (b) refusal to grant planning permission for a new eco home in location of existing double garage facing Lansdowne Road. (Committee Decision) APPEALS DISMISSED (copy of the letter from the Planning Inspectorate attached).	21
B. REGENCY WARD	
Application BH2008/01466, 21 Clifton Hill, Brighton Appeal against non-determination and refusal to grant planning permission for reinstatement of a canopy to bay window on the front elevation.(Committee Decision) APPEAL DISMISSED (copy of the letter from the Planning Inspectorate attached).	25
C. STANFORD WARD	
Application BH2008/00307, 4 Tongdean Road, Hove. Appeal against refusal to grant planning permission for partial demolition and alterations to existing dwelling and erection of new dwelling with separate garage, new access road and landscaping at land to the rear.(Committee Decision) APPEAL DISMISSED (copy of the letter from the Planning Inspectorate attached).	29
D. ST PETER'S & NORTH LAINE WARD	
Application BH2008/02517, 45 Lewes Road, Brighton. Appeal against refusal to grant planning permission for "1.first floor double glazed window with PVC frame 2 feet wide x 4 feet high (60 x 120), front of property. 2. rear access staircase from ground floor to 1st floor using existing window as entrance. (Committee Decision) APPEAL DISMISSED (copy of the letter from the Planning Inspectorate attached).	31

E. QUEEN'S PARK WARD

Enforcement Notice BH2007/0734, Land at 15 St James's Street, Brighton 43-45 Appeal against terms of enforcement notice under section 174(2)(a),(e), and (g) of the Town and Country Planning Act 1990 as amended. (Committee Decision) **APPEAL DISMISSED** – except that the notice be varied by the deletion of 12 weeks and the substitution of six months as the period for compliance (Copy of the letter from the Planning Inspectorate attached). **35**

F. EAST BRIGHTON WARD

Applications (A) BH2008/00774, 102 Marine Parade, Brighton. Appeal against refusal to grant planning permission for external paving to provide parking / access drive (retrospective). Delegated Decisions) **APPEAL DISMISSED** (copy of the letter from the Planning Inspectorate attached). **39**



Appeal Decisions

Site visit made on 20 January 2009

by **Elizabeth Fieldhouse** DipTP DipUD
MRTPI

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

RECEIVED
19 FEB 2009

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Decision date:
17 February 2009

Appeal A Ref: APP/Q1445/E/08/2089723

Rear of 70 Brunswick Place, Hove, BN3 1NB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Michael Knowles against the decision of Brighton & Hove City Council.
- The application Ref BH2008/01692, dated 9 May 2008, was refused by notice dated 11 August 2008.
- The works proposed are new eco-home in location of existing double garage (facing Lansdowne Road).

Appeal B Ref: APP/Q1445/A/08/2089721

Rear of 70 Brunswick Place, Hove, BN3 1NB

- 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 Michael Knowles against the decision of Brighton & Hove City Council.
- The application Ref BH2008/01691, dated 9 May 2008, was refused by notice dated 15 August 2008.
- The development proposed is a new eco-home in location of existing double garage (facing Lansdowne Road).

Decision

1. I dismiss the appeals.

Procedural matters

2. The tree closest to the proposed building has been removed with the agreement of the Council. The Council considers that the protection of remaining trees could be adequately covered by condition. I saw nothing at my site visit to make me take a different view and I shall not consider this matter further.

Main issues

3. I consider the main issue in respect of appeals A and B is the effect of the proposed development on the character and appearance of the area, having regard to the location within the curtilage of a listed building in the Brunswick Town Conservation Area; and in respect of appeal B only is whether the proposed development would provide a satisfactory standard of accommodation in terms of sustainability and the lifetime homes criteria.

Reasons

19 FEB 2009

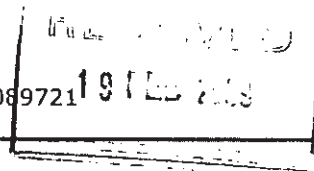
Character and appearance

4. The appeal site comprises an existing double garage to the rear and in the curtilage of 70 Brunswick Place, a grade II listed end of terrace building from the mid 19th century. The terrace is characterised by painted stucco elevations with classical architectural detailing in which the sash windows provide a repetitive detail to the terrace and a strong vertical emphasis to individual buildings. While the street frontage elevations have more detailing than the rear, I consider that both are important. In relation to no. 70, I saw that both the road front façade and the rear elevation are clearly evident in the street scene and viewed in conjunction with the appeal site from Lansdowne Road. The listing includes the walls, piers and attached railings, with the proposed building linked/abutted to the wall.
5. 70 Brunswick Place is four-storey over basement and is divided into flats with the basement flat accessed through the garden gate from Lansdowne Road. The garden is only accessible to the basement and ground floor flats. The proposal would involve the replacement of the garage, with a maximum height of around 3.4m, by a single storey dwelling/studio flat with direct access off Lansdowne Road and the garden that would be shared between the existing flats and the proposal. The garden would also accommodate a covered bicycle store and a refuse/recycling store being accessed from Lansdowne Road via the existing gate in the about 1.7m high boundary wall.
6. The appeal site is within a residential area and further residential development would accord with Government policy in Planning Policy Statement 3 *Housing* which provides for the efficient use of land but the policy advises that this should be without compromising the quality of the local environment. I consider that the existing double garage does not make a positive contribution to the conservation area but, due to its height in relation to the attached boundary wall, it is not prominent in the street scene nor does it visually compete with the scale and materials of the attached listed wall or no.70. I find no harm from the loss of garaging or its replacement by a residential unit providing this can be achieved without harm to the character or appearance of the conservation area or the setting of the listed building and associated features, and providing a satisfactory standard of accommodation can be achieved.
7. The proposed building, on the footprint of the existing garage, would be about 4.7m high, around 1.3m higher than the existing garage, at the back-edge of the pavement along the southern side of Lansdowne Road. Due to its height on the Lansdowne Road frontage, I consider that the proposal would be a prominent feature in the street scene and be perceived as dominating the listed boundary wall. The building would drop to about 3m high adjoining the boundary with the garden to no.68, a similar height to the existing garage. The mono-pitch roof would be used to accommodate roof lights and solar panels within a grassed surface, but this would not be evident from the road.

8. The roadside elevation would incorporate a translucent window about 1.9m square with an approximately 0.5m high sill. There would also be an approximately 1.6m high window above, and the width of, the timber front door. The glazed and entrance elements would be linked by local sourced sweet chestnut cladding which would be set within the rendered wall. Rather than providing a more informal and varied treatment to the street scene, by reason of its frontage scale, window arrangements/emphasis and mix of materials, I consider that the proposed roadside frontage of the building would create a discordant element not reflecting or complementing the street scene and harming the setting of the listed building and associated features. In my opinion, the proposal would not respond to its context, would appear incongruous in its setting and dilute the visual importance/value of the listed structures within the setting of the listed building.
9. The existing garden is very limited in size and with the proposal would provide the open space for an additional unit as well as accommodating a bike store and refuse recycling store that would leave very little useable open space. Nevertheless, the majority of the units in the existing property have no access to private open space and the sea front with associated open space is only a short distance away. The proposed dwelling would occupy no more of the garden area than the existing garage and I do not find the use of the open area by an additional unit so harmful as to justify the refusal of planning permission for this reason.
10. Nevertheless, by reason of its design, frontage scale and materials, I consider that the proposal would fail to preserve or enhance the character or appearance of the conservation area and would harm the setting of the listed building and associated structures contrary to sections 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policies HE3 and HE6 of the Brighton & Hove Local Plan 2005 (LP). For this reason the appeals should be dismissed.
11. I have noted the other buildings to which the appellant refers. I do not find them directly comparable in location, relationship to listed buildings and/or relationship of openings to walls/materials. In my opinion, they do not provide a justification for the appeal proposal which I have found harmful having considered it on its merits in the light of the relevant development plan policies and other material considerations.

Sustainability and lifetime homes

12. In February 2008 the Government confirmed that from 1 May 2008 it would be mandatory for all new homes to be rated against the Code for Sustainable Homes. The Code for Sustainable Homes replaces BREEAM EcoHomes standards for new housing in England with the BREEAM EcoHomes standard no longer relevant for housing. LP policy SU2 provides for efficiency of development in the use of energy, water and materials. The appellant has indicated that the development would be carried out to level 3 in the Code for Sustainable Homes. Although not all the details are included at this stage, in view of the appellant's willingness to meet code level 3, I am satisfied that such matters could be adequately required by condition.



-
13. The proposed layout of the bathroom on the appeal drawings would not provide adequate space for a disabled occupier to access all facilities. The appellants consider that there is sufficient room within the proposed bathroom for the facilities to be rearranged so that the development would meet the criteria for 'lifetime homes' and allow for use by a wheelchair occupier. It has not been fully demonstrated that this could be achieved in the wet room without conflict between the necessary elements. Therefore I consider that the provisions of LP policy HO13 would not be fully met.
 14. For the reasons given above I conclude that the listed building appeal should fail and the planning appeal should be dismissed.

Elizabeth Fieldhouse

INSPECTOR



Appeal Decision

Site visit made on 17 March 2009

by **Phil Grainger** BA(Hons) MRTPI

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

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Decision date:
23 March 2009

Appeal Ref: APP/Q1445/A/09/2093731

21 Clifton Hill, Brighton BN1 3HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr A Earley against Brighton & Hove City Council.
- The application ref: BH2008/01466, is dated 21 April 2008.
- The development proposed was described as the reinstatement of a canopy to a bay window on the front elevation.

Decision

1. I dismiss the appeal and refuse planning permission for the development described above.

Preliminary Matter

2. Since the appeal was made the Council have indicated that they would have refused permission on the grounds that the design and detailing of the canopy is historically inaccurate and that it would therefore be a harmful addition that would detract from the historic character of the building and the wider street-scene. Accordingly they consider that the proposal would not preserve or enhance the character or appearance of the area. They have also noted some inconsistencies in the drawings.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host building and the streetscene, which is within the Montpelier and Clifton Hill Conservation Area.

Inspector's Reasoning

4. Many properties in the Conservation Area have ornate canopies around their ground floor bay windows. They are a particular feature of Clifton Terrace but also occur less consistently on some other streets including Clifton Hill. The Council now accept that no. 21 Clifton Hill once had a canopy. However, its form is unclear as the canopy has been lost and more recently the bay window seems to have had a tiled roof of a form common in many areas, but not this part of Brighton (though there is one at higher level on the adjoining property, no. 22). In any event, the bay currently has only what appears to be a temporary covering including plastic sheeting.
5. The appeal proposal seeks to replace this with a canopy with zinc sides curving up to a flat top and with decorative fretted valances around the bottom edge. The curved sides and fretted valances reflect the general form of many canopies in the area. However, the Council consider that the photographic evidence suggests that the original canopy at no. 21 did not have a flat top but

that the curved sides ran into the main wall of the house. Moreover, that would in their view be consistent with other properties where the canopy does not have large masonry cornice. Accordingly they consider that the proposed canopy would be historically inaccurate.

6. I have taken this into account. However, the photographs show only a very small part of the canopy to no. 21 and it is impossible to tell from them whether it had a flat top or ran into the wall. Even in respect of no. 20 it is, in my view, not possible to be certain that the canopy ran directly into the wall although it does appear to lack a large masonry cornice. In any event, whilst the Council consider that the canopies at nos. 20 and 21 would have been similar, there seems at the present time at least to be a larger gap between the ground floor and first floor windows at no. 20 than at no. 21. Taking all this into account I consider that what can be seen of the canopy of no. 20 in the photographs is not necessarily indicative of what existed at no. 21 and that the form of the original canopy there remains somewhat conjectural.
7. Moreover, whilst attractive and apparently dating from the mid-nineteenth century, no. 21 is not a listed building where historical accuracy would, in my view, carry greater weight. Instead it is a building in a conservation area where the statutory test relates to the effect on the character or appearance of the area rather than the building. If a proposal would maintain or enhance the character or appearance of the area it will (provided there are no other objections) be acceptable.
8. In this Conservation Area there are many canopies with flat tops, curved sides and ornate valances and they do not all appear to follow exactly the same pattern. In my judgement, whether or not a flat topped canopy has ever existed on this particular building, a canopy taking such a form is in principle capable of maintaining the character of the area. Indeed it could be argued that it would be an improvement relative to the existing covering or a return to something similar to the roof over the first floor bay at no. 22. That said, I have been given no clear indication of what the appellant intends to do if permission for a canopy along the lines proposed is not forthcoming.
9. In addition I do not fully share the Council's concerns on a number of other matters including the width of the canopy relative to the first floor window above and the relationship to the door opening. From my observations there appears to be some variation in these respects amongst the canopies in the area. Moreover the built form along Clifton Hill generally shows more variation than some other parts of the Conservation Area. Taking all this into account, along with the non-listed status of the building, I consider that it is not necessary to be extremely prescriptive about such matters and that provided the relationships are harmonious the lack of any precise historical precedent need not be an overriding objection.
10. I am however concerned about the variations between the various drawings that make it difficult if not impossible to assess how satisfactory the proposed canopy would be. Amongst other things, whilst the canopy would lack the deep masonry cornice that is typical of flat topped canopies in the area it is not clear what form the edging around the top would in fact take. Even if the treatment shown on the appeal drawing (ECH7A) is taken to be consistent on the section and elevation the drawing submitted with the appellant's final comments (ECH7B) seems not to be, whilst the more detailed 1:10 section (ECH8), which

might be expected to resolve matters, appears to show yet another variation. Moreover, the later drawings are, I understand, illustrative only.

11. I am also concerned about what appear to be discrepancies in the levels of the bottom of the first floor window as shown on the elevation and the section. Whilst the difference may be small it would affect the gap between the top of the canopy and the cill of the window above. The section appears to be carried through from the survey drawings and as this suggests a slightly lower level for the window cill the gap, which at best would be small, may become almost imperceptible. The detailed section (ECH8) seems to confirm that.
12. There are other discrepancies relating to the width of the canopy which the appellant has sought to address with the illustrative drawing (ECH7B) submitted after the appeal was made. The result of all this is that there is no drawing that I can rely on to form a clear view as to what the finished appearance of the canopy would be. In particular there are uncertainties regarding its width, how steeply sloping the sides would be, the detailing of the edge of the flat top, and the gap to the first floor window cill.
13. Although it has been suggested that these matters could be dealt with by conditions, in my view they go well beyond what can be dealt with safely and satisfactorily in that way. They affect the proportions of the canopy and its relationship to other features of the building and this, in my view, has the potential to have significant implications for how harmonious an addition it would be. I am especially concerned that it is uncertain that a clear separation between the first floor window cill and the top of the canopy can be achieved at all. Moreover, if a characteristic gap cannot be achieved it will be all the more important to ensure that the other discrepancies are resolved in a way that is sufficient to offset this, assuming that to be possible.
14. Accordingly, whilst in principle I consider that a flat topped canopy may be acceptable, there are so many deficiencies and discrepancies in the proposal before me that I cannot be confident that it would in fact preserve or enhance the character or appearance of the Conservation Area. Moreover, alternative solutions may be available other than a reversion to the apparently rather unsympathetic covering that seems to have existed in the recent past. I conclude that the proposal is contrary to development plan policy, in particular Policy HE6 of the Brighton and Hove Local Plan. For the reasons set out above and having taken all other relevant considerations into account I therefore conclude that the appeal should not succeed.

P Grainger

INSPECTOR



Appeal Decision

Site visit made on 20 February 2009

by **Richard A. Hersey BA DipTP MRTPI**

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Decision date:
31 March 2009

Appeal Ref: APP/Q1445/A/08/2087068

4 Tongdean Road, Hove BN3 6QB

- 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 Christopher Liu against the decision of Brighton & Hove City Council.
- The application, ref. BH2008/00307, dated 31 January 2008, was refused by notice dated 7 April 2008.
- The development proposed is *Partial demolition and alterations to existing dwelling and erection of new dwelling with separate garage, new access road and landscaping at land to the rear.*

Decision

1. I dismiss the appeal.

Main issues

2. I consider that there are three main issues. One issue is the effect of the development on the character of the Tongdean Conservation Area. The second issue is the likely effect on the living conditions of neighbouring residents. The third issue is the likely effect on highway safety.

Reasons

3. 4 Tongdean Road is a large detached house with an attached double garage at the side, within the Tongdean Conservation Area. It is proposed to demolish the garage and construct an access road to a new house to be erected on what is now part of the rear garden of no.4. The house would be L-shaped, on basement, ground and first floors, with a pitched roof. There would be a detached double garage.
4. The Tongdean Conservation Area is characterised by large detached houses, in a wide variety of styles and with generally large gardens. The Council has not raised objection in principle to the formation of a separate development plot in this back land location, since the principle of this type of development has been approved on adjoining plots, albeit somewhat larger than the appeal site, to the south and west at 6B Tongdean Road and 1 and 2 Tongdean Place.
5. Because of its back land position, the new house would not have any noticeable effect on the street scene. I do not consider that the demolition of the garage and construction of the access road would be harmful to the appearance of the existing house or the character of the area.
6. Although the development would involve the removal of some existing vegetation, including some small trees on the site of the access road and the house itself, the appellant's landscape details indicate that most of the significant trees and boundary

hedges would be retained and several smaller trees would be replanted. I am satisfied that, in terms of the effect on trees and the garden character of the site, the development would not involve the unreasonable loss of existing vegetation. However, for the reasons given below, I share the concern of the Council and some of the immediate neighbours about the size and siting of the house and, to that extent, the development would fail to preserve or enhance the character of the conservation area; it would in that respect not accord with policy HE6 (development within conservation areas) of the Local Plan.

7. With regard to the second issue, I acknowledge that the house would have a contemporary appearance and would be designed to maximise energy efficiency measures. However, I consider that, because of its L-shape, with each wing about 15m long, the size of the house would be particularly prominent to neighbouring residents, in particular nos. 2 and 6B Tongdean Road.
8. On the east side, the two storey rear wall would be only about 3.5m from the boundary with 2 Tongdean Road. Despite the rise in ground level towards the east and the screening effect of an existing hedge, it seems to me that the wall of a dwelling of this size and in this position would be unduly obtrusive in the outlook from the rear of no.2 and its rear garden.
9. On the west side, there is a substantial drop in ground level to the rear garden of 6B Tongdean Road. Although there would be no windows in the end wall of the nearest part of the new house, about 5m from the boundary, I consider that the effect of this wall and of the main west facing wall, about 13.5m from the boundary, would be particularly obtrusive when viewed from the house and garden at 6B, resulting in an unreasonable sense of enclosure, despite the presence of a pool building close to the boundary. I have noted the appellant's comments regarding the possibility of an extension at no.6B but this does not affect my consideration of the present circumstances.
10. On the southern boundary, where there is also a fall in ground level, the development would be clearly visible from the front of 2 Tongdean Place but, given the orientation of the respective buildings, the screening effect of vegetation and the garage block on this boundary, I do not consider that the development would be unduly obtrusive in this case. However, on this issue I consider that the proposal, by reason of its size and siting, would involve an un-neighbourly form of development, in conflict with policy QD27 of the Local Plan.
11. With regard to the third issue, the Council considers that the length of the single width access road may give rise to unsafe vehicle turning or waiting on the highway. However, adequate space for vehicles to pass each other would be available within the site at each end of the access road to prevent any likely problem to pedestrian or vehicle safety. I do not support this reason for refusal but, for the reasons given above, I conclude that the appeal should not be allowed.

R.A.Hersey

INSPECTOR



Appeal Decision

Site visit made on 24 February 2009

by **Philip Willmer BSc Dip Arch RIBA**

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

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Decision date:
17 March 2009

Appeal Ref: APP/Q1445/A/08/2092427
45 Lewes Road, Brighton, East Sussex, BN2 3HQ.

- 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 Titus Fung Wong Cheung against the decision of Brighton and Hove City Council.
- The application Ref BH2008/02517, dated 18 August 2008, was refused by notice dated 20 November 2008.
- The development proposed is described as "1. First floor double glazed window with PVC frame 2 feet wide x 4 feet high (60x 120) front of property. 2. Rear access staircase from ground floor to 1st floor using existing window as entrance".

Decision

1. I dismiss the appeal in so far as it relates to the insertion of the new window in the Lewes Road façade of the building at first floor level.
2. I allow the appeal in so far as it relates to the external metal staircase and replacement of the first floor window in the rear elevation with a door. I therefore grant planning permission for the external metal staircase and replacement of the first floor window in the rear elevation with a door at 45 Lewes Road, Brighton, East Sussex, BN2 3HQ in accordance with the terms of the application Ref. BH2008/02517, dated 18 August 2008, and the plans submitted therewith.

Procedural Matters

3. The works proposed have been carried out. Accordingly, I was able to see the design of both the window to the street façade and the rear door at first floor level, shown proposed on the application drawings but not detailed, as well as the staircase. I have therefore proceeded to determine the appeal on the basis of the completed works.

Main Issues

4. I consider that there are two main issues in this case. The first is the effect of the proposal on the character and appearance of the property, the terrace of which it is part and the surrounding area. The second issue is its effect on the living conditions of the occupiers of the adjoining properties, in respect to the potential for overlooking and a loss of privacy from the proposed staircase.

Reasons

Character and appearance

5. The property the subject of this appeal is one of five two storey buildings, over basement, in a short terrace located on the west side of the busy Lewes Road. The ground floors, as this one, which is a fish and chip shop, are in commercial use with residential accommodation over. The terrace runs between St Martin's Street and St Paul's Street. Due to the short back to back gardens of the houses in those streets, they are overlooked from the rear of the properties in the terrace. In addition, I saw that there is a common pathway, running along the side boundaries of 2 St Martin's Street and 1 St Paul's Street, linking the rear amenity areas of numbers 42, 43, 44 and 45 to St Martin's Street. This is raised and allows public views into the rear yards from it.
6. The terrace, despite a variety of shop fronts, has a uniform appearance with a single bay window at first floor level, typical of similar terraces in Brighton.
7. The appellant has carried out a number of alterations to make the first floor accommodation self-contained. These include the erection of an external metal staircase and the replacement of a first floor rear facing window with an uPVC door.
8. Further, he has inserted a new uPVC window at first floor level into the street elevation to allow for the subdivision of the original large front room to provide a small additional bedroom. The terrace has a simple, attractive uniform appearance. In my opinion, therefore, the insertion of a window here has detracted from the rhythm of the existing fenestration pattern and the relationship of void to solid, to the detriment of the architectural integrity of the original architectural composition. The window appears as an incongruous addition damaging to the appearance of the host building, the terrace and thereby the wider street scene.
9. Number 45 would be the only property in the terrace to have an external metal staircase. However, as installed it is typical of such external access stairs of which there are numerous examples in the area. Further, the staircase would not be visible from the street. I therefore agree with the Council that it would not have a harmful impact on the character and appearance of either the host property or the surrounding area. Similarly, in my view, the door as installed would have little if any detrimental visual impact.
10. I conclude in respect of the first main issue that the new window to the front elevation would harm the character and appearance of the property, the terrace of which it is part and the surrounding area contrary to Brighton and Hove Local Plan (LP) Policies QD1, QD2 and QD14 as they relate to the quality of development. However, the new staircase and door to the rear elevation would not and are therefore acceptable. I appreciate that the new window provides light and ventilation to the new bedroom. However, and while sympathetic to the appellant's wish to form an additional room, this is not, to my mind, a compelling reason to allow the window having regard to the harm that I have found.

Living conditions

11. The metal staircase incorporates a low level half landing along with a further larger landing immediately outside the rear door at first floor level. In my opinion
-

these are not so large as to act in any real sense as balconies as suggested by the Council. I do not consider that people are likely to congregate on the staircase or use it other than for access.

12. The staircase may well allow for some additional overlooking of neighbouring properties by people using it. However, due to the configuration of the properties and this high density urban location some mutual overlooking is to be expected. Accordingly, I conclude in respect of the second main issue that neither the new door nor the external staircase has lead to significant overlooking or loss of privacy.
13. In this respect the development would accord with the objectives of LP Policy QD27 as it relates to the impact of development on the living conditions of neighbouring residential occupiers.
14. The Council has not suggested any conditions in the event that I am minded to allow this appeal. As the works have been completed I do not consider, therefore, that the imposition of conditions is necessary in this case.
15. The part of the proposal that relates to the front window, I consider is clearly severable being physically and functionally independent from the new first floor rear door and external staircase and that a split decision is, therefore, appropriate. For the reasons given above, and having regard to all other matters raised, I consider that the appeal should be dismissed in so far as it relates to the new window in the Lewes Road façade, but should be allowed in so far as it relates to the new rear door and external metal staircase to the rear.

Philip Willmer
INSPECTOR



Appeal Decision

Site visit made on 9 March 2009

by **Katie Peerless Dip Arch RIBA**

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

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Decision date:
19 March 2009

Appeal Ref: APP/Q1445/C/08/2088914

Land at 15 St James' s Street, Brighton BN2 1RF

- 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 M Ramis against an enforcement notice issued by Brighton & Hove City Council.
- The Council's reference is 2007/0734.
- The notice was issued on 29 September 2008.
- The breach of planning control as alleged in the notice is the installation of box security shutters to South and West elevations of the shop premises.
- The requirements of the notice are:
 - a. Remove the two external box roller shutters at the George Street elevation and remove the single box roller shutter at the St James's Street elevation.
 - b. Make good any damage to the shop front caused by the removal of the shutters.
- The period for compliance with the requirements is twelve weeks.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (e) and (g) of the Town and Country Planning Act 1990 as amended.

Decision

1. I direct that the enforcement notice be varied by the deletion of twelve weeks and the substitution of six months as the period for compliance. Subject to this variation, I dismiss the appeal, uphold the enforcement notice, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ground (e)

2. The appellant claims that the enforcement notice was not properly served because, if it had been posted, it might not have arrived as the post code of his address was wrong. However, the enforcement notice was served personally on the appellant and he is clearly aware of its contents and requirements. The hypothetical possibility he refers to does not invalidate the notice and I conclude that it was properly served. The appeal on ground (e) does not therefore succeed.

Ground (a)

3. The appeal site is a mobile phone shop/internet café in a corner location in an area containing a variety of commercial premises within the East Cliff Conservation Area. The area is bustling and vibrant and, in George Street, is characterised by generally small, specialist shops whereas in St James's Street the shop units tend to be larger.

4. The boxes housing the security shutters that have been installed at the appeal site are mounted above, and project beyond, the shopfront on two elevations of the building. The roller shutters are constructed of steel slats, painted yellow, and have a solid appearance when lowered.
5. The appellant considers that such security measures are necessary to prevent break-ins to his premises, as the stock is clearly visible behind the plate glass windows of the shop and is of high value and easily carried away. He notes that there have been two recent attempts to enter the premises and he also points to a number of other premises in the area where such shutters have been installed.
6. Saved policies QD5, QD8, QD10 and HE6 of the Brighton and Hove Local Plan 2005 (LP), supported by Supplementary Planning Guidance 02 (SPD) on shop front design, resist the installation of this type of solid shutter, particularly in conservation areas, as they are considered to be unsightly and create a sterile and forbidding appearance. Whilst box shutters may be an effective means of providing security there are, nevertheless, other practical alternatives, some of which have been outlined by the Council in its representations and are referred to in the SPD.
7. The appellant has drawn my attention to a number of shops in the vicinity that have some form of external security shutters similar to those on the appeal site. However, I am told that one of the quoted examples was permitted under a different policy regime and the Council has given details of other, recently refused, applications for shutters that were also refused at appeal. I consider that the Council's stance on resisting the incremental accumulation of such shutters should be supported, as they have a damaging effect on the character of the conservation area by presenting a blank and standardised façade to what should be a varied and welcoming street scene. Such shutters also attract graffiti, as can be seen on the photographs of the appeal site submitted by the appellant. In these circumstances, I consider it important to support the principles set out in the Council's shopfront design guide, which clearly notes that solid external shutters are generally unacceptable.
8. Policy QD8 does allow for exceptions to this rule, where special circumstances apply. These include isolated locations, which this is clearly not, and where there is evidence, supported by the police, that security poses a special problem and all other appropriate security measures advised by the police have been put in place. The appellant has provided no such evidence in this case and the claim that the property cannot be insured without external box roller shutters is not supported by the limited information presented with the appeal documentation. In any event, the SPD and policy QD8 make clear that even if a solid external roller shutter is permitted in exceptional circumstances, the box housing must concealed behind the fascia or set back beneath it. On the appeal property they are not.
9. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the box shutters fail to preserve the character and appearance of the conservation area and there are no special circumstances that indicate that planning permission for them should be granted. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Ground (g)

10. The appellant asks for twelve months to comply with the enforcement notice, rather than the twelve weeks granted by the Council. The Council has agreed to an extension of time, but not to the extent asked for by the appellant. The appellant states that it will take considerable time to gain approval for alternative security measures and does not want the premises left vulnerable if the shutters have to be removed before an alternative scheme has been agreed.
11. I see no reason to prolong the harm to the conservation area for any longer than is absolutely necessary and it seems to me that six months would be a reasonable compromise to replace the shutters with more suitable security measures, particularly given the comprehensive and detailed advice available in SPD 02. Internal shutters would not need planning permission and, in any event, the Council has powers under S173A(1) to vary the period for compliance whether or not the enforcement notice has come into force, should circumstances, such as a delay on their part in approving another scheme, indicate this to be necessary.
12. I will, therefore, vary the enforcement notice to substitute six months as the period for compliance and the appeal on ground (g) succeeds to this extent.

Katie Peerless

Inspector



Appeal Decision

Site visit made on 26 February 2009

By David J Rose BScEcon MA HonMRTPI

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**Decision date:
20 March 2009**

Appeal Ref: APP/Q1445/A/08/2092326 102 Marine Parade, Brighton BN2 1AT

- 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 and Mrs K McClymont against the decision of Brighton and Hove City Council.
- The application Ref BH2008/00774, dated 26 February 2008, was refused by notice dated 28 October 2008.
- The development proposed is external paving to provide parking/access drive (retrospective).

Decision

1. I dismiss the appeal.

Main issues

2. This is whether the proposed development would preserve or enhance the character or appearance of the East Cliff Conservation Area.

Reasons

3. The appeal site comprises the front garden area of an end of terrace property. The terrace of three properties 102, 103 and 104 Marine Parade are Grade II listed buildings. There is vehicular access from Burlington Street, to the west by 102, to parking to the front of 103 and 104. This requires using an access way in front of 102 that was granted planning permission and listed building consent in 1999 (Refs: BH/1999/02481/FP and 02482/LB). The permission included the installation of entrance gates and pillars (to Burlington Street) and alterations to the front garden and accepted that a small area of extra paving for parking was appropriate in this location. My understanding is that although the entrance gates were not constructed, some landscaping took place of the front garden of 102 and the area of paving for that access way was laid shortly after those 1999 approvals. This was constructed of grey coloured herringbone block paving.
4. In 2007, planning permission was granted to provide a paved parking area for 104 whilst retaining much of its garden area. This approval followed an assessment by the City Council that the garden is a positive feature of the area and serves as a garden for all three of the properties – regardless of ownership – and that a uniform scheme with a minimal paved area was appropriate. A condition was placed on that permission (Ref: BH/2007/03215) which required the paving to match that already laid down for the access way. Previously, paving of the parking area for 102 (now

before me for consideration) had already been undertaken but of an orange colour, markedly different to the grey of the access way. I am clearly of the view that the application before me has paving which contrasts strongly with both the 1999 access and the parking area at 104. Additionally, the parking area for 102 extends a little deeper into the garden and is wider.

5. The Council have not provided me with an appraisal of the Conservation Area but have suggested there are a number of private gardens, squares and enclosures along Marine Parade which soften the boundary between buildings and the road and are a historical feature of the Conservation Area. They have also maintained that large areas of hard standing to the front are not characteristic of the properties and that there is a strong precedent along Marine Parade to have a large expanse of soft landscaping in front of buildings. Having looked at the fronts of various of the buildings in this part of Marine Parade, I have observed that the grassed area in front of 102 to 104 is a distinctive feature in comparison to the other properties which are either located closer to the public highway with a small front garden or set around crescents with small front gardens and vehicle turning/parking between the properties and Marine Parade. To my mind, the limited paving of the front garden to 102 to 104 with a significant grassed area is part of the character of the area.
6. Lockable bollards have been installed to limit access to the parking for 102 and a dwarf wall erected to separate the parking spaces at 102 from the others. Although, these features are not easily viewed from outside the front area to 102 to 104, I consider that they are not in keeping with the setting of the group of 3 buildings and would establish an undesirable precedent for the area.
7. I note that this is an area with a strong demand for parking and appreciate that there is a prospect of unauthorised use of the parking spaces. Nevertheless, to my mind there would be less visually intrusive ways of restricting access to those spaces than the 4 retractable posts which have been inserted into the hardstanding.
8. I conclude therefore that the extent and colour of the external paving and the presence of the dwarf walls and retractable posts at 102 Marine Parade would not preserve or enhance the character or appearance of the East Cliff Conservation Area. As such the development would be contrary to Policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan 2005 (the Local Plan). It would also have an adverse impact on the setting of a listed building contrary to Local Plan Policy HE3
9. I therefore conclude for the reasons given above and having regard to all other matters raised that the appeal should be dismissed.

David J Rose
INSPECTOR

PLANNING COMMITTEE

Agenda Item 248

Brighton & Hove City Council

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

REGENCY

BH2008/03692

115A Western Road, Brighton

Display of 1 x non-illuminated fascia sign above existing shopfront. (Retrospective).

APPEAL LODGED

19/03/2009

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

REGENCY

BH2008/02993

17-19 Duke Street, Brighton

Replacement of existing roof with Mansard roof extension to create additional storey.

APPEAL LODGED

23/03/2009

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WITHDEAN

BH2008/02926

21 North Road, Brighton

Single storey rear extension.

APPEAL LODGED

23/03/2009

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WITHDEAN

BH2008/02929

21 North Road, Brighton

Single storey rear extension.

APPEAL LODGED

23/03/2009

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

STANFORD

BH2008/02111

34 Court Farm Road, Hove

Conversion to 2 maisonettes and flat in attic space including 2 storey side extension with rear roof terrace and dormer, rooflights, solar panels and division of rear garden.

APPEAL LODGED

23/03/2009

Delegated

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****PATCHAM**

BH2008/02925

49 Old Mill Close, Patcham, Brighton

Erection of detached bungalow.

APPEAL LODGED

23/03/2009

Environmental Services Planning Committee

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****EAST BRIGHTON**

BH2008/02438

1 Belgrave Place, Brighton

Formation of first floor shower room.

APPEAL LODGED

26/03/2009

Delegated

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2008/03636

19 Crescent Road, Brighton

Replacement of existing aluminium windows

with white PVCu sash windows

APPEAL LODGED

30/03/2009

Delegated

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****REGENCY**

BH2008/01784

9 Hampton Place, Brighton

Roof extensions at second floor level to form

additional living accommodation for existing first

floor flat (Resubmission).

APPEAL LODGED

02/04/2009

Delegated

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2009/00063

8 Wivelsfield Road, Saltdean

Extensions and additional storey to property.

APPEAL LODGED

01/04/2009

Delegated



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES 29th April 2009

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

Royal Alexandra Hospital, 57 Dyke Road, Brighton

Planning application no: • BH2007/04462
 • BH2008/02095

Details of application: • Conservation Area Consent for demolition of existing buildings (former children's hospital) (resubmission of BH2007/02925).
 • 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 (including 102 square metres for a pharmacy) together with associated access, parking, amenity space (including a public garden) and landscaping.

Decision: Committee
Type of appeal: Public Inquiry
Date: 12th – 15th May 2009
Location: Council Chamber, Brighton Town Hall

14 Langdale Gardens, Hove

Planning application no: BH2008/02759

Description: Loft conversion to form self-contained flat to include hip to gable end and dormer extension.

Decision: Delegated
Type of appeal: Informal Hearing
Date: 19th May 2009
Location: Hove Town Hall

MyHotel 17 Jubilee Street, Brighton

Planning application no: BH2008/02283

Description: Extension of ground floor restaurant, new mid floor terrace seating with glass balustrade and change of use for pair of adjoining mews houses to a hotel.

Decision: Delegated
Type of appeal: Informal Hearing
Date: 20th May 2009
Location: Hove Town Hall

PLANNING & ENFORCEMENT APPEAL 20-26 York Place, Brighton

Planning application no: BH2008/01562
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.
Linked appeal against enforcement notice. The notice alleges "Various works were carried out without the grant of planning permission".
Decision: Delegated
Type of appeal: Public Inquiry
Date: 2nd – 3rd June 2009
Location: Jubilee Library

PLANNING & ENFORCEMENT APPEAL: Starbucks Coffee Co. (UK) Ltd, 115 St James's Street, Brighton

Planning application no: • BH2008/01039
Enforcement no: • 2008/0250
Details of application: • Change of use from use class A1 (retail) to mixed A1/A3 coffee shop
Details of enforcement: • Alleged unauthorised change of use to mixed A1/A3 use.
Planning Decision: Delegated
Type of appeal: Public Inquiry
Date: 10-12th June 2009
Location: Council Chamber, Brighton Town Hall

ENFORCEMENT APPEAL 14 Richmond Place

Enforcement no: BH2007/02515
Details: UPVC windows installed in the front and rear. BH2002/01062/FP was granted at appeal for residential conversion, but the materials condition was never discharged. The site is in the Valley Gardens Conservation Area, and faces St Peters Church, where UPVC is unacceptable.
Decision: N/A
Type of appeal: Inquiry
Date: 23rd June 2009
Location: Council Chamber, Brighton Town Hall

Gala Bingo Hall & Adjacent Carpark, 193 Portland Road, Hove

Planning application no: BH2008/02586
Description: Demolition of existing building. Redevelopment of site to provide new GP surgery at part ground, part first floor, new D1/D2 unit at ground floor and 38 residential units above in part 3, part 4 and part 5 storey building, including 16 affordable units (40%). Surface car parking and landscaping at rear. (Resubmission of withdrawn application BH2008/00600).
Decision: Committee
Type of appeal: Informal Hearing
Date: 1st July 2009
Location: Council Chamber, Brighton Town Hall

24 Albert Road, Brighton

Planning application nos: • BH2008/02670
• BH2008/02671
Description: • Two storey side extension.
• Demolition of existing garage & erection of a 2 storey side extension to form separate 2 bedroom dwelling (part retrospective).
Decision: Committee
Type of appeal: Informal Hearing
Date:
Location:

23A & E Coleridge Street, Hove

Planning application no: BH2008/03041
Description: Change of use from B1 offices to 6 no. self-contained flats.
Decision: Delegated
Type of appeal: Informal Hearing
Date:
Location:

9 Benfield Close, Portslade

Planning application no: BH2008/01110
Description: Single storey rear extension (retrospective).
Decision: Delegated
Type of appeal: Informal Hearing
Date:
Location:

7 Station Road, Brighton

Planning application no: BH2008/03078
Description: Demolition of existing dwelling and erection of 7 new houses.
Decision: Committee
Type of appeal: Informal Hearing
Date:
Location:

17-19 Duke Street, Brighton

Planning application no: BH2008/02993
Description: Replacement of existing roof with Mansard roof extension to create additional storey.
Decision: Delegated
Type of appeal: Informal Hearing
Date:
Location:

46 Dyke Road, Brighton

Planning application no: BH2007/04469
Description: Partial demolition and alterations to existing house and erection of a two storey detached house to the rear.
Decision: Committee
Type of appeal: Hearing
Date:
Location:

Land to rear 107 Boundary Road, Portslade

Planning application no: BH2008/03449

Description: Construction of new partially sunken 3 bedroom single storey dwelling with flat roof and rooflights.

Decision: Committee

Type of appeal: Informal Hearing

Date:

Location:

107 Boundary Road, Hove

Planning application no: BH2008/03442

Description: Demolition of existing house and construction of 2-storey building with pitched roof and lightwell to form 7 flats. (Amended Description).

Decision: Committee

Type of appeal: Informal Hearing

Date:

Location: