



**Brighton & Hove  
City Council**

# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>20 May 2009</b>
Time:	<b>2.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<p><b>*Councillors:</b>Hyde (Chairman), Wells (Deputy Chairman), Barnett, Carden (Opposition Spokesperson), Davey, Hamilton, Kennedy, McCaffery, K Norman, Smart, Steedman and C Theobald</p> <p>*To be confirmed at meeting of Annual Council on 14 May 2009</p> <p><b>Co-opted Members:</b> Mr J Small (CAG Representative)</p>

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## AGENDA

### 1. 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.*

### 2. MINUTES OF THE PREVIOUS MEETING

1 - 26

Minutes of the meeting held on 29 April 2009 (copy attached).

### 3. CHAIRMAN'S COMMUNICATIONS

### 4. PETITIONS

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

### 5. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 13 May 2009)

No public questions received by the date of publication of the agenda.

### 6. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 13 May 2009)

No deputations received by the date of publication of the agenda.

## **PLANNING COMMITTEE**

### **7. WRITTEN QUESTIONS FROM COUNCILLORS**

No written questions have been received.

### **8. LETTERS FROM COUNCILLORS**

No letters have been received.

### **9. NOTICES OF MOTIONS REFERRED FROM COUNCIL**

No Notices of Motion have been received.

### **10. APPEAL DECISIONS**

**27 - 50**

(Copy attached).

### **11. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

**51 - 52**

(Copy attached).

### **12. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

**53 - 56**

(Copy attached).

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

### **14. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST:20 MAY 2009**

(Circulated separately).

### **15. 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**

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

<p><b>PLEASE NOTE: 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.</b></p>
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## PLANNING COMMITTEE

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

Date of Publication - Tuesday, 12 May 2009



<b>PLANNING COMMITTEE</b>	<b>Agenda Item 2 Brighton &amp; Hove City Council</b>
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**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 29 APRIL 2009**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Hyde (Chairman), Wells (Deputy Chairman), Allen, Barnett, Carden (Opposition Spokesperson), Davey, Fallon-Khan, Hamilton, Kennedy, Smart, Steedman and C Theobald

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

**Officers in attendance:** Jeanette Walsh (Development Control Manager), Steve Walker (Area Planning Manager (West)), Hilary Woodward (Senior Lawyer) and Jane Clarke (Democratic Services Officer)

**PART ONE**

**238. PROCEDURAL BUSINESS**

**238A Declaration of Substitutes**

238.1 Councillor Allen declared that he was substituting for Councillor McCaffrey.

238.2 Councillor Fallon-Khan declared that he was substituting for Councillor K Norman.

**238B Declarations of Interest**

238.3 Councillor Kennedy declared a personal and prejudicial interest in application BH2009/00023, 36 North Gardens (Caxton Arms), Brighton, arising from the Landlord being well known to her. She stated she would leave the meeting during consideration of the application, and would take no part in the discussion or voting thereof.

- 238.4 Councillor Davey declared a personal and prejudicial interest in application BH2009/00023, 36 North Gardens (Caxton Arms), Brighton, arising from involvement with a letter of objection to the application from Councillor West. He stated he would leave the meeting during consideration of the application, and would take no part in the discussion or voting thereof.
- 238.5 Councillor Hamilton declared a personal and prejudicial interest in application BH2008/03731, Compass House, East Street, Portslade, arising from his involvement with objectors to the scheme. He stated that he would speak to the application as Ward Councillor and then leave the meeting. He would take no part in the discussion or voting thereof.
- 238.6 Councillor Hamilton declared a personal but not prejudicial interest in application BH2009/00414, The Old Market, 11A Upper Market Street, Hove, arising from knowing Delia Forrester, who had previously been Vice-Chairman of the Planning Committee, and had written a letter in support of the application. It was his intention to remain in the meeting and take part in the discussion and voting thereof.
- 238.7 Councillor Fallon-Khan declared a personal but not prejudicial interest in BH2008/03893, Land Adjoining Brighton Health and Racquet Club (University of Brighton), Falmer Campus, arising from being a member of the Brighton Health and Racquet Club.

The Solicitor to the Committee stated that the application appeared to have no implications for the Brighton Health and Racquet Club, and as such Councillor Fallon-Khan did not have an interest in this application.

- 238.8 Councillor Smart declared a personal but not prejudicial interest in application BH2009/00394, Former Police Box, Margery Road, Hove, arising from having regularly used the police box in his former profession. He had not used the police box for around 25 years however and it was his intention to remain in the meeting and take part in the discussion and voting thereof.

### **238C Exclusion of the Press and Public**

- 238.9 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Planning Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).
- 238.10 **RESOLVED** – That the press and public be not excluded from the meeting during consideration of any item on the agenda.

### **239. MINUTES OF THE PREVIOUS MEETING**

- 239.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 8 April 2009 as a correct record.



**240. CHAIRMAN'S COMMUNICATIONS**

240.1 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.

240.2 The Chairman read out a statement from the Brighton and Hove Federation of Disable People, as follows:

The Brighton and Hove Federation of Disabled People has been exploring ways for disabled people to be more involved in local planning processes. These include consultation around the Local Development Framework and involvement at the earlier stages of planning applications. These new arrangements will also enable the Planning Department to engage with and to draw on the experience and expertise of a wider community of disabled people.

The Board of Trustees requests that the Federation retains its seat on the committee but will not be sending a representative whilst piloting the new way of working.

The Board thanks the Planning Committee for the opportunity and support to enable disabled people to be more meaningfully involved.

**241. PETITIONS**

241.1 There were none.

**242. PUBLIC QUESTIONS**

242.1 There were none.

**243. DEPUTATIONS**

243.1 There were none.

**244. WRITTEN QUESTIONS FROM COUNCILLORS**

244.1 There were none.

**245. LETTERS FROM COUNCILLORS**

245.1 There were none.

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

246.1 There were none.

**247. APPEAL DECISIONS**

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

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

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

**249. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

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

250.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination:

Application:	Site visit requested by:
BH2008/02772 & BH2008/02771, William IV gateway, Royal Pavillion Gardens, Brighton	Councillor Steedman at a previous Planning Committee
BH2008/02303, Elmhurst, Warren Road, Woodingdean	Development Control Manager
Implemented visit to New England Quarter	Councillors Hyde (Chairman) and Steedman

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

**(i) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS ON THE PLANS LIST: 29 APRIL 2009**

**A. Application BH2009/00414, The Old Market, 11A Upper Market Street, Brighton**  
 – Erection of 2 no. new penthouse apartments on the roof of the Old Market combined with a new meeting room facility for the Old Market. Extension of existing stair/lift well to south for access to the new apartments, alterations to windows and installation of front canopy.

(1) It was noted that this application would be taken together with application BH2009/00415, The Old Market, 11A Upper Market Street, Brighton (for resolution

see minute 251.2), and that these applications had formed the subject of a site visit prior to the meeting.

- (2) The Area Planning Manager (West), Mr Walker, gave a detailed presentation setting out the main elements of the application and stated that the Old Market was a grade two listed building in a conservation area.

Permissions had previously been granted for seven flats in 2006 and a refurbishment of the offices in 2007, but these had not been implemented. The new structure would be predominantly glazed and make use of obscured glazing. The west elevation would contain a green wall structure.

Area Planning Manager (West) noted that since the original submission of the proposals there had been some alterations to include reduction of the terraces, reduction of the length of the penthouses and reduction to the height of the lift shaft.

Objections to the proposals stated that this was an inappropriate addition to a listed building; it adversely affected the neighbouring flats and related poorly to the conservation area. English Heritage did not object to the principle of further extension to the Old Market, however, it was opposed to the current design solution because of the harm that would be caused to the Grade II listed building and the wider townscape. They had suggested the option of raising the central structure instead, and for the design of the extension to be in line with the original building.

The Georgian Group had raised concern about the over-dominance of the new structure in the conservation area.

The Conservation Advisory Group had raised concerns about the intrusion of the structure on the sky-line, and that alterations to the roof were against policies contained with the Brighton & Hove Structure Plan.

There had been three letters of support for the application and the Conservation Team supported the scheme, stating that it was not overly grand or modest in its approach, that it would lift the original building architecturally and the use of glass materials were appropriately light and would not over-dominate the area.

Area Planning Manager (West) noted that the applicant was financially constrained by the requirement for loan repayments, but Officers did not feel that the finances of the applicant were a material planning consideration in this instance. He stated that the structure had been altered several times over the years and did not form a unified building. The new structure would be set back from current sight-lines, using materials sensitive to the conservation area. To ensure the success of the scheme extensive detailing of the materials would need to be submitted and agreed. A uniformity of approach to development of the building was also necessary.

- (3) Mr Chavasse spoke on behalf of Mr Bigg, a neighbouring objector to the application, and stated that the proposals were inappropriate for a listed building and he believed there were viable alternatives. Mr Bigg had invested £1,000,000 into the Old Market Trust based on the architectural merits of the building, and stated that current tenants had expressed alarm about the proposals. There was concern over

the mix of so many uses in the building and the varying ownerships, and it was felt that the new structure would detrimentally affect the ambience of the building. The recommendation for Minded to Grant planning permission was in denial of current policies of the Council regarding conservation areas and he was astonished that no positive alternatives had been proposed as a route forwards.

- (4) Mr Gamper spoke in objection to the application, and stated that he had 10 years experience of managing a similar venue. He realised the economic pressure the applicants were under but this application lacked any merit and would destroy a cultural centre. Mr Gamper felt that residents of a conservation area had a duty to preserve the area they were situated in, and to accept the financial burden this entailed. This application was overriding this duty however and he felt that the new structure would in no way enhance the present listed building.
- (5) Mr Chavasse spoke in objection to the application, and stated that the proposals had been brought to Committee with undue haste. He felt that the Committee report was out-dated and that the application was controversial because it was ignoring both local and national policies relating to conservation areas. He felt that English Heritage and the Georgian Group had given compelling advice on the scheme and the current proposals would not conserve the original building or add to the conservation area. He was concerned over the change to the sky line, and felt the application had many downsides. Mr Chavasse noted that English Heritage had stated that the revised drawings for the scheme did not address the majority of their concerns, and he urged the Committee to reject the application.
- (4) Mr Minton, the applicant, spoke in support of the application and stated that the Trust had no public sector funding but despite this kept the building in good repair to ensure its usage. He felt that the building would fall into ruin if the Old Market Trust ran into financial difficulties. The Trust currently ran a varied programme of events and hired 10 full time members of staff and 18 part time staff, and the facility played a positive role in the community. The application would give the Trust the opportunity to be free from debt and to ensure the preservation of the building.
- (5) Mr Lomax, architect for the applicant, spoke in favour of the application and stated that he recognised this was a controversial design and he had some sympathy with the objectors, as it was difficult to get a realistic impression of how the structure would look once built. He agreed that the design needed a leap of faith, but that his company had a successful track record in dealing with sensitive sites. He noted the objections but felt the impact on neighbouring buildings had been dealt with, which left only issues of aesthetics and conservation.

Mr Lomax stated that the new extension would be built over the modern part of the building and would hide some unattractive gables, and the new structure would not be viewed in full at any time. He recognised this was a contemporary intervention but would create a positive icon for the city that would be inspirational and dynamic.

- (5) Councillor Watkins, Local Ward Member, spoke against the application and stated that the application was in the conservation area where there was a duty to conserve the buildings in their current form. He felt the design of the application was excellent, but so too was the original building, and he did not feel the two should be

joined. He noted that residents in the conservation area were allowed to do very little to their buildings, and it was surprising that this application was being recommended for approval. He asked the Committee to defer or reject the application as it was a major redesign of what currently existed, and there was a large amount of local opposition to the scheme.

#### **Questions/Matters on which Clarification was Sought**

- (6) Councillor Hyde asked for clarification on the stance of English Heritage and Area Planning Manager (West) stated that they supported the application in principle, but not this particular design solution.
- (7) Councillor Steedman asked why the application had come to Committee when the consultation period had not expired. The Development Control Manager stated that the application had been submitted on 19 February 2009 and was advertised in the normal manner. There was recognition that it was a controversial application, and although there was no duty to re-advertise amendments to the scheme, it was felt appropriate in this instance. This meant that some consultation was still outstanding, but this was not an unusual circumstance for large applications, and the recommendation for Minded to Grant planning permission was subject to comments from the outstanding consultees.
- (8) Councillor Steedman asked if it was possible to seek a deferral of the application until the end of the consultation period and the Development Control Manager agreed that this was an option open to the Committee.
- (9) Councillor Mrs Theobald asked if there had been a structural survey completed to demonstrate that the building could hold the weight of the new structure and the Area Planning Manager (West) agreed there had been.
- (10) Councillor Wells raised concern on the affect on wildlife, and in particular birds, given that the structure would be mainly glass.
- (11) Councillor Wells asked whether the comments from the Head of Culture and Economy should be taken into account, and if not, why it formed part of the report. The Area Planning Manager (West) stated that the Economic Development Team were a consultee, and would necessarily view the application in economic terms. Whether the Committee chose to give weight to the comments made was Members' decision, but it was necessary to report all consultee comments to Members, regardless of whether they were relevant planning considerations in the circumstances.
- (12) Councillor Smart felt the setting back of the design was limited when viewed from Western Road, and asked for comments on this. The Area Planning Manager (West) did not agree with this view, but recognised the structure would be prominent from the top of the road and from buses. This was not necessarily a negative impact however.
- (13) Councillor Hamilton asked Mr Chavasse, speaker objecting to the application, about the comments made by the Georgian Group, and asked for clarification. Mr

Chavasse stated that the Georgian Group objected to the application in principle and in full. They urged the Committee to refuse the application as there was no justification for the works to be done, and what was proposed would negatively affect the listed building. They felt it would be a clear over-dominance and awkward juxtaposition of the Georgian town surroundings.

- (14) Councillor Mrs Theobald asked the applicant how they intended to keep the glass clean, and Mr Lomax replied that it would be self-cleaning glass and there was access for manual cleaning if necessary.
- (15) Councillor Davey asked how the building would look if some glass was intended to be obscured and some reflective, and also who was responsible for maintaining the green wall. Mr Lomax stated that the glass specification would allow a uniformity of appearance across the site, and that maintenance of the green wall would be conducted by remote irrigation. The Old Market Trust would also take on responsibility for maintaining the wall.
- (16) Councillor Kennedy asked what the design purpose of the green wall was. Mr Lomax stated a free movement of air below the penthouses was needed for ventilation and so part of the structure was built on stilts. The green wall was there as a suitable design solution to disguising the stilts.
- (17) Mr Small, CAG representative, asked if the glass would be similar to the Central Library site. Mr Lomax stated that the reflectivity would be slightly greater for the Old Market. He noted that the quality of materials would be essential to the success of the building, and issues of thermal conductivity needed to be taken into account. He also recognised that the impact on wildlife would need to be examined.
- (18) Councillor Smart felt the view from Western Road would be intrusive and asked Mr Lomax to explain this elevation. He stated that the view from this aspect was important, but felt that most people would pass it by quickly. He did not think this view should necessarily be hidden however and felt that the new structure enhanced and respected the environment without dominating it.

### **Debate and Decision Making Process**

- (19) Councillor Wells began the debate and stated that he liked some views of the structure but not others. He felt that the Western Road view would be very obvious and intrusive and would over-dominate the building. He also felt that the new structure would be very eye-catching, to the extent that it would take the emphasis away from the listed structure.
- (20) Councillor Barnett agreed that the Western Road view was poor and felt the structure was not in-keeping with the area.
- (21) Councillor Mrs Theobald felt that the design was indiscreet and there would be an unacceptable loss of original architecture on the eastern elevation. She also felt that the new structure would create unacceptable overshadowing of the existing gardens.

- (22) Councillor Fallon-Khan stated that he did not object to modern design in a conservation area, but he had reservations about this particular scheme. He felt the green wall was inappropriate and did not work well with the rest of the design, and was concerned by the outstanding objections from English Heritage. He noted he would not want to see a pastiche structure, but remained unconvinced by this design aspect.
- (23) Councillor Allen felt the application was challenging and startling and noted there was strong opposition to the proposals. He stated that English Heritage recognised the building was accretive by nature however, and that they were not opposed to the principle of the extension. He felt that modern intervention could work and that these proposals could also work, and would be of benefit to a building that needed a secure financial arrangement to ensure it was well maintained. He felt it would not serve the city to refuse this application and thus put the good maintenance of the listed building in jeopardy.
- (24) Councillor Hamilton felt the design of the new structure would be distinctive and he would be supporting the recommendation for approval.
- (25) Councillor Steedman recognised that conservation was not about keeping buildings exactly as they are and that the listed building had been changed many times over the years. He felt that the principle of design was modern and forward looking, but it was important to get the scheme exactly right and there were outstanding concerns about the design elements of the western and southern elevations.
- (26) Councillor Smart stated that he had a number of reservations about the scheme including the green wall element. He also felt that there was a limit to what could be appropriately added to a building and that the Old Market had already reached that limit.
- (27) The Chairman noted concern over the design element on the eastern elevation over the listed arch, which she felt had not been resolved.
- (28) A vote was taken and on a vote of 4 to 7 with 1 abstention, the recommendation for Minded to Grant planning permission was refused. A second vote was taken and on a vote of 7 to 4 with 1 abstention the substantive motion for Minded to Refuse planning permission was agreed.
- 251.1 **RESOLVED** – That the Committee resolves that Minded to Refuse planning permission is agreed for the following reasons:
1. The proposed development by virtue of its scale, height and design will appear incongruous and overbearing, and thereby harm both the setting of the listed Waterloo Street Arch, the listed terraces within the Upper and Lower Market Street and the architectural and historical character of the Old Market building. The proposal is therefore contrary to policies HE3 and HE1 of the Brighton & Hove Local Plan, and to government guidance in PPG15 planning and the historic Environment, which seeks to preserve the setting of the listed building.

2. The proposed development by virtue of its height, built form, materials and detailing, neither reflects the scale and appearance of the surrounding area, nor is it sympathetic with the character and appearance of the Brunswick Town Conservation Area, having a harmful impact on the townscape and roofscape in the vicinity of the development. The proposal is therefore contrary to policies HE6 of the Brighton & Hove Local Plan and to PPG15 Planning and the Historic Environment, which seeks to ensure that proposals preserve or enhance the character or appearance of conservation areas.
3. The proposed development by virtue of scale, height and detailing, neither demonstrates a high quality of design, nor does it enhance the qualities of the local neighbourhood or take into proper account local characteristics. The proposal is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

**Note:** Councillors Hyde (Chairman), Barnett, Fallon-Khan, Smart, Steedman, Mrs Theobald and Wells voted for refusal of planning permission. Councillors Carden, Davey, Hamilton and Allen voted against refusal of planning permission. Councillor Kennedy abstained from voting.

**B. Application BH2009/00415, The Old Market, 11A Upper Market Street, Brighton**  
– Erection of 2 no. new penthouse apartments on the roof of the Old Market combined with a new meeting room facility for the Old Market. Extension of existing stair/lift well to south for access to the new apartments, alterations to windows and installation of front canopy.

(1) A vote was taken and on a vote of 3 to 7 with 1 abstention, the recommendation for Minded to Grant planning permission was refused. A second vote was taken and on a vote of 7 to 3 with 1 abstention the substantive motion for Minded to Refuse planning permission was agreed.

251.2 **RESOLVED** – That the Committee resolves that Minded to Refuse planning permission is agreed for the following reasons:

1. The proposed development by virtue of its scale, height, design and appearance, will be dominant and uncharacteristic, and thereby cause harm to the external appearance of this grade II listed building. The proposal is therefore contrary to policy HE1 of the Brighton & Hove Local Plan and to government guidance in PPG15 Planning and the Historic Environment, which seeks to preserve the character of the listed building.

**Note 1:** Councillors Hyde (Chairman), Barnett, Fallon-Khan, Smart, Steedman, Mrs Theobald and Wells voted for refusal of Listed Building Consent. Councillors Carden, Davey and Hamilton voted against refusal of Listed Building Consent. Councillor Kennedy abstained from voting.

**Note 2:** Councillor Allen was not present during the voting on this item.



**C. Application BH2008/01148, Block K, Brighton Station Redevelopment, Brighton** – Proposed office development including public open space and landscaping (amended proposals).

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Officer, Kathrine Rawlings, gave a detailed presentation setting out the main elements of the application and stated that this was part of a phased development that had begun in 2006. The application before the Committee included amendments to make the south side office block taller and wider, and to amend certain aspects of the design.

**Questions/Matters on which Clarification was Sought**

- (3) Councillor Smart noted the provision of a children's play area and asked who it was intended for, given the application was for an office block. The Planning Officer stated that the Master Plan for the site included provision of a children's play area, and it would be for the use of the flats on site that had already been built and were occupied.
- (4) Councillor Davey asked about the use of cladding on site and the Planning Officer stated that although cedar cladding had been used on several applications in the past, it did not weather well and the applicants had proposed a composite timber cladding, which the Officers felt was acceptable.
- (5) Councillor Wells asked why the roof height had been reduced in the north corner, and the Planning Officer explained that the original height had been a matter of concern for English Heritage. The amended plans had lowered the bulk and height in this corner to maintain views of St Bartholomew's Church.
- (6) Mr Small asked about the sun screening on the eastern elevation, which he felt was inadequate. The Planning Officer confirmed that additional solar shading had been requested for the south and east elevations.
- (7) Mr Small asked for more details on the composite timber cladding and the Planning Officer explained that it would be comprised of 70% wood based fibres and was designed to be low-maintenance and have a high life-span.

**Debate and Decision Making Process**

- (8) Councillor Hyde questioned the use of a sedum roof and felt that mixed grasses or 'brown roof' would be more suitable. The Planning Officer agreed that this could be done, and Councillor Steedman formally proposed an amendment to the recommendation to include an amendment of the wording of the condition.
- (9) The Conservation Officer, Roger Dowty, addressed the Committee and stated that this application was a vast improvement on the previous scheme. He noted that the

primary issue of visual permeability had been dealt with in an acceptable manner and commended the scheme to Members.

- (10) A vote was taken and Members voted unanimously to agree the recommendation for granting Minded to Grant planning permission.

251.3 **RESOLVED** – That the Committee had taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of the report and that subject to the conditions and informatives set out in the report, that Minded to Grant planning permission is agreed. Further that condition 5 to be amended to read:

- (5) “Notwithstanding the details hereby approved, no development shall commence until details of the green walls, green roof terraces and *brown* roof, have been submitted to and approved in writing by the Local Planning Authority...”

**Reason:** In the interests of nature conservation and to comply with policy QD17 of the Brighton & Hove Local Plan.

**D. Application BH2008/03893, Land adjoining Brighton Health and Racquet Club (University of Brighton, Falmer Campus), Village Way, Falmer** – Erection of 2-storey building for sport, recreation and social facilities, with associated plant, access, disabled, coach and cycle parking.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Senior Planning Officer, Kathryn Boggiano, gave a detailed presentation setting out the main elements of the application and stated that the new building would replace a facility that was being demolished in order to create space for the new Falmer Stadium. The new building would allow community use and was in two parts, using muted green, grey, cream and white colours in order to blend in with the AONB and National Park surroundings.

It was noted that there was disabled parking but no other parking proposed with the scheme. The current provision for students at the university campus could absorb any additional parking requirements on site. The Senior Planning Officer added she was recommending that condition 16 in the report, relating to fire hydrants, be removed.

#### **Questions/Matters on which Clarification was Sought**

- (3) Councillor Smart asked if the community use would be available for residents across the city. The Senior Planning Officer stated that this usage would be subject to further discussions with the Council, but she envisaged it would be mainly those living closest to the site that would use the facilities.
- (4) Councillor Smart was concerned about the lack of parking provision on site and the Senior Planning Officer drew attention to the late items list and replied that most

community use would occur in the evenings and weekends, when the existing university car-parks would be available and free of charge.

- (5) Councillor Mrs Theobald asked why only one green roof was proposed and the Senior Planning Officer stated that the scheme was in two parts, and it was likely that the second building could not support the weight of a green roof.
- (6) Councillor Fallon-Khan asked if five disabled parking bays were adequate and the Transport Manager addressed the Committee and stated that this exceeded with the current standards set out in SPG4.
- (7) Councillor Wells asked why parking provision on site was so restricted, as he was aware that the applicant had requested greater provision, but this had not been allowed.
- (8) The Solicitor to the Committee asked Councillor Wells to confirm that he had not had discussions with the applicant, and Councillor Wells stated he had not, and that he had gained this information indirectly from a colleague.
- (9) The Development Control Manager clarified the situation further and stated that during the site visit Members had asked a question of the representative of the university staff about whether they would like more parking. That person had replied that more parking was always required. She confirmed that this person had not been involved in any discussions with Officers, and parking had not been raised as an issue by the applicant at any time.
- (10) The Transport Manager further added that he had not had discussions with the applicant over car parking provision, and as far as he was aware the University was satisfied with the current arrangements. He noted that the University was currently developing a travel plan, which would cover the application site, and there was no prospect of overspill or displaced car parking in residential areas for this application. It was also recognised that the site was serviced by very good public transport links.
- (11) A vote was taken and Members voted unanimously to agree the recommendation to Grant planning permission.

251.4 **RESOLVED** – That the Committee had taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of the report and resolves to Grant planning permission, subject to the conditions and informatives set out in the report. Further that condition 16 of the report shall be deleted.

**E. Application BH2007/04125, Lawnscroft Nursing Home, 155 Kingsway, Hove –**  
Construction of four/five storey, 30 bed nursing home with basement car park and ancillary staff accommodation (amended design).

- (1) It was noted that this application would be taken together with application BH2007/04126, Lawnscroft Nursing Home, 155 Kingsway, Hove (for decision see minute 251.6), and that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager (West), Mr Walker, gave a detailed presentation setting out the main elements of the application and stated that the site was situated in a conservation area. The main issues to consider were that of amenity space, transport and sustainability.

**Questions/Matters on which Clarification was Sought**

- (3) Councillor Barnett expressed considerable concern over the lack of parking provision on site, especially given the number of staff that would be working in such a large unit. The Area Planning Manager (West) stated that two extra parking spaces were considered along the frontage of the site, but it was decided that this space was more important in amenity terms. He noted that there would be thirteen members of staff on site.
- (4) Councillor Fallon-Khan asked why the original application was refused and whether more parking had been provided with this scheme. The Area Planning Manager (West) stated that the design materials were inappropriate on the first two schemes submitted, but it was felt that the current scheme struck the right balance between a mix of render and brick. He agreed that the previous scheme would have had more parking available.
- (5) The Conservation Manager, Mr Dowty, stated that the existing front garden of the site was an important feature in the conservation area and felt it should be retained.
- (6) Councillor Mrs Theobald asked for an informative to be added to the decision to include retention of the flint wall and the Area Planning Manager (West) agreed that this could be done.
- (7) Councillor Fallon-Khan asked how much on street parking was available nearby and the Transport Manager stated that he had surveyed the site numerous times throughout the year and there appeared to be ample parking provision.
- (8) Councillor Allen and Councillor Barnett still felt that parking was an issue on site and Councillor Allen referred to the need for relatives to park close to the building, especially if they were picking-up an elderly or infirm relative. The Traffic Manager stated that data suggested that parking provision of 0.34 to 0.6 spaces per bedroom was adequate for care home sites, and therefore parking provision was considered to be adequate in this instance. He also noted that to add an extra level of underground parking would be prohibitively expensive for the applicant.

- (9) The Development Control Manager clarified further that there was a lift on site, which had access to the basement level where a disabled parking bay was located. She stated it was not unreasonable to think that the care home would manage usage of this bay to enable their residents to be picked up and set down as close as possible to the building.
- (10) Mr Small asked for an informative to be added to the decision to state that a mid-grey brick colour be used rather than dark grey or red, and the Committee agreed to include this.
- (11) A vote was taken and Members voted unanimously to agree the recommendation to Grant planning permission.

251.5 **RESOLVED** – That the Committee had taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of the report and resolves that Minded to Grant planning permission is agreed, subject to the conditions and informatives set out in the report, and the following additional informative:

**Informative:** That a mid-grey brick is preferred to a red or dark grey brick.

**Informative:** That Members would like to see the flint wall retained.

**F. Application BH2007/01426, Lawncroft Nursing Home, 155 Kingsway, Hove – Demolition of existing building.**

- (1) A vote was taken and Members voted unanimously to agree the recommendation to Grant planning permission.

251.6 **RESOLVED** – That the Committee had taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to Grant planning permission, subject to the conditions and informatives set out in the report.

**G. Application BH2009/00036, 112-113 Lewes Road, Brighton – Demolition of existing building with redevelopment to provide for replacement of 2 no. retail units on ground floor and 16 self-contained flats on ground, first, second, third and fourth floors. Refuse and recycling at ground floor level.**

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Senior Planning Officer, Kate Brocklebank, gave a detailed presentation setting out the main elements of the application and stated that the recommendation was for refusal on the grounds that it was an overdevelopment of the site, would relate poorly to the surrounding area and overly dominate the street scene. There was an unacceptable lack of amenity and recreational space, and no demonstration that the retail units would be viable and the application did not accord to Lifetime Homes Standards. It was also recognised that this application was in an air quality hotspot and Environmental Health Officers had recommended that there were no openings onto the Lewes Road on the first floor of the scheme.

- (3) Mr Bareham, agent for the applicant, spoke in support of the application and noted that the Conservation Team were broadly in support of the application subject to a list of recommendations, which he felt could be achieved within the current proposals. He stated that previous applications that lacked amenity space had been approved and felt that the retail units would be viable. Mr Bareham noted that there was no requirement to provide a sustainability statement, but he was confident the scheme would achieve a level four rating. He recognised the issues around air quality but felt that mechanical ventilation could be used to address this.

#### **Questions/Matters on which Clarification was Sought**

- (4) Councillor Wells asked for confirmation that there was no children's play area proposed. The Senior Planning Officer confirmed this and stated that there was a park nearby, but this was accessed by crossing the Lewes Road gyratory system, which the Officers did not feel was appropriate for children to do.
- (5) Councillor Davey asked for clarification on the air quality issues. The Senior Planning Officer stated that Environmental Health Officers had performed a health impact assessment and recommended that there were no openings to the Lewes Road on the first floor level of the scheme, which would include a Juliette balcony and kitchen window opening. This would leave only two small windows for ventilation on the opposite side of the building and this was not considered acceptable.
- (6) Councillor Fallon-Khan asked Mr Bareham why the development did not meet Lifetime Homes Standards and he stated that he had believed that it did when the plans were submitted.
- (7) Councillor Mrs Theobald asked if there were problems with refuse and recycling storage on site and Mr Bareham stated that an area was provided on the ground floor plans for this. The Senior Planning Officer clarified that City Clean had responded to the application with concerns over the suitability of access to the refuse storage area.
- (8) Councillor Steedman noted that Mr Bareham had addressed the Committee in the past on a different application in Lewes Road, and had stated that small retail units were not viable in this area. It now appeared that Mr Bareham was supporting the idea of small retail units with this application, and Councillor Steedman asked for clarification of this. Mr Bareham replied that the previous application had market information to state that the units were not viable on Lewes Road. The current application provided a more flexible space however, and there was indication that these units could be successfully marketed. He also noted that Brighton & Hove policy stated the need to retain retail units and so he was somewhat tied into providing them.
- (9) Councillor Smart asked about the lack of amenity space, and noted that previous applications that had been passed with a similar lack of amenity space had in fact been situated very close to large parks or outside areas. Mr Bareham felt there were

lots of accessible parks in the area of Lewes Road and did not see amenity space as a problem for this application.

### **Debate and Decision Making Process**

- (10) Councillor Mrs Theobald began the debate and stated that the application seemed very cramped and overdeveloped. She noted the ongoing problems with air quality in the area and remained concerned over the lack of amenity space.
- (11) Councillor Wells felt that the visual impact was not a great problem in this area, but the lack of amenity space, the problems with waste storage and the fact that the application did not meet the minimum standards for Lifetime Homes were issues that had not been resolved and remained a concern.
- (12) A vote was taken and Members voted unanimously to agree the recommendation to refuse planning permission.
- 251.7 **RESOLVED** – That the Committee had taken into consideration and agrees with the reasons for refusal set out in the report.

### **(ii) MINOR APPLICATIONS**

**H. Application BH2008/02077, 79-80 Western Road, Hove** – Change of use from A1 to A3 on first and second floors and variation of condition 2 of planning permission BH2006/02429 to allow use of premises between hours of 08:30 and 01:45 (part retrospective).

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting and that the application had been deferred from a previous meeting on 8 April 2009, where questions and debate had taken place. This application would be taken together with application BH2008/01985, 79-80 Western Road, Hove (for decision see minute 251.9) and BH2008/01986, 79-80 Western Road, Hove (for decision see minute 251.10).
- (2) A vote was taken and Members voted unanimously to agree the recommendation to Grant planning permission.
- 251.8 **RESOLVED** – That the Committee had taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant Minded to Grant planning permission, subject to the conditions and informatives set out in the report.

**Note:** Councillors Hamilton, Kennedy, and Mrs Theobald were not present during the voting of this item.

**I. Application BH2008/01985, 79-80 Western Road, Hove – Six air conditioning units to the rear of property (retrospective).**

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting and that the application had been deferred from a previous meeting on 8 April 2009, where questions and debate had taken place.
- (2) A vote was taken and on a vote of 7 for, 0 against and 2 abstentions, the recommendation for Minded to Grant planning permission was agreed.

251.9 **RESOLVED** - That the Committee had taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission, subject to the conditions and informatives set out in the report.

**Note:** Councillors Hamilton, Kennedy, and Mrs Theobald were not present during the voting of this item.

**J. Application BH2008/01986, 79-80 Western Road, Hove – Three rooflights to front and rear (part retrospective).**

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting and that the application had been deferred from a previous meeting on 8 April 2009, where questions and debate had taken place.
- (2) A vote was taken and Members voted unanimously to agree the recommendation for granting Minded to Grant planning permission.

251.10 **RESOLVED** - That the Committee had taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission is agreed, subject to the conditions and informatives set out in the report.

**Note:** Councillors Hamilton, Kennedy, and Mrs Theobald were not present during the voting of this item.

**K. Application BH2009/00023, 36 North Gardens (Caxton Arms), Brighton – Replacement of existing steel mezzanine, including new umbrella and new lean-to polycarbonate roof. New paving to basement yard (part retrospective).**

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Senior Planning Officer, Kathryn Boggiano, gave a detailed presentation setting out the elements of the application and stating that the mezzanine had been extended slightly and a new courtyard area was proposed. It was noted that the Environmental Health Team had not objected to the proposals but there had been objection from local residents on the grounds of noise disturbance.



- (3) Mrs Layland spoke on behalf of neighbouring objectors and stated that she had lived in the centre of Brighton all her life and had never had cause to complain about licensed premises. Since the introduction of the new licensing laws and the smoking ban however, she was becoming increasingly disturbed by smokers from the premises using the rear courtyard until late into the night. In the summer when the doors and windows were open the noise was particularly bad, but Mrs Layland noted that the use of patio heaters in the winter kept the courtyard area open all year round. She suggested that if Members were minded to grant the application, could they impose a restriction in hours to 23:00 everyday and 22:30 on Sundays.
- (5) Councillor West, Local Ward Member, spoke against the application and stated that the area was quiet and family orientated. He felt that this application was an attempt by the Licence Holders to subvert the planning process and believed that many families would be negatively impacted by the extension of the outside space around the premises. Given that a greater part of the structure was given over to all-weather usability, the noise and levels of disturbance for the neighbours would only increase if the application was allowed. Councillor West felt the Officer's report contained inaccuracies and was concerned that no noise assessment of the new proposals had taken place. He requested that the Committee refuse the application, or defer the application for a site visit and noise assessment to be conducted.

#### **Questions/Matters on which Clarification was Sought**

- (1) Councillor Smart asked if the area had previously been used as a smoking area and the Senior Planning Officer confirmed that it had.
- (2) Councillor Mrs Theobald asked what time the premises was licensed until and whether the mezzanine and courtyard were purely for smokers after a certain time. Councillor West replied that both the courtyard and mezzanine area were in general use the whole time the premises was open.
- (3) Councillor Fallon-Khan asked what time the noise abated and Councillor West replied that the disturbance continued until late in the evening and the problem had been increasing. He felt that the extra capacity would only make the situation worse.
- (4) Councillor Hyde asked Councillor West what the main issue of concern was for residents and he replied that the covered courtyard area was a major concern, as most of it would now be usable all year. He also noted that the size of the canopy was shown incorrectly in the report. The Senior Planning Officer clarified that the new polycarbonate structure over the courtyard would assist in reducing noise levels compared with the previous structure. She also noted that the Members could not examine the use of the outdoor courtyard area as it did not form part of the application before Committee.
- (5) Councillor Smart asked whether the mezzanine was part of the original premises and Councillor West stated that it had existed previously, but had been adapted over the years to provide a greater drinking area.

**Debate and Decision Making Process**

- (5) Councillor Barnett noted that there had been a low number of objections from the surrounding residential area, and felt that if there were issues of disturbance then this was an issue that the premises management needed to take up.
- (6) Councillor Mrs Theobald stated that she felt the proposed condition from the objector and Councillor West to limit the hours of use of the mezzanine was appropriate, and moved to add this to the recommendation.
- (7) Councillor Wells felt that any ongoing noise issues should be taken up with the Environmental Health Team, but believed the suggested condition was also appropriate and seconded the motion to add this condition to the recommendation, which the Committee accepted.
- (8) A vote was taken and Members voted unanimously to agree the recommendation to Grant planning permission.

251.11 **RESOLVED** – That the Committee had taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to Grant planning permission, subject to the conditions and informatives set out in the report, and to amend condition 1 to read:

- (1) The mezzanine floor at ground level and basement courtyard shall not be open to customers outside of 09:00 and 23:00 hours from Monday to Saturday, and 09:00 and 22:00 hours on Sundays.

**Note:** Councillors Kennedy and Davey declared a personal and prejudicial interest in this item and did not take part in the debate or voting thereof.

**L. Application BH2009/00394, Former Police Box, Margery Road, Hove –**  
Conversion of former police box (B1) to one bedroom studio (C3) with side conservatory extension.

- (1) This application was taken together with application BH2009/00393, Former Police Box, Margery Road, Hove (for decision see minute 251.13). The Area Planning Manager (West), Mr Walker, gave a detailed presentation setting out the elements of the application and stated that due to a lack of market information regarding change of use, the design of a studio being out of character with the existing street scene and the lack of amenity space for both applications, both applications were being recommended for refusal.
- (2) Mr Glasser and Mr Szozerbicki spoke in support of the application. It was stated that they felt this application would be suitable for a single person living in rented accommodation. The character of the road was residential and it was entirely appropriate to convert this property into a residential unit. It was noted that marketing information could be made available on these applications if necessary. The second application would be ideally used as a two bedroom starter home, and although there was limited outdoor space in the form of a balcony, studies could

show that due to the placement of the balcony there would be no overlooking of neighbouring properties.

### **Questions/Matters on which Clarification was Sought**

- (3) Councillor Wells asked how much amenity space was available in the two bed application and the Area Planning Manager (West) stated that there would be 1.2 metres.
- (4) Councillor Hyde asked about the visual impact of both properties and the Area Planning Manager (West) replied that there would be a perception of overlooking and with the second application the number of windows would increase this perception.
- (5) Councillor Smart asked questions about gardens around the site and the Planning Officer replied that the neighbouring gardens encircled the site on the side and at the back.

### **Debate and Decision Making Process**

- (6) Councillor Barnett began the debate and stated that the two bedroom application would be preferable to the studio and felt it was appropriate for this area. Councillors Carden, Smart, Wells and Kennedy agreed with this statement.
- (7) Councillor Wells felt that marketing information, whilst generally very important, was not such an issue with this site and that a marketing exercise would be a waste of time.
- (8) Councillor Kennedy noted some design reservations but felt the scheme was largely successful.
- (9) A vote was taken and on a vote of 7 for, 3 against and 2 abstentions, the recommendation to refuse planning permission was agreed.

251.12 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for refusal set out in the report.

**M. Application BH2009/00393, Former Police Box, Margery Road, Hove –**  
Demolition of former police box and construction of two bed house.

- (1) A vote was taken and on a vote of 0 for, 10 against with 2 abstentions the recommendation to refuse planning permission was refused. A second vote was taken and on a vote of 10 for, 0 against with 2 abstentions, the substantive motion to grant planning permission was agreed.

251.13 **RESOLVED** - That the Committee had taken into consideration but does not agree with the reasons for refusal set out in the report. The Committee resolves to Grant planning permission with the following conditions:

- (1) Time condition.
- (2) Obscure glazing to the first floor rear windows.
- (3) The applicant shall submit a waste minimization statement.
- (4) CSH level 3 pre commencement and pre-occupation.
- (5) Details of material shall be submitted to the satisfaction of the Planning Authority.
- (6) Permitted development rights shall be removed.
- (7) Cycling parking shall be provided on site.

**Reason:** Due to the chronic housing situation and the need for this type of development, the Committee believes that this application is appropriate for this site. The Committee did not agree that marketing information was necessary to demonstrate lack of viability for a commercial unit on this site and were satisfied that there was adequate amenity space and the application did not unduly overlook neighbouring properties or affect their amenity space.

**Note:** Councillors Hyde (Chairman), Barnett, Carden, Hamilton, Kennedy, Allen, Fallon-Khan, Smart, Steedman, Mrs Theobald and Wells voted in favour of the substantive motion to grant planning permission. Councillors Davey and Steedman abstained from voting.

**N. Application BH2008/03731, Compass House, East Street, Hove** – Ground and first floor rear extension incorporating dust extract system and revised extracts at front roof level.

- (1) Councillor Smart wished it to be noted that his relatives lived on this road, but quite a distance from the application site, and was in no way affected by the application.
- (2) It was noted that this application formed the subject of a site visit prior to the meeting.
- (3) The Area Planning Manager (West), Mr Walker, gave a detailed presentation setting out the elements of the application and noted that the main issues were around the effects of the extension to neighbouring properties and the sustainability of the site. An original application was partly refused due to concerns over appearance and appropriateness. The new application was a sufficient distance from neighbouring properties and there were no objections to the design. Noise Abatement Notices had been served previously, but the Environmental Health and Licensing Team were satisfied that the new application would not present a noise nuisance.
- (4) Mrs Johnson-Adams spoke on behalf of local objectors and stated that there was strong opposition to this application from residents in terms of the impact the application would have on their amenity, the overshadowing that would be created and the loss of privacy to their gardens. She noted that the only letter of support to the scheme had been received from a property that had been vacant for several years, and stated that despite complaints, no enforcement action had been taken at the premises. She felt there was no evidence to suggest the new application would reduce the level of noise disturbance for residents, and would in fact allow an increase in production, and therefore noise at the site. She urged the Committee to reject the application.

- (5) Mr Scoble, the applicant, spoke in support of the application and stated that he had spent considerable time in negotiation with the Planning Officers to ensure the application met their requirements. He noted that the extension would form part of a 'quiet barrier' for residential properties backing onto the site and that the design aspects would improve the outlook onto the rear elevation. Mr Scoble stated that the company was in voluntary receivership, but that the landlords were keen to pursue this improvement to the building, which would provide extra sound insulation and noise control.
- (6) Councillor Hamilton, Local Ward Member, spoke against the application as Ward Member (this item only) and stated that Compass House was much nearer to residential gardens than any other commercial site in the area. There had been a consultation in South Portslade regarding expansion of the industrial estate, and residents felt that it was currently sufficient. Councillor Hamilton did not feel this scheme presented a high standard of design, and its proximity to residential properties could not be satisfactorily addressed.

#### **Questions/Matters on which Clarification was Sought**

- (7) Councillor Smart asked if the site used spray finishing or dust finishing and Area Planning Manager (West) stated that they used both, and that the extractors would be there to deal with the effects of this.
- (8) Councillor Carden asked if any insulation to the extractor fans was included and Area Planning Manager (West) confirmed that there was, and that the measurements from Environmental Health and Licensing for noise control were accurate. The sound proofing requirements were based on these measurements and included in condition six of the report.
- (9) Councillor Carden asked Mrs Johnson-Adams how far away her back door was to the site and she stated that it was around 15 metres.
- (10) Councillor Fallon-Khan asked Mrs Johnson-Adams why she was not confident the conditions on the application would ensure there was no noise disturbance to her property. She stated that there had been several Noise Abatement Notices served in the past, but no action had been taken against the property and the new application would still protrude from the roof where she felt most of the noise was emanating from.
- (11) Councillor Fallon-Khan asked Mr Scoble how many people worked at the premises and he replied that it was between 14 and 20 people.

#### **Debate and Decision Making Process**

- (12) The Development Control Manager addressed the Committee and stated that the financial status of the company was not a material planning consideration for this application.

(13) A vote was taken on the recommendation, but was lost. A second vote was taken on a substantive motion to refuse planning permission, and on a vote of 5 for, 1 against and three abstentions, the substantive motion to refuse planning permission was agreed.

251.14 **RESOLVED** - That the Committee had taken into consideration and does not agree with the reasons for the recommendation to grant planning permission set out in paragraph 8 of the report and resolves to refuse planning permission for the following reason:

- (1) That the proposed extension by reason of its design and close proximity to the properties to the rear would result in a development having an adverse impact on the amenities of nearby properties. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

**Note 1:** Councillors Hyde (Chairman), Barnett, Carden, Fallon-Khan and Smart voted in favour of the motion to refuse planning permission. Councillor Davey voted against the motion to refuse planning permission. Councillors Allen, Steedman and Wells abstained from voting.

**Note:** Councillor Hamilton declared a prejudicial interest and did not take part in the debate or voting thereof. Councillor Kennedy left the meeting at 18:50 and did not take part in the voting thereof. Councillor Mrs Theobald left the meeting at 18:55 and did not take part in the voting thereof.

**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**

252.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination:

Application:	Site visit requested by:
BH2008/02772 & BH2008/02771, William IV gateway, Royal Pavillion Gardens, Brighton	Development Control Manager
BH2008/02303, Elmhurst, Warren Road, Woodingdean	Development Control Manager
Implemented visit to New England Quarter	Development Control Manager

**253. 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**

**253.1 RESOLVED** – That those details of applications determined by the Director of Environment under delegated powers be noted.

**Note 1:** All decisions recorded in this list 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 a 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.

The meeting concluded at 7.30pm

Signed

Chair

Dated this

day of





**APPEAL DECISIONS**

	<b>Page</b>
<b>A. ROTTINGDEAN COASTAL WARD</b>	
Application BH2008/02493, 12 Arundel Drive East, Saltdean. Appeal against refusal to grant planning permission for roof extension and alterations to the roof to provide accommodation at first floor. (Delegated Decision) <b>APPEAL ALLOWED</b> (copy of the letter from the Planning Inspectorate attached).	<b>29</b>
<b>B. WOODINGDEAN WARD</b>	
Application BH2008/01918, 518 Falmer Road, Woodingdean Appeal against refusal to grant planning permission for roof conversion (Delegated Decision) <b>APPEAL ALLOWED</b> (copy of the letter from the Planning Inspectorate attached).	<b>33</b>
<b>C. ST PETER'S &amp; NORTH LAINE WARD</b>	
Application BH2007/04164, 40 Princes Road, Brighton. Appeal against refusal to grant planning permission for removal of existing ground and first floor bay window and replacement to match original style. (Delegated Decision) <b>APPEAL DISMISSED</b> (copy of the letter from the Planning Inspectorate attached).	<b>35</b>
<b>D. MOULSECOOMB &amp; BEVENDEAN WARD</b>	
Application BH2008/02619, 15 Leybourne 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) <b>APPEAL DISMISSED</b> (copy of the letter from the Planning Inspectorate attached).	<b>37</b>
<b>E. WITHDEAN WARD</b>	
Application BH2008/00926, 13 Harrington Road, Brighton. Appeal against refusal to grant planning permission for internal alterations and extension at first floor over existing rear ground floor to form two bedrooms. (Delegated Decision) <b>APPEAL DISMISSED</b> (copy of the letter from the Planning Inspectorate attached).	<b>39</b>

## **F. CENTRAL HOVE WARD**

Application BH2008/02579, 12 Sussex Road, Hove. Appeal against refusal to grant planning permission for new first floor extension at rear, alteration of windows to south elevation and extension of existing stair enclosure at second floor level.(Committee Decision)**APPEAL DISMISSED** (copy of the letter from the Planning Inspectorate attached). **41**

## **G. WISH WARD**

Application BH2008/01689, Land r/o 1 8 – 16 St Leonards Road, Hove. Appeal against refusal to grant planning permission for demolition of garages and the erection of three 1 ½ storey houses.(Delegated Decision)**APPEAL DISMISSED** (copy of the letter from the Planning Inspectorate attached). **45**



# Appeal Decision

Site visit made on 17 March 2009

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

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for Communities and Local Government**

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**Decision date:  
7 April 2009**

## **Appeal Ref: APP/Q1445/A/08/2086161**

### **12 Arundel Drive East, Saltdean, Sussex BN2 8SL**

- 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 D Freeman against Brighton & Hove City Council.
- The application ref: BH2008/02493, is dated 20 July 2008.
- The development proposed was described as a roof extension and alterations to the roof to provide accommodation at first floor.

### **Preliminary Matters**

1. Since the appeal was made the Council have indicated that they would have refused permission on the grounds that the height, massing and design would relate poorly to the existing building and unbalance the group of bungalows thus forming an incongruent element in the streetscene.
2. In addition to the works described in the heading the proposal involves a rearward extension of the building by about 2.7m. The proposed new roof would extend over this extension.

### **Decision**

3. I allow the appeal, and grant planning permission for the development described in the heading and paragraph 2 above in accordance with the terms of the application, ref: BH2008/02493, dated 20 July 2008, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) No development shall take place until full details including, where appropriate, samples of the materials to be used in the construction of the external surfaces of the alterations and additions hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
  - 3) No development shall take place until details of how demolition and construction waste will be recovered and reused have been submitted to and approved in writing by the local planning authority and the approved details shall subsequently be complied with.

### **Main Issues**

4. The main issues are the effect on the character and appearance of the area and the living conditions of neighbouring residents.

### **Inspector's Reasoning**

5. The appeal property is a bungalow in a varied residential area comprising houses and some bungalows, many of which have had some accommodation formed in the roof space. The road it is on has development on one side only. On the other is a mostly open recreational area that contains some community

- facilities. This area occupies the bottom of a valley leading up from the coast which is a short distance to the south.
6. The residential development rising up from the open area is clearly visible from within it as well as the roads around its perimeter. In these views it can be seen that the roofline of the buildings mostly follows the slope of the land. I consider this to be a pleasing feature that, in general, is worth retaining. However, there are already some exceptions to it. Of particular significance for this appeal is the fact that, although no. 12 has 3 bungalows to the north of it, to the immediate south are several houses.
  7. Despite the fall of the land, the 2-storey house (no. 10) next to no. 12 has a higher roofline than the existing bungalow on the appeal site. Thus the general flow of the roofs is already interrupted at this point. In these circumstances, raising the height of no. 12 to something more like that of no. 10 would not have the harmful effect that it might have in some other locations and I do not consider it to be unacceptable in principle. Indeed the resulting building could be seen as providing a transition between the bungalows to the north and the houses to the south.
  8. In addition, despite the Council's concerns, the houses to the south, as well as other properties in the wider area, include half-hipped (or 'barn ended') roofs and I do not therefore consider that these would be an inharmonious feature on the appeal property. Moreover, the adjoining houses also have some very substantial roof planes sloping down in places from a full 2-storey ridge line to single storey eaves level. In this context I do not consider that the roof proposed at no. 12 would appear excessively large or bulky or that the building would appear 'top heavy'.
  9. I accept that the character and form of the existing building would be substantially changed. However, it is not a building designated as being of any special merit and in my judgement such a loss would not be harmful to the character or appearance of the area, especially as I consider that the resulting building would appear appropriate in scale and general proportions for its context. In addition, the proposal would not materially alter the mix of houses and bungalows in the area even if that is taken to be a matter of significance. Moreover, I consider that the bungalows in this group are sufficiently different in their appearance for there to be no serious loss of harmony or balance.
  10. Turning to more detailed matters, the use of two dormers on the front elevation would be unusual in the area. However, there are several dwellings that include a dormer and another forward facing element. Moreover, whilst the more northerly of the dormers would be wider than the window below, contrary to the advice in the Council's Supplementary Planning Guidance (SPG), it appears to be narrower and better proportioned than that on the immediately adjoining bungalow. As for the other, although its design and proportions are rather unusual I saw that some other properties on Arundel Drive East have real or Juliet balconies in front of dormer windows. Taking all this into account, I consider that the proposed dormers would not significantly detract from the character or appearance of this particular area.
  11. The use of rooflights on the front roof plane would also be unusual in the area and contrary to the thrust of the SPG. However, they are aligned with openings below and are quite small so that they do not dominate the roof. In addition, they would be seen in the context of at least one other rooflight or similar

- feature, albeit in that case positioned on a rear roof slope. On balance I consider that neither the rooflights nor the gable end to the garage is sufficient to make the proposal as a whole appear seriously out of keeping or unacceptable in this particular context. Moreover, the dormers and rooflights on the rear would be barely visible in public views.
12. Subject to a condition regarding materials I conclude that there would be no material conflict with the aims of Policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan. I have however modified the suggested condition as the current roof would effectively be replaced and it may not therefore be necessary to match the existing materials precisely.
  13. As for effects on local residents, although the proposal involves extending out at the rear as well as raising the roof I consider that the neighbours on either side would not be materially affected by an extension of the size proposed. Those living at the rear would experience a change in their outlook. However, at the distances involved the effect would be well within that normally regarded as acceptable in respect of both outlook and privacy, especially as the properties to the rear are at a higher level. Indeed even in this locality the relationship would be no worse, and arguably better, than already exists between, say, the bungalows at nos. 9 & 11 Chichester Drive East and the two-storey houses on Arundel Drive East behind them. In these circumstances, and having regard to national advice on such matters, I do not consider that a condition restricting the insertion of additional windows is necessary.
  14. I have had regard to all other matters raised, including the extensions and alterations constructed or permitted on other nearby properties. I have also taken into account development plan policy on minimising demolition and construction waste. However, I share the Council's view that this could be dealt with by a condition, though I have sought to simplify the one suggested. Neither these nor any of the other matters raised are therefore of such significance either individually or cumulatively to affect my conclusions. For the reasons set out above and having taken all other relevant considerations raised into account I conclude that the appeal should succeed.

**P Grainger**

INSPECTOR





# Appeal Decision

Site visit made on 17 March 2009

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

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**Decision date:**  
**7 April 2009**

## Appeal Ref: **APP/Q1445/A/08/2086989** **518 Falmer Road, Brighton BN2 6LH**

- 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 Ms S Lopez against the decision of Brighton & Hove City Council.
- The application ref: BH2008/01918, dated 1 June 2008, was refused by notice dated 12 August 2008.
- The development proposed was described as a roof conversion to provide further accommodation.

### Decision

1. I allow the appeal, and grant planning permission for the development described above (which includes raising the height of the roof, changing its form and constructing a side dormer) in accordance with the terms of the application, ref: BH2008/01918, dated 1 June 2008, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The dormer window shall be obscure glazed and shall be retained in that form.

### Main Issue

2. The main issue is the effect on the character and appearance of the building and the surrounding area.

### Inspector's Reasoning

3. The appeal property is one of a line of detached dwellings of varying size and design on the east side of Falmer Road, the B2123. The houses are set slightly below road level which itself slopes down to the south.
4. The proposal seeks to increase the height of the roof to facilitate the inclusion of living accommodation in it and to extend the roof rearwards in this form over a recently constructed rear extension that currently has a temporary flat roof. The height of the roof is less than in an earlier proposal and would now not exceed that of the adjoining house to the north. The Council consider this height to be acceptable in principle and I see no reason to disagree.
5. That said, the Council consider the detailed design of the roof to be incongruous and over bulky and appear to feel that it should have a fully hipped end rather than a half hipped one. However, the resulting building would, from the front at least, look very similar to the adjoining one (no. 516) following the relatively recent alteration of that property after planning permission was granted in 2003.
6. From both Falmer Road and the elevated area near the Woodingdean Primary School I found the current appearance of no. 516 wholly unexceptional and,

with the possible exception of the dormer, entirely satisfactory for its context which, as far as I am aware, has no special designation. Its main roof, which has a similar form to the proposed one, does not seem to me to be excessively large, bulky or overbearing in the streetscene. Moreover, the roof at no. 518 would if anything be less prominent, being screened from the south by no. 516 to a greater extent than that at no. 516 is by no. 514. There is also a significant amount of vegetation, some of it evergreen, in or around the front gardens of the properties along Falmer Road that would further restrict views of the altered building, especially from the north.

7. As for the dormer, whilst it may be as small as can be achieved if access to the new accommodation is to be provided in the manner and position proposed, it is still a relatively large structure with a flat top above 3 sloping sides. Were it not for no. 516 having a similar dormer I would have reservations about it. However, when the proposed dormer was seen it would almost inevitably be in the context of that existing one.
8. Moreover, as recently as 2003 the Council themselves must have regarded the dormer at no. 516 as acceptable. Whilst a new Local Plan has been adopted since then, Policies QD1 and QD2 are of a general nature and seek good quality design that is appropriate to its context; matters that have long been material planning considerations. In addition, it seems as though draft versions of those policies may already have been in existence; a version of Policy QD14, which deals more specifically with extensions, certainly was for it is referred to in the decision notice. In any event, and whether or not those policies have changed in any way, the Supplementary Planning Guidance that gives the most detailed advice on dormers and other roof alterations already existed and as far as I am aware has not been altered.
9. Taking all this into account I consider that the dormer would not make the roof appear so unbalanced, or be so contrary to local policy or guidance, especially given the extent to which it would be screened by no. 516, for this to be an overriding objection to the appeal proposal. In addition, the external materials are specified in the application and are also acceptable. I conclude that the building as altered would have an acceptable appearance and would not materially harm the character or appearance of the area or conflict with the policy and advice that deals with this, including Policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan. That is not, however, to say that a similar proposal would necessarily be acceptable elsewhere as each proposal needs to be dealt with on its own merits and having regard to its particular context.
10. I have had regard to all other matters raised. In particular I have noted the neighbour's concerns about overlooking, but I share the Council's view that any significant effects could be overcome by a condition relating to the glazing of the dormer window. Neither this nor any other matter is therefore, either individually or in combination, so significant as to affect my conclusions. For the reasons set out above and having taken all other material considerations raised into account I therefore conclude that the appeal should succeed.

*P Grainger*

INSPECTOR





# Appeal Decision

Site visit made on 2 April 2009

by **C J Leigh BSc(Hons) MPhil(Dist) MRTPI**

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**Decision date:  
20 April 2009**

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## Appeal Ref: APP/Q1445/A/08/2093094

*40 Princes Road, Brighton, BN2 3RH*

- 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 & Mrs Beechey against the decision of Brighton & Hove City Council.
- The application Ref. BH2007/04164 was dated 7 November 2007 and was refused by notice dated 10 July 2008.
- The development proposed is the removal of existing ground and first floor bay window and replacement to match original style.

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## Decision

1. I dismiss the appeal.

## Reasons

2. The existing bay windows in the front elevation of the property have a negative impact upon the character and appearance of the Round Hill Conservation Area. Their replacement with windows of a more sensitive design is likely to lead to an enhancement of the Area. However, I noted that there is variety in the design and form of original windows in the surrounding area, and that some of this variety is quite subtle. The information accompanying the application made to the Council showed cross-sections through frames and standard mouldings, and a photograph of an adjoining property. However, no precise details were provided of the elevation of the new windows, nor the extent that the existing bay and windows would be altered to facilitate the provision of the new windows; the existing window surrounds and corbelling at No. 40 differ from the bay shown in the submitted photograph of the adjoining property, and so no details exist to demonstrate what specific changes might be undertaken to the bays. The absence of such information was a specific concern of the Council's Conservation and Design Team at the application stage.
3. It is most unfortunate that the Council refused the application on the basis of this deficient information – some months after the statutory period for determination – rather than request this further information, particularly since they had previously accepted the application as valid. However, I must base my decision on the information before me, which similarly still does not include these details which I consider are necessary to ensure that the proposed development is appropriate to the character and appearance of the Conservation Area; no additional drawings or information were submitted at the appeal stage. Thus, whilst I appreciate the appellants' frustrations, I must conclude that, on the basis of the information before me, I am not reassured

that Policies QD2, QD14 and HE6 of the Brighton & Hove Local Plan 2005 would be satisfied, which seek a high quality of design in all new developments and within conservation areas. I have therefore dismissed the appeal accordingly.

*C J Leigh*  
INSPECTOR



# Appeal Decision

Site visit made on 9 March 2009

by **Andrew M Phillipson** BSc CEng FICE  
MIHT

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**Decision date:**  
**6 April 2009**

## Appeal Ref: APP/Q1445/A/08/2089004 15 Leybourne Road, Brighton BN2 4LT

- 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 Tony Lawes against the decision of Brighton & Hove City Council.
- The application Ref BH2008/02619, dated 25 July 2008, was refused by notice dated 25 September 2008.
- The development proposed is a first floor extension.

### Decision

1. I allow the appeal, and grant planning permission for a first floor extension at 15 Leybourne Road, Brighton in accordance with the terms of the application, Ref BH2008/02619, dated 25 July 2008, and the plan submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

### Main Issue

2. The main issue is the effect the extension would have on the character and appearance of the Leybourne Road street scene.

### Reasons

3. No 15 Leybourne Road is one of six semi-detached houses located to the east of Partridge House on a curve in the road. The houses are well spaced and a large flat-roofed ground floor extension has recently been added to the side of the house. The proposal is to construct a first floor over this.
4. As to the impact of the proposal on the host dwelling, I accept that the proposed extension would be large and the existing and proposed extensions would together be broadly comparable in size to the original house. However, it would be set back behind the main front elevation, and the pitched roof proposed would be lower than that of the original semi-detached pair. Accordingly, whilst the addition now proposed would inevitably further "unbalance" the pair of semi-detached houses to some degree, the extension would nonetheless remain clearly subservient to the original dwelling. Provided

that matching materials are used to build it (which could be required by condition) it would not, to my mind, materially harm the building's appearance; indeed, I take the view that, overall, it would improve it.

5. As to the impact on the wider street scene, the set back proposed and the bend in the road are such that distant views of the extension would be largely obscured by the existing dwelling on approaching the site from the west. From the east, the extension would be much more prominent by virtue of its location forward of Nos 17 and 19. However, I do not see this prominence as harmful; indeed, I take the view that the addition of a first floor extension over the present flat-roofed ground floor addition would, whilst adding materially to the overall visual mass of the dwelling, nonetheless help to integrate it successfully with the street scene. To my mind, the overall result would be an improvement in the character and appearance of the street scene.
6. It is common ground that the appeal proposal would not result in harm to the living conditions of the neighbours, and, given my findings above, I conclude that the proposal would not conflict with the development plan. I have therefore allowed the appeal.
7. In doing so, I have had regard to all other matters raised, including the other sites nearby where the Council has recently granted planning permission for two-storey side extensions to semi-detached houses. None are, to my mind, directly comparable to that proposed in the appeal. Notwithstanding this, the examples that I saw served to reinforce my view that, with appropriate attention to detail, such extensions can satisfactorily integrate with the street scene.

*Andrew M Phillipson*

Inspector



# Appeal Decision

Site visit made on 17 March 2009

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

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**Decision date:**

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## Appeal Ref: APP/Q1445/A/08/2086622

### 13 Harrington Road, Brighton BN1 6RE

- 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 & Mrs Minor against the decision of Brighton & Hove City Council.
- The application ref: BH2008/00926, dated 12 March 2008, was refused by notice dated 13 June 2008.
- The development proposed was described as internal alterations and extension at first floor over existing rear ground floor flat roof to form two bedrooms.

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### Decision

1. I dismiss the appeal.

### Preliminary Matter

2. Although the site is in the Preston Park Conservation Area the proposed extension would be barely visible from public viewpoints. Moreover, it would follow the general outline of the front part of the existing building. Taking this into account I am satisfied that it would have no material effect on the character or appearance of the area.

### Main Issue

3. Taking the above matter into account I consider that the main issue is the effect on the living conditions of neighbouring residents, especially the occupiers of no. 15 Harrington Road, having particular regard to any implications for the light received by and outlook from that house.

### Inspector's Reasoning

4. The appeal property is a detached house, two storeys high at the front but reducing to a flat-roofed single-storey structure at the rear. To one side is another detached house. On the other is a pair of large semi-detached houses. It is the effect on the occupiers of the semi-detached house closest to the appeal premises, no. 15, that is of concern of the Council. During the site visit, along with representatives of the Council and the appellant, I was shown around that property by one of the occupiers.
5. Although the existing shape of the appeal property appears rather odd when viewed on a drawing, on site it has a clear logic to it. The stepping down in height at the rear limits the effect on the light received by and outlook from windows in the side of its neighbour, no. 15. Whether this is deliberate I do not know for certain, though it looks as though this feature post-dates no. 15. Be that as it may, whether the relationship has been arrived at by chance or by design it is a fortunate one that allows the two houses in their current form to coexist in a reasonably neighbourly manner.
6. Despite the appellants' contention that the extension would have little more effect than the existing parapet wall, my own judgement is that it would seriously detract from this present harmonious relationship. In particular there is a habitable room on the ground floor of no. 15 whose only window faces towards the appeal site.

- This is roughly at the point where the existing 2-storey part of no. 13 ends and the window therefore benefits from a reasonable level of light and sky views. The proposal would result in a wall 2-storeys high directly in front of the whole of this window and apparently not much more than 2m from it. Moreover, if the eaves of the new roof are to follow the existing lines they would project significantly out from this wall, thus encroaching further into this already narrow gap.
7. As a result, even if the increase in wall height relative to the existing parapet wall seems modest on a drawing, in reality the effect would be very considerable. As the existing roof demonstrates, very little other than the wall and eaves of no. 13 would be visible from this window. This would be overbearing and make the room, described by the neighbours as a family room, feel very enclosed. I would also expect there to be a noticeable reduction in light. All this would, in my judgement, seriously detract from the attractiveness of this room. The slight difference in the levels of the houses is insufficient to avoid this effect.
  8. In addition, there is a window in the side of the kitchen to no. 15 that may also be affected to some extent. Moreover, whilst it is not the only window in the kitchen, the others are small and this adds, albeit modestly, to my concerns.
  9. The proposed extension would also be directly in front of the only window in a bedroom at no. 15. Given the greater elevation of this window, I do not consider that the effect on this bedroom would in itself be a reason for withholding permission. However, in the circumstances it again adds, if only modestly, to my concern that the appeal proposal would be an unneighbourly and harmful addition. On the other hand I consider that any effect on the first floor bathroom and shower room windows would be insignificant.
  10. I have taken into account that in urban areas it is not uncommon for gaps between houses to be as narrow as this one and that if there are windows in the side walls they often have restricted light and outlook. However, to avoid problems arising dwellings are therefore usually designed so that the principal windows are in the front and rear and any in the side are mostly secondary ones or not in main habitable rooms. That is not the case in respect of some of the windows in no. 15. Moreover, the existing form of no. 13 respects this in a way that the proposed extension would not.
  11. I have also taken into account that no. 15 is a relatively large house and that other rooms in it would be unaffected by the appeal proposals. However, that does not in my view justify the serious harm caused, especially to the attractiveness of the family room, where the proposal would result in a 2-storey wall very much closer than is normally regarded as acceptable in front of a main habitable room window. Although the proposal would clearly improve the accommodation at no. 13 I do not consider that that justifies causing such harm to the living conditions of the occupiers of the neighbouring house, which in my judgement would be far greater than any effect of the existing trees along parts of the boundary.
  12. I have had regard to all other material considerations raised. In my view no other residents would be materially affected in any way. Moreover, whilst it might be possible to erect something similar as permitted development it has not been suggested that that would in fact happen if the appeal is dismissed. Neither these nor any of the other matters has therefore contributed materially to my decision. For the reasons set out above I therefore conclude that the effect on the living conditions of the occupiers of no. 15 would be unacceptable and that the proposal is thus contrary to Policies QD14 and QD27 of the Brighton and Hove Local Plan. Accordingly the appeal should not succeed.

**P Grainger**

INSPECTOR

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# Appeal Decision

Site visit made on 2 April 2009

by **C J Leigh BSc(Hons) MPhil(Dist) MRTPI**

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

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**Decision date:**  
**27 April 2009**

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## Appeal Ref: APP/Q1445/A/08/2089539

12 Sussex Road, Hove, East Sussex, BN3 2WD

- 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 Ms K Stephen-Martin against the decision of Brighton & Hove City Council.
- The application Ref. BH2008/02579 was dated 18 August 2008 and was refused by notice dated 4 November 2008.
- The development proposed is a new first floor extension at the rear, alteration of windows to south elevation and extension of existing stair enclosure at 2<sup>nd</sup> floor level.

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### Preliminary matters

1. I have determined this appeal on the basis of the drawings refused permission by the Council and as set out on their decision notice, namely 08701/SI/001, 002 & 003, and 08701/PA/001, 002, 003 & 004.

### Decision

2. I dismiss the appeal.

### Reasons

3. The appeal property is a narrow house, standing at the end of a terrace close to the seafront. There are views both north and south along Sussex Road towards the house, and from Kings Esplanade to the south where the southern elevation of the property is particularly noticeable. In these views, No. 12 appears as part of the group of modest, relatively unaltered terraced houses, and the unassuming appearance of No. 12 and the wider group contributes positively to the character of the Cliftonville Conservation Area; I note that the grouping of similar houses is specifically identified in the Council's 1997 Character Statement for the Area, which has been adopted as Supplementary Planning Guidance (SPG).
4. The position and dimensions of the existing windows to the terrace form part of the consistency in this group character of the terrace. The submitted drawings show the windows in the south elevation being modified and enlarged in the ground, first and second floors. I share the Council's concerns that these modifications would, in this instance, be inappropriate for the property. The contemporary window treatment and their altered proportions would contrast markedly with the historic pattern of openings seen in the front elevation, and with the rest of the terrace. I think this would lead to an inappropriate jarring of styles on the same building, which would be readily evident in the wider area as an awkward treatment to the two elevations. Furthermore, it would upset the group value of the terrace due to a diminishment in its original quality. This

- would be harmful to the character and appearance of the Conservation Area and so conflict with Policies QD1, QD2, QD3, QD14 and HE6 of the Brighton & Hove Local Plan 2005 and the SPG.
5. The new rear extension would be erected above the existing two storey projection to the property. I saw at my site visit that the narrow width of the Sussex Road properties currently creates close juxtaposition between existing rear extensions. Although the proposed extension would replace an existing sloping roof, it would project further towards the properties to the north. In my judgement, the addition of this further storey to No. 12 would lead to a material loss of light to No. 13 to the north, which has windows in that rear elevation facing southwards towards No. 12. I further think the increase in height would be significant enough to create an unacceptably overbearing impact upon the outlook from No. 13.
  6. At my site visit I also saw that the properties to the east at Victoria Cottages have very small rear yards and windows facing No. 12, and I viewed the appeal site from the rear alleyway between Sussex Road and Victoria Cottages. In my judgement, the additional storey at No. 12 would lead to a material loss of light to the yard for 3 Victoria Cottages to the east, as well as an unacceptable increase in sense of enclosure to that property.
  7. The submitted drawings show that, on the northern elevation to the existing rear projection, a new bay window would be provided with Juliette balcony at first floor level. I acknowledge that there are currently windows on this elevation. However, these are small and have a high cill height. I think the proposed new full-height windows with balcony would represent a significant increase in the amount of glazing and openings to the room behind, which would consequently lead to a greater ease for occupants to look out of the property towards No. 13; the full-length windows with balcony would particularly allow this to happen. I note the concerns of the occupants of No. 13 that there would be a loss of privacy to their property. I agree that, despite the close proximity of Nos. 12 and 13, there is at present a relatively good degree of privacy to the rooms of those properties due to the placing and size of windows. Thus, in my judgement, the proposed changes to the windows at No. 12 would lead to a material loss of privacy to the occupants of No. 13.
  8. I therefore think the proposed rear extension, and alterations to the existing rear projection, would be harmful to the living conditions of adjoining occupiers through a loss of light, increase in sense of enclosure and loss of privacy. This would be contrary to Policies QD14 and QD27 of the Local Plan.
  9. The submitted 'existing' drawings show an existing rear terrace at roof (second floor) level to the property, accessed via sliding doors from a bedroom. The scheme before me shows an alteration in the size and design of the openings to the terrace, alterations to the enclosure to the terrace and an extension of the enclosed staircase up to the second floor. I consider the changes as shown on the drawings to be minor alterations to the property which, given the existing alterations at roof level, would have limited visual impact upon the wider area and sit comfortably within the appearance of No. 12 and the terrace.
  10. I saw at my site visit that certain other properties in Sussex Road have seen rear additions and alterations. I am not aware of the circumstances that led to these being built and, in certain instances, they demonstrate some of the



undesirable effects that I think would arise were I to allow this appeal. The existence of those other extensions therefore does not alter my findings that the scheme shown on the submitted drawings would conflict with the Local Plan. I also think my comments relating to the proposed alterations at second floor level do not outweigh such conflict. For the reasons given I have therefore dismissed this appeal.

*C J Leigh*  
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:**  
**22 April 2009**

## Appeal Ref: APP/Q1445/A/08/2086855

### land to rear of nos. 8-16 St Leonards Road, Hove BN3 4QR

- 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 J Kelly against the decision of Brighton & Hove City Council.
- The application ref: BH2008/01689, dated 18 May 2008, was refused by notice dated 12 August 2008.
- The development proposed was described as the demolition of garages and the erection of three 1½ storey houses.

### Decision

1. I dismiss the appeal.

### Main Issues

2. The main issues are:
  - the effect on the living conditions of neighbouring residents;
  - the effect on local transport infrastructure, including the implications for the safety and convenience of users of the local highway network; and
  - taking the above into account together with local policy and national advice on new housing, whether the site is a suitable location for the scale of development proposed.

### Inspector's Reasoning

#### *Background*

3. The appeal site is currently occupied by 17 lock-up garages. It is in a backland location in a block bounded by Kingsway (the A259 Brighton to Worthing road) to the south, Boundary Road to the west, Seaford Road to the north and St Leonards Road to the east. The area is primarily residential. However, the adjoining properties on Boundary Road appear to be wholly or mostly in commercial use at ground level though many of them seem to have residential accommodation above. Moreover, immediately to both the north and south of the site are modest industrial or commercial premises.
4. To the south, and separating the site from the rear of the dwellings on Kingsway, is what appears to be a commercial vehicle repair garage. This incorporates a 2-storey building immediately at the end of the garden of no. 4 St Leonards Road and separated from that of no. 6 only by a narrow alley.
5. To the north is a single storey building used by a coin machine company. Unlike the repair garage to the south this building shares the access to the appeal site. Next to this vehicular access is another narrow pedestrian access running along the backs of the properties on Seaford Road. This access appears to be used very little if at all.

*Living conditions*

6. As part of the appeal proposal it is proposed to remove the existing wall between the vehicular and pedestrian accesses behind the Seaford Road dwellings. At least some of the residents are concerned that this would expose the rear of their properties leading to a loss of privacy and potential trespass, vandalism and burglary. However, I found that most (though I accept not all) of the rear gardens are bounded by substantial walls, fences and vegetation that would prevent overlooking. In any event, the existing wall between the path and the vehicular access is not high enough to prevent all views. Moreover, the pedestrian access is not secured from the road. As a result it could already be used access by anyone seeking to gain unauthorised access and this would arguably be less noticeable than if 3 houses were erected on the site providing a degree of natural surveillance.
7. I have also taken into account the potential for noise and disturbance from the use of the access to serve 3 houses. However, it already serves 17 garages as well as the coin machine premises which from my own observations (which seem consistent with the Council's) generates frequent movements. It also appears that loading of machines takes place in the open close to the end of the gardens of nos. 13 and 15 Seaford Road. Taking the existing and potential use of the access into account I consider that replacing the garages by 3 houses would be unlikely to result in a significant increase in activity sufficient to cause serious problems of noise and disturbance. I conclude that the proposed access arrangements would not be likely to have a serious effect on the living conditions of neighbouring residents.
8. As for the impact of the proposed houses themselves, the residential elements of the properties to the west appear to be primarily at first floor level or above. Taking this into account together with the relatively low height of the proposed houses (which would have their first floor rooms partly in the roofspace) I consider that there would be no material effect on light or outlook. Moreover, no windows are proposed in the end elevation at first floor level and this could be conditioned. Accordingly I consider there would be no serious harm to the living conditions of any residents living on this boundary of the site.
9. Turning to St Leonards Road, the end elevation of one of the proposed houses would be directly in line with the rear of no. 12. It would also be partly behind nos. 10 and 14, but the overlap with the latter is very limited. There are windows at both ground floor and first floor level in the rear of these properties most of which I would expect from my experience of similar houses to be in habitable rooms. The separation between the buildings would be about 11.5m, which is close to the point where I have found that two storey walls can begin to appear overbearing and give rise to an undesirable sense of enclosure.
10. After the accompanied part of the site visit I walked round the area, as requested by the appellant, in an attempt to look at a number of potentially similar relationships. However, not all of them proved to be readily visible and not all of those that were seemed to me to be in strictly comparable situations.
11. That said the relationship proposed would have similarities with that existing further south on St Leonards Road where nos. 4 and 6 back onto the two-storey element of the commercial garage. That is a flat roofed structure, but it is considerably wider than the end of the proposed houses. The existence of such a relationship is not necessarily a good reason for repeating it in new

developments. However, in this case it does not appear to have resulted in nos. 4 and 6 being unattractive or unable to make a proper contribution to the housing stock of the area. Taking all this into account, together with the low eaves and ridge height of the proposed houses and the intervening outbuildings and vegetation, I consider that on balance they would not appear unacceptably overbearing or make the existing houses feel unreasonably enclosed. Moreover there would again be no first floor windows to cause overlooking.

12. In addition, given the separation and the modest height of the houses I consider that, taking into account the advice in the BRE Report entitled '*Site Layout Planning for daylight and sunlight*', there would be no material loss of sunlight or daylight to any of the surrounding houses. Given the location of the proposed houses to the west of the St Leonards Road properties and close to their boundaries, there is likely to be some loss of light to parts of the gardens at some times of the day and year. However, the gardens would continue to receive some sunlight from the south and I consider the effect would not be so great as to require the withholding of planning permission. In addition, whilst the Seaford Road properties are to the north, the separation would in my judgement be sufficient to avoid not only any serious effect on the light received by their gardens but also any significant overlooking problems.
13. I accept that those living around the site would be well aware of the proposed development if it took place. However, despite the concerns of the Council and at least some of those residents, I consider that the effect on their living conditions would not be so great as to be an overriding objection to the proposal. Accordingly there would be no material conflict with those development plan policies that deal with such matters, in particular Policy QD27 of the Brighton and Hove Local Plan.

#### *Highways and transportation matters*

14. The Council as Highway Authority have not objected to the proposal. I have taken that into account. However, in walking round the area I found the on-street parking conditions to be amongst the worst I have ever experienced. Not only were vehicles parked on lengths of nearby streets where white lines indicate that they should not, but I saw several examples of double parking on St Leonards Road. Furthermore, this was not always for short periods, as sometimes happens to allow unloading. Indeed some vehicles remained double parked for the whole of the time that I was in the area – nearly an hour.
15. I have no evidence that this causes accidents but it inconveniences other road users. Moreover, it is difficult to see how the appeal development can do other than make the situation worse. On the basis of the appellant's survey only one or two of the garages appear to be used for parking by local residents (and that would be consistent with the lack of evidence of frequent vehicular access to many of them). However, the existing conditions are so poor that even one or two extra vehicles parked on-street could have a significant effect.
16. In addition, whilst provision of one parking space per dwelling complies with the Council's standards I have seen no clear evidence that, especially when visitors are taken into account, it would be sufficient to avoid some increased demand for on-street parking. In the circumstances I observed even a modest increase could have a significant effect on the convenience of road users and lead to increased 'parking stress' for local residents. I have had regard to the advice in Planning Policy Guidance Note 13. However, without firm evidence

that the probable level of car ownership/usage of occupiers would make a demand for on-street parking unlikely to occur on a frequent basis, I consider that this is one of the exceptional cases where it may be appropriate to require more parking than the developer wishes to provide.

17. My concerns in respect of these matters are increased by what appears to be the frequent blocking of the access by vehicles making deliveries to the coin machine premises. When I arrived in the area there were two such vans parked in the access way, which was completely blocked. The vans had been moved before the appointed time of the site visit but two vehicles were there again before I finished making my observations in the wider area. Moreover, this appears to be consistent with the Council's own observations. In my view this is significant as, whatever the legal rights of the matter, this conflict seems likely to result in additional vehicles, be they coin machine vans or the cars of occupiers of the proposed houses, waiting or parking on St Leonards Road from time to time. Again this would exacerbate the existing situation.
18. I am aware that these matters were not a reason for refusal. However, some of them were touched on by the Council and others were raised by local residents. Moreover they are very apparent when walking round the area. On the information currently available I do not share the appellant's view that the proposal would have little if any impact on parking in the locality.
19. In addition, there seems to be no dispute that, in the absence of off-site highway works and/or improvements to sustainable modes of travel, the proposal would add to the pressure on transportation infrastructure in the wider area. Moreover, without a contribution towards such improvements the proposal would conflict with Local Plan policy, in particular Policy TR1. Highway officers noted that a planning obligation would be needed to deal with this but no such obligation has been produced.
20. The Council have proposed that the matter be dealt with by a condition, but it is well established that planning conditions cannot require monetary contributions. Moreover, whilst the suggested condition refers only to a scheme being produced in this case it is as clear as it is possible to be that the only 'scheme' that would achieve the desired end is a financial contribution. Indeed a note attached to the Council's decision notice indicates the precise sum sought. The appellant's agreement to such a condition is not itself sufficient to make it reasonable and, ultimately, lawful and enforceable.
21. In my view, this matter cannot properly be dealt with in this way and thus it has not demonstrated that the proposal makes adequate provision for the transportation needs to which it would give rise. Taken together with my concerns regarding on-street parking I conclude that at the present time at least the proposal conflicts with Local Plan Policies TR1 and SU15 and, arguably, the aims of Policy TR7.
22. I have also noted the views of some residents of Seaford Road that the removal of the wall alongside the access would give rise to safety concerns. However, even if pedestrians and vehicles shared this access the likely numbers involved suggests that this would not be a serious problem given that in my experience shared surfaces are often acceptable as an access to more than 3 dwellings. In any event, my observations suggest that at present very little use is made of the rear pedestrian access, which is almost impassable. This matter has not therefore contributed materially to my conclusions.

*Other matters and overall conclusions on the suitability of the site for the proposed development*

23. I have concluded that 3 dwellings could be accommodated on the site in the form shown without causing serious harm to the living conditions of neighbouring residents and would not conflict with the aims of Local Plan Policy QD27. In addition, these are modest two-bedroomed houses with a low eaves and ridge line and a small scale appearance. I do not share the Council's view that they require a larger garden area to avoid looking cramped. Neither do I consider the detailed design of the houses to be unsatisfactory and, especially given their inconspicuous location, I consider that they would have no adverse effect on the character or appearance of the area. In short I consider there is no conflict with those development plan policies that deal with such matters and seek to ensure a high quality appearance that is suited to its location, including Local Plan Policies QD1, QD2 and QD3, especially when regard is had to Policy HO4.
24. I have taken into account that, on the submissions I have seen, the Council does not have a 5 year supply of housing land, together with the advice in Planning Policy Statement 3 (PPS3) which suggests that in such circumstances proposals should be considered favourably. However, that does not, in my view, extend to proposals that would cause serious harm to other important matters. Moreover, in this case it has not been demonstrated that the development can be accommodated on the site without adding to on-street parking problems in the area. Although the increased demand may be small the existing situation is in my judgement so poor that even a few extra parked vehicles could have a serious effect. Furthermore, no contribution has, to date, been satisfactorily secured towards transport infrastructure requirements.
25. In addition, although the garages are beginning to show signs of deterioration the site does not currently appear to cause any serious harm to local residents. In particular, the poor quality of the surfacing is not readily visible from outside the site except perhaps from a few high windows. In my view, despite the advice in PPS3, the circumstances taken as a whole do not indicate that permission should be granted for the scheme in its current form and on the basis of the information currently available to me.
26. I have considered all the other matters raised. However, none of them is in my judgement sufficient either individually or in combination to have a material effect on the balance of considerations. For the reasons set out above and having taken into account all other material considerations raised I therefore conclude that the appeal should not succeed.

**P Grainger**

INSPECTOR





### NEW APPEALS RECEIVED

**WARD****APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HANOVER & ELM GROVE**

BH2008/03354

74 Pankhurst Avenue, Brighton

Two storey side extension and side and rear roof extension including hip to gable. Incorporating incorporating rooflights, solar panels and wind generator.

APPEAL LODGED

24/04/2009

Delegated

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

BH2008/02282

16 Park Crescent, Brighton

Retrospective permission to reinstate rear lobby (demolished in 1964) and restore original foot plate.

APPEAL LODGED

24/04/2009

Delegated

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

BH2009/00129

133 New Church Road, Hove

Erection of a rear ground floor orangery extension.

APPEAL LODGED

29/04/2009

Delegated

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

BH2007/04540

74 Crescent Drive North, Brighton

Rear conservatory. rear garage extension and two dormers, one with juliet balcony.

APPEAL LODGED

28/04/2009

Delegated

**WARD****APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****HANGLETON & KNOLL**

BH2008/03449

Land to rear 107 Boundary Road, Hove

Construction of new partially sunken 3 bedroom single storey dwelling with flat roof

APPEAL STATUS and rooflights.  
APPEAL RECEIVED DATE APPEAL LODGED  
14/04/2009  
APPLICATION DECISION LEVEL Environmental Services Planning  
Committee

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**WARD** **HANGLETON & KNOLL**  
APPLICATION NUMBER BH2008/03442  
ADDRESS 107 Boundary Road, Hove  
DEVELOPMENT DESCRIPTION Demolition of existing house and  
construction of 2 storey building with pitched  
roof and lightwell to form 7 flats  
(Amended Description).  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 09/04/2009  
APPLICATION DECISION LEVEL Environmental Services Planning Committee

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**WARD** **PATCHAM**  
APPLICATION NUMBER BH2008/02490  
ADDRESS Mill House, Overhill Drive, Brighton  
DEVELOPMENT DESCRIPTION Erection of 3 detached two-storey  
dwellings and a single detached bungalow.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 17/04/2009  
APPLICATION DECISION LEVEL Delegated

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**WARD** **WITHDEAN**  
APPLICATION NUMBER BH2008/03365  
ADDRESS Land rear of 14 Bankside, Brighton  
DEVELOPMENT DESCRIPTION Construction of a new three-storey dwelling with  
solar panels.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 21/04/2009  
APPLICATION DECISION LEVEL Delegated

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**WARD** **WITHDEAN**  
APPLICATION NUMBER BH2008/03769  
ADDRESS 68 Peacock Lane, Brighton  
DEVELOPMENT DESCRIPTION Loft conversion incorporating 2 no dormers to  
front and 1 no dormer to side elevation,  
rooflights and raising of ridge height, and  
single storey rear extension.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 22/04/2009  
APPLICATION DECISION LEVEL Delegated

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**Brighton & Hove  
City Council**

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES**  
**20<sup>th</sup> May 2009**

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

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**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: 2<sup>nd</sup> – 3<sup>rd</sup> June 2009  
Location: Jubilee Library

**24 Albert Road, Brighton**

Planning application nos: • BH2008/02670  
• BH2008/02671  
Description: • Two storey side extension.  
• Partial demolition and alterations to existing house and erection of a two storey detached house to the rear.  
Decision: Committee  
Type of appeal: Informal Hearing  
Date: 9<sup>th</sup> June 2009  
Location: Jubilee Library, Brighton

**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: 10-12<sup>th</sup> 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: 23<sup>rd</sup> June 2009  
Location: Council Chamber, Brighton Town Hall

### **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: 30<sup>th</sup> 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: 1<sup>st</sup> July 2009  
Location: Council Chamber, Brighton Town Hall

### **9 Benfield Close, Portslade**

Planning application no: BH2008/01110  
Description: Single storey rear extension (retrospective).  
Decision: Delegated  
Type of appeal: Informal Hearing  
Date: 7<sup>th</sup> July 2009  
Location: Brighton Town Hall

### **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: **WITHDRAWN**  
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

Decision: two storey detached house to the rear.  
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:

**8 Wivelsfield Road, Saltdean**

Planning application no: BH2009/00063  
Description: Extensions and additional storey to property.  
Decision: Delegated  
Type of appeal: Informal Hearing  
Date:  
Location:

