



**Brighton & Hove  
City Council**

# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>14 October 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), Carden (Opposition Spokesperson), Caulfield, Cobb, Davey, Hamilton, Kennedy, McCaffery, Smart, Steedman and C Theobald</p> <p><b>Co-opted Members:</b> Mr J Small (CAG Representative)</p>
Contact:	<p><b>Penny Jennings</b> Senior Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk</p>

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## AGENDA

### 117. 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.*

### 118. MINUTES OF THE PREVIOUS MEETING

1 - 16

Minutes of the meeting held on 23 September 2009 (copy attached).

### 119. CHAIRMAN'S COMMUNICATIONS

### 120. PETITIONS

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

### 121. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 8 October 2009)

No public questions received by date of publication.

### 122. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 8 October 2009 )

No deputations received by date of publication.

## **PLANNING COMMITTEE**

### **123. WRITTEN QUESTIONS FROM COUNCILLORS**

No written questions have been received.

### **124. LETTERS FROM COUNCILLORS**

No letters have been received.

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

No Notices of Motion have been referred.

### **126. APPEAL DECISIONS**

**17 - 30**

(copy attached).

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

**31 - 34**

(copy attached).

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

**35 - 36**

(copy attached).

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

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

(copy circulated separately).

### **131. 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**

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

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

## PLANNING COMMITTEE

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

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

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

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For further details and general enquiries about this meeting contact Penny Jennings, (012730) 291065, email [penny.jennings@brighton-hove.gov.uk](mailto:penny.jennings@brighton-hove.gov.uk) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk).

Date of Publication - Tuesday, 6 October 2009



**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm, 23 SEPTEMBER 2009**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

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

**Co-opted Members** Apologies were received from Mr Small (CAG)

**Officers in attendance:** Paul Vidler (Deputy Development Control Manager), Hamish Walke (Area Planning Manager (East)), Kate Brocklebank (Senior Planning Officer), Zachery Elwood (Interim Senior Team Planner), Chris Wright (Planning Officer), Steve Reeves (Principal Transport Planning Officer), Di Morgan (Arboriculturist), Ann Wilkinson (Lawyer) and Penny Jennings (Senior Democratic Services Officer)

**PART ONE**

**100. PROCEDURAL BUSINESS**

**100a. Declaration of Substitutes**

100.1 There were none.

**100b. Declarations of Interest**

100.2 The Deputy Development Control Manager, Mr Vidler declared a personal and prejudicial interest in Application BH2009/01518, Sussex County Cricket Ground, Eaton Road, Hove by virtue of the fact that he was a Sussex County Cricket Club member. He had taken no part in processing the application or formulating the recommendation set out in the report. Any questions arising from the Officer's presentation would be answered by the case officer.

100.3 Councillor Steedman declared a personal and prejudicial interest in Application BH2009/01489, Tiger Enterprise Ltd, 50 Marina Way, Brighton stating that as he did

not consider that he was of a neutral mind in respect of this application, he would leave the meeting during its consideration and would take no part in the debate or decision making thereon. Councillor Kennedy referred to the same application stating that although she had attended several public events at the site, neither the applicant nor the agent were known to her, she remained of a neutral mind and it was her intention to remain at the meeting during the debate and decision making thereon.

100.4 Councillor Hamilton stated that he would be speaking in support of Application BH2009/00532, 116 St Andrew's Road, Portslade in his capacity as a Local Ward Councillor. Having spoken he would withdraw from the meeting and would take no part in the discussion or voting thereon.

#### **100c. Exclusion of the Press and Public**

100.5 In accordance with Section 100A of the Local Government Act 1972 ("The Act"), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of (The Act).

100.6 **RESOLVED** - That the press and public be excluded from the meeting during consideration of Item 116, Non-public minutes of the previous meeting, as this item is exempt under Paragraph 6 of Schedule 12A of the 1972 Act (information which reveals that which the authority proposes to do).

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

101.1 **RESOLVED** - That the Chairman be authorised to sign the minutes of the meeting held on 2 September 2009 as a correct record.

#### **102. CHAIRMAN'S COMMUNICATIONS**

##### **Web casting**

102.1 The Chairman explained that afternoon's meeting of the Planning Committee was being webcast. 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.

#### **103. PETITIONS**

103.1 There were none.

#### **104. PUBLIC QUESTIONS**

104.1 There were none.



**105. DEPUTATIONS**

105.1 There were none.

**106. WRITTEN QUESTIONS FROM COUNCILLORS**

106.1 There were none.

**107. LETTERS FROM COUNCILLORS**

107.1 There were none.

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

108.1 There were none.

**109. APPEAL DECISIONS**

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

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

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

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

111.1 The Committee noted the list of planning appeals set out in the agenda relating to Informal Hearings and Public Inquiries.

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

112.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determining the application:

Application:	Site Visit Requested by :
BH2009/00422, 223A& 23E Coleridge Street, Hove	Councillor Mrs Cobb
*BH2009/01729, Falmer Academy	Deputy Development Control Manager
*BH2009/02014 & 02015, The Old Market, 11A Upper Market Street, Brighton	Deputy Development Control Manager
*BH2009/01464, Park House,	Deputy Development Control

Old Shoreham Road, Hove	Manager
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\*Anticipated as applications coming forward for decision at the next scheduled meeting of the Committee.

**113. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST :23 SEPTEMBER 2009**

**(i) TREES**

- (1) Councillor C Theobald sought clarification regarding the level of damage being caused by the tree, noting that it appeared to be a fine specimen and in good health. The arboriculturist confirmed that although healthy the trees roots were starting to undermine four listed structures including the flint retaining wall; for that reason removal and replacement was recommended in this instance.
- (2) A vote was taken and on a vote of 8 to 1 with 3 abstentions consent to fell the trees referred to below was granted.

113.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 7 of the report and resolves to grant consent subject to the conditions set out in the report.

**Note:** Councillor C Theobald voted that permission to fell the tree be refused. Councillors Carden, Hamilton and Wells abstained.

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

**A. Application BH2008/00792, Former Nurses Accommodation, Brighton General Hospital, Elm Grove** – Demolition of existing buildings and redevelopment of site to provide 95 residential units and a community facility within three buildings of varying heights between 3 -6 storeys and associated car parking and landscaping.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Senior Planning Officer, Ms Brocklebank gave a presentation detailing the constituent elements of the scheme and considerations as to its appearance when juxtaposed with residential buildings in the surrounding area. The form and design of the building in relation to the wider area was considered to be poor and to have been designed without regard to connections to the character of the neighbourhood.
- (3) The children’s play area and pedestrian routes had been overlooked in favour of on-site car parking. The location of the outdoor recreation space was considered inappropriate as there would be large areas of windowless retaining walls at ground level, no seating and little evidence of how these public spaces could be used. There were concerns as the Community facility would have no dedicated parking spaces and in respect of the level of sustainability which could be achieved. Wheelchair access

across the site was poor and the main pedestrian routes through the site contained only steps, for these reasons the application was recommended for refusal

- (4) Mr Barkway spoke on behalf of the applicant in support of their application, stating that in their view the varying gradients across the site were a constraint. As the site was in an elevated and conspicuous location an extensive visual impact analysis had been carried out. The development would step down across the site and the impact on both local and longer views was not considered to be as significant as indicated in the Officer's report.
- (5) Councillor Randall spoke in his capacity as a Local Ward Councillor in support of the application. He considered that the development would make effective use of the site and would provide much needed housing and could also free up family housing in the Queen's Park Area. An improved community facility would be included in the development and the play space would also be available for use by local families. It was a difficult site and the applicants had risen to the challenges it presented.

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

- (6) Councillor Kennedy enquired as to rationale for locating the children's play area to the rear of the site as there were larger green spaces located elsewhere within the development. Mr Barkway explained that this location had been chosen as it would relate well to neighbouring back gardens.
- (7) Councillor C Theobald enquired regarding the location of on-site parking, particularly in relation to Block C which did not appear to have any allocated parking immediately adjacent to it.
- (8) Councillor Mrs Cobb asked whether there would be an increase in the percentage of site coverage when compared with that of the buildings currently on site. It was explained that there would be an increase of 17% on existing site coverage.
- (9) Councillor McCaffery enquired regarding materials proposed for construction of balconies within the development. It was explained these would be glass with stainless steel retaining rails and banisters.
- (10) In answer to further questions the Senior Planning Officer, explained that no samples of materials had been received and notwithstanding that the applicant had indicated that Level 4 sustainability would be achieved, the submitted information indicated that this would be at Level 3.

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

- (11) Councillors Smart and Wells considered the scheme was acceptable and that planning permission should be granted considering that any outstanding matters could be addressed by conditions.
- (12) Councillor Kennedy stated that whilst recognising the need for housing, on balance she considered that a better scheme, more in keeping with the neighbouring residential area (characterised by low rise red brick buildings) should be sought. The materials

proposed (dark render) and the horizontal design were at variance with those of the prevailing street scene.

- (13) Councillor McCaffery expressed concern regarding the provision of disabled parking and wheelchair accessibility. She concurred that the design of the scheme could be improved.
- (14) Councillor Davey whilst recognising the need for additional housing was also in agreement that improvements should be affected to the design. A balance needed to be struck between the level of parking and amenity space provided on-site. His preference would be for there to be fewer parking spaces but larger and improved amenity spaces.
- (15) A Vote was taken and on a vote of 7 to 5 planning permission was refused.

113.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 7 of the report and resolves to refuse planning permission for the reasons set out in the report and amendments to Reason 1 as set out below:

**Amended Reason 1:**

“The proposed development, by virtue of its excessive height, mass and site coverage would appear over dominant and visually intrusive, and would detract from the prominent historical hill top setting and views of and from the adjacent listed Brighton General Hospital buildings which are a key landmark with citywide importance, and the setting of and long views from the Valley Gardens, Round Hill and West Hill conservation areas, contrary to policies QD1, QD2, QD3, QD4, HE3, and HE6 of the Brighton & Hove Local Plan.”

**Note:** Councillors Carden, Caulfield, Hamilton, Smart and Wells voted that planning permission be granted.

**(B) Application BH2009/00551, University of Brighton, Falmer Campus, Village Way, Brighton** – Provision of 8 floodlit tennis/netball courts with fencing, 9 lighting columns and associated access.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager (East), Mr Walke gave a presentation detailing the proposals which sought to replace existing facilities which would be lost as a result of the football stadium development. It was understood that these facilities would be available for use by the wider community and although within the AONB they fell outside the boundaries of the National Park.

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

- (3) Councillor Mrs Cobb sought confirmation regarding the materials to be used, it was explained that the courts would have a hard green porous surface.

(4) Councillor Smart sought confirmation regarding the status of the protective fencing to be provided for the duration of the works. The Area Planning Manager (East) confirmed that these would be removed once the works had been completed.

(5) A vote was taken and on a vote of 11 with 1 abstention planning permission was granted.

113.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 9 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.

**Note:** Councillor Caulfield abstained from voting in respect of the above application

**(C) Application BH2009/01498, Tiger Enterprise Ltd, 50 Marina Way, Brighton** – temporary change of use for a period of 5 years for the sale of surplus and reclaimed building materials, installation of portacabins and other ancillary structures and new site fencing (retrospective).

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

(2) The Area Planning Manager (East), Mr Walke gave a presentation detailing the proposal. He explained that the application was now recommended for “grant” rather than “minded to grant” as it was no longer considered necessary for the applicant to enter into a Section 106 Obligation to enable the existing TRO to be amended to allow right and left turn movements into the access off Marina Way as this could be dealt with by means of an informative. He explained that in this instance all residents of the west wing of the building (which overlooked the site) had been consulted.

(2) The Deputy Development Control Manager explained that it was anticipated that the site was unlikely to be developed/required for housing within five years, the proposed use would ensure that the appearance of the was improved whilst retaining its designated use.

(3) Mr Ball spoke on behalf of neighbouring objectors living in Marine Gate. He queried whether all of those residents directly affected had been consulted. These proposals ran contrary to designated use of the site for housing and would affect the amenity of residents of the west wing of Marine Gate by virtue of dust, noise and potential odour issues.

(4) Ms Cattell spoke on behalf of the applicant in support of their application stating that if temporary permission was to be granted it enable the applicant to store materials at the site more appropriately than currently, and would enable recycling of building materials to take place locally. In answer to queries by the Chairman, Councillor Hyde, regarding why planning permission had not previously been sought, Ms Cattell explained that her client had been wrongly advised regarding the need for planning permission.

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

- (5) The Chairman referred to the white sanitary ware currently stored on site, observed during the course of the site visit. This was visually unappealing and she sought confirmation that measures would be undertaken to improve the visual appearance of the site in the event that permission was granted.
- (6) In answer to questions by Councillor Smart, it was explained that the additional stacking units proposed would be of no greater height than those currently located on site. Councillor Smart also enquired regarding the type and location of signage to be used. The Solicitor to the Committee explained that this was not germane to consideration of the application and that this matter would be dealt with separately.
- (7) Councillor Carden enquired whether the site would be open for use by the Public and it was confirmed that it would. He welcomed this proposed temporary use which he considered would meet an identified need.

**Debate and Decision Making Process**

- (8) Councillor Wells considered that activity at the site needed to be monitored and stated that his preference would be for temporary permission to be granted for 2 years rather than 5. He subsequently put this as a formal amendment.
- (9) Councillor Mrs Cobb expressed support for the application considering that the proposed conditions would address concerns of Marine Gate Residents. Councillors Carden and Davey concurred in that view.
- (10) A vote was taken on the amendment put by Councillor Wells and seconded by Councillor Hyde, the Chairman, that temporary permission be granted for a period of two years. This was lost on a vote of 4 to 7. A further vote was then taken and on a vote of 8 with 4 abstentions temporary planning permission was granted for a period of 5 years.

113.4 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 the report and agrees that planning permission be granted subject to the conditions and informative set out in the report and to the additional informative set out below:

“The applicant is advised that there is a Traffic Regulation Order dated 1977 prohibiting right and left turn movements into the site access off the former Rifle Butt Road. Further information can be obtained from the Sustainable Transport Team on 01273 292368.”

**Note 1:** Councillors Caulfield, Hyde (Chairman), Smart and Wells abstained from the substantive vote.

**Note 2:** Having stated his intention to do so, Councillor Steedman left the meeting during consideration of the above application and took no part in the discussion or decision making thereon.

**(iii) MINOR APPLICATIONS**

**D. Application BH2009/01431, 26 St Mary's Square, Brighton** – Installation of roof lights to front and rear roof slopes, alterations to front entrance, replacement doors to rear at ground floor.

(1) A vote was taken and on a vote of 11 with 1 abstention to planning permission was granted.

113.5 **RESOLVED** - That the Committee has taken into consideration and agrees with 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:** Councillor Davey abstained from voting in respect of the above application.

**E. Application BH2009/01518, Sussex County Cricket Club, Eaton Road, Hove** – Erection of 3 single storey brick buildings comprising a toilet block, food and drink servery and a machinery maintenance and equipment store and office.

(1) A vote was taken and Members voted unanimously that planning permission was granted.

113.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report and amendment of Condition 10 as set out below:

**Amended Condition 10:**

“The compactor shall only be operated between the hours of 08.00 and 18.00 Monday to Friday, between the hours of 09.00 and 18.00 on Saturdays, Sundays and Bank or Public Holidays.

**Reason**

To protect the amenities of the occupiers of surrounding properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

**F. Application BH2009/00820, The Gallery, 12 Middle Street, Brighton** – Change of use from A1 retail to Sui Generis private karaoke based entertainment venue. Interior alterations including restoring of historic features.

(1) The Planning Officer, Mr Wright gave a presentation, detailing the scheme, location of the premises and proposed internal configuration including details concerning the location of disabled access Wc's and soundproofing measures to be put into place.

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

(2) In answer to questions of Councillor Smart regarding any other facilities/services to be provided the Planning Officer explained that the applicant had indicated that they intended to apply for an alcohol licence.

- (3) Councillor McCaffery enquired whether the proposed hours of operation were commensurate with other establishments in the vicinity and the Planning Officer confirmed that they were. Neither the Police nor the Environmental Health Department had raised any objections to the application.
- (4) A vote was taken and Members voted unanimously that planning permission be granted.

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

**G. Application BH2009/00532, 116 St Andrew's Road, Portslade** – Change of use of premises from car showroom (sui generis) to furniture showroom (A1) and storage container.

- (1) The interim Senior Team Planner, Mr Elwood, gave a presentation and explained that the proposal represented a change of use from sui generis to Class A1 (retail). It was considered that insufficient evidence had been provided to support this change, or to indicate that the applicant had sought to locate the proposed use within existing shopping centres. The potential impact of this unit on existing established shopping centres had also not been assessed. The proposal was considered to be contrary to policies SR1 and SR2 of the Local Plan and refusal was therefore recommended.

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

- (2) Councillor Davey sought clarification of the definition of “sui generis” and the Interim Senior Team Planner, Mr Elwood explained that this was applied to activities which had their own use class as they did not fit into any specific category. He confirmed that any other use of the site other than as a car showroom would require planning permission for change of use.
- (3) Councillor Caulfield enquired how long the premises had been empty and regarding marketing of the site. It was explained that the site had been vacant less than 12 months, the previous application had been lodged 3 weeks after it had become vacant.
- (4) Councillor Kennedy asked to view the site plans and it was explained in answer to questions that no external alterations were proposed to the existing buildings, the existing access arrangements would remain, although overall there would be a net loss of 10 car parking spaces.
- (5) Councillor C Theobald enquired regarding access/egress arrangements for lorries delivering to the premises, it was confirmed that these would also remain unaltered.
- (6) Councillor Smart enquired whether there had been a change of ownership and it was confirmed that to date there had not. He also enquired whether in the event that planning permission was granted conditions could be included which would preclude the sale of goods other than furniture. It was confirmed that either, a personal



permission could be given or, limitations placed on the type of goods permitted to be sold.

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

- (7) Councillor Steedman stated that although sympathetic to the application he considered it was important to apply the Council's policies consistently, to ensure that they were not undermined. In this instance no evidence had been provided with the application to substantiate claims that this use would not be detrimental to nor undermine other nearby shopping areas or areas where there were vacant premises; nor had evidence been submitted indicating measures proposed to mitigate against any potential negative impact.
- (8) Councillor Davey was of the same view. It was important to uphold existing Council policies and processes and for exceptions to be made only in instances where adequate levels of supporting evidence had been provided.
- (9) Councillors C Theobald and Wells stated that they did not consider a negative impact would result. They considered use of the premises for the sale of furniture was acceptable.
- (10) A vote was taken and on a vote of 7 to 3 with 1 abstention planning permission was granted following a recorded vote.

113.8 **RESOLVED** - That the Committee has taken into consideration the recommendations set but resolves to grant planning permission subject to the conditions set out below. It is not considered that the proposed use would be detrimental to the vitality and viability of the Boundary Road/Station Road District Shopping Centre. The proposals would not therefore be contrary to policies SR1 and SR2 of the Brighton & Hove Local Plan.

#### **Conditions:**

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

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

2. The use hereby permitted shall only inure for the retail sale and ancillary storage of the items listed hereunder and for no other purposes, including any other purpose falling within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987, as amended:

(a) furniture;

(b) such other items as have first been agreed in writing by the Local Planning Authority as falling within the category of "bulky goods"; and

(c) any ancillary small items usually associated with the sale of the above mentioned "bulky goods".

**Reason:** To ensure that the use hereby approved does not cause detriment to the vitality and viability of the Boundary Road/Station Road District Shopping Centre and to comply with policies SR1 and SR2 of the Brighton & Hove Local Plan.

3. The use hereby permitted shall not be open to customers and no deliveries shall be taken or dispatched from the site except between the hours of 08.00 and 18.00 on Mondays to Saturdays and 10.00 and 16.00 on Sundays.

**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

4. The use hereby approved shall not commence until the parking area has been laid out in accordance with details submitted to and approved in writing by the Local Planning Authority, which shall incorporate two disabled persons parking spaces. The parking area shall be retained in accordance with the details approved.

**Reason:** To ensure that adequate parking is provided and retained and to comply with TR19 of the Brighton & Hove Local Plan.

5. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of and visitors to the development at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and comply with policy TR14 of the Brighton Hove Local Plan.

6. No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

7. Within one month from its installation on the site, the storage container hereby approved shall be painted in a colour to be agreed in writing by the Local Planning Authority and shall thereafter be retained.

**Reason:** To safeguard the visual amenities of the area and to comply with Policy QD1 of the Brighton & Hove Local Plan and QD2 relating to the key design principles for neighbourhoods.

**Note 1:** Having spoken in support of the application in his capacity as a Local Ward Councillor Hamilton withdrew from the meeting and was not present during the discussion or decision making process.

**Note 2:** Councillor C Theobald proposed that planning permission be granted, this was seconded by Councillor Mrs Cobb and a recorded vote was taken. Councillors Carden, Caulfield, Mrs Cobb, McCaffery, Smart, C Theobald and Wells voted that planning permission be granted. Councillors Davey, Kennedy and Steedman voted that planning permission be refused. Councillor Hyde, the Chairman abstained. therefore on a vote of 7 to 3 with 1 abstention planning permission was granted.

**H. Application BH2009/00422, 23A & E Coleridge Street** – Change of use from office (B1) to six self-contained flats with formation of balconies to front elevation and demolition of single storey rear section to no. 23A and 23E.

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

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

I. **Application BH2009/01561, 130 Cowper Street, Hove** – extension above valeting shop (B1) to create office space (B1).

(1) The Planning Officer, Mr Wright gave a presentation detailing the proposals. The proposed use suitability of the design, its appearance and visual impact on the street scene on neighbouring amenity sustainability and transport issues had been considered. Although the development had been scaled back from that shown on an earlier application it was still considered that the development would have an overbearing impact and would lead to an increased sense of enclosure to the detriment of residential amenity. In addition, the applicant had failed to demonstrate the need for the new office space. Refusal was therefore recommended.

(2) Mr Martin spoke on behalf of the applicant in support of his application. He considered refusal was unjustified; the Council's own policies generally supported such small business use. There was a similar mix of business/workshop/residential uses in the surrounding area, which was characterised by narrow Victorian plots. The appearance of the existing building would be improved significantly and the proposed development would "finish" the end of the terrace and the turn into Westbourne Street. The enhanced premises would provide additional employment for three people Any concerns regarding potential visual intrusion/loss of amenity could be addressed by condition.

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

(3) In answer to questions, the Deputy Development Control Manager, Mr Vidler stated that this application was very similar to an earlier refused application. It was not considered that the earlier reasons for refusal had been overcome.

(4) Councillor Kennedy asked to see an artists impression of the upper floors of the building and enquired as to the rationale (as appeared to be the case) for bringing the front of the building forward of the existing building line.

(5) Councillor Davey also sought clarification regarding positioning of the building's proposed frontage the position in relation to the established building line. He also enquired whether the proposal would result in an intensification of the existing business use.

(6) The Chairman commented on the appearance of the proposed location in relation to the building located directly opposite.

(6) Councillor Mrs Cobb asked whether it would be possible for a condition to be imposed to prevent the proposed office at first floor level from being converted in to a flat. The

Deputy Development Control Manager, explained that would not be necessary as this would require further planning permission.

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

- (7) Councillor Davey considered the proposal which would be forward of the existing building line would be incongruous and out if keeping with its surroundings.
- (8) Councillor Kennedy stated that in terms of its design, scale and massing the proposal was not appropriate to this site. Objections had been received from all of the residents who would be directly affected. Their concerns regarding overlooking and loss of amenity should be respected. In her view the building looked like a converted chapel and was out of keeping with its surroundings.
- (9) Councillor Steedman considered that the poor appearance of the existing building did not justify the changes proposed. Any alterations to the existing building should be in keeping with the urban grain and character of the area which in his view this proposal plainly was not.
- (10) Councillor Wells considered it was appropriate to provide office accommodation above the existing business use and supported the application.
- (11) Councillor McCaffery stated that she liked the design which would provide a suitable end to the existing terrace. Councillor Smart also concurred in that view.
- (12) Councillor C Theobald considered that the site was likely to be developed at some stage. As the proposal would improve the appearance of the building she considered it to be acceptable.
- (13) A vote was taken and on a vote of 6 to 5 with 1 abstention planning permission was granted following a recorded vote.

113.10 **RESOLVED** – That the Committee has taken into consideration the reasons for the recommendation set out in Paragraph 8 of the report but resolves to grant planning permission as the applicant has demonstrated and expressed a need for office space at this location. The mass, scale and height of the development is not detrimental to the area or the street design. The following conditions to be applied:

#### **Conditions:**

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

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

2. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for such use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

3. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

4. No development shall take place until a written Waste Minimisation Statement, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

**Reasons:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Structure Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 construction and Demolition Waste.

**Note:** Councillor McCaffery proposed that planning permission be granted, this was seconded by Councillor Carden. Councillors Carden, Caulfield, McCaffery, Smart, C Theobald and Wells voted that planning permission be granted. Councillors Mrs Cobb, Davey, Hamilton, Kennedy and Steedman voted that planning permission be refused. Councillor Hyde the Chairman abstained. therefore on a vote of 6 to 5 with 1 abstention planning permission was granted.

**114. 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**

114.1 **RESOLVED** – That the Following site visits by undertaken by the Committee prior to determining the application:

Application:	Site Visit Requested by:
BH2009/00422 23A & 23E Coleridge Street	Councillor Mrs Cobb
*BH2009/01729, Falmer Academy	Deputy Development Control Manager
*BH2009/02014 & 02015, The Old Market, 11A Upper Market Street, Brighton	Deputy Development Control Manager
*BH2009/01464, Park House, Old Shoreham Road, Hove	*Deputy Development Control Manager

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

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

115.1 **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 had been submitted for printing was circulated to Members on the Friday preceding the meeting (for copy see minute book). Where representations are 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 2006**.

**116. NON-PUBLIC MINUTES**

116.1 **RESOLVED** - That the Chairman be authorised to sign the non-public minutes of the meeting held on 2 September 2009.

The meeting concluded at 6.00pm

Signed

Chairman

Dated this

day of

**APPEAL DECISIONS**

	<b>Page</b>
<b>A. WITHDEAN WARD</b>	
Application BH2009/00930, 18 Windmill Drive, Brighton. Appeal against refusal to grant planning permission for a single storey rear extension. (Delegated Decision) <b>APPEAL ALLOWED</b> (copy of the letter from the Planning Inspectorate attached).	<b>19</b>
<b>B. WOODINGDEAN WARD</b>	
Application BH2007/04540, 74 Crescent Drive North, Woodingdean. Appeal against refusal to grant planning permission for roof conversion and rear extension. (Delegated Decision) <b>APPEAL ALLOWED</b> (copy of the letter from the Planning Inspectorate attached).	<b>21</b>
<b>C. HANOVER &amp; ELM GROVE WARD</b>	
Application BH2008/03354, 74 Pankhurst Avenue, Brighton. Appeal against refusal to grant planning permission for side extension and conversion of roof space. (Delegated Decision) <b>APPEAL ALLOWED</b> (copy of the letter from the Planning Inspectorate attached).	<b>25</b>
<b>D. WESTBOURNE WARD</b>	
Application BH2009/00129, 133 New Church Road, Hove. Appeal against refusal to grant planning permission for rear ground floor orangery extension. (Delegated Decision) <b>APPEAL DISMISSED</b> (copy of the letter from the Planning Inspectorate attached).	<b>29</b>







# Appeal Decision

Site visit made on 25 August 2009

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

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

The Planning Inspectorate  
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Temple Quay House  
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**Decision date:**  
**2 September 2009**

## Appeal Ref: APP/Q1445/D/09/2108939 18 Windmill Drive, Brighton BN1 5HG

- 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. V. Clark against the decision of Brighton & Hove City Council.
- The application, ref. BH2009/00930, dated 18 April 2009, was refused by notice dated 17 June 2009.
- The development proposed is *Single storey rear extension*.

### Decision

1. I allow the appeal and grant permission for the erection of a rear extension at 18 Windmill Drive, in accordance with the terms of the application dated 18 April 2009, ref. BH2009/00930 and drawing nos. WD1A, WD2A, WD4, subject to the condition:-

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 of the development on the living conditions of the occupiers of the adjoining property, 16 Windmill Drive.

### Reasons

3. The appeal property is a detached bungalow on a site that slopes steeply down from front to back. The development, partly constructed, has involved replacement of an original extension, about 1.8m deep and extending across about two thirds of the rear elevation, with an extension of the same width but increased in depth to 3.3m. Some excavation of the sloping rear garden has taken place in order to provide reasonable headroom within a proposed storage area, accessible from the garden, beneath the living space. This results in the provision of a two storey structure. The roof, not yet constructed, would be partly flat but would have shallow pitched sides, tiled to match the existing roof.
4. Because the main rear wall of the appeal property is slightly set back from the rear of the adjoining bungalow at 16 Windmill Drive, the extension projects only about 3m beyond the neighbouring dwelling and it is separated from that dwelling by a distance of 2m, being 1m on either side of the boundary. With this depth and limited height in relation to the position of the neighbouring ground floor room, there would be compliance with the "rule of thumb" 45 degree daylight angle referred to by the Council and, in my judgement, any

loss of daylight to the neighbouring room would be small and would not justify refusal of permission.

5. I appreciate that, because of the steep slope, the structure appears quite high in relation to the neighbouring garden level and would thereby to some extent increase any sense of enclosure on this side but I do not consider that any effect on the outlook from the rear of no. 16 or its garden arising from the comparatively modest increased depth of the appeal property is so significant as to justify refusal for this reason. I consider that the development would not conflict with policy QD27 -Protection of Amenity- of the Brighton and Hove Local Plan 2005.
6. As for the appearance of the structure, I agree with the Council that, although it appears to be quite large because of the excavation and the topography, the detailed design would be satisfactory and the structure would not harm the character of the existing building or the area as a whole, provided that the materials match the existing building. It would comply with policy QD14 - Extensions and Alterations- of the Local Plan.

*R.A.Hersey*

INSPECTOR



# Appeal Decision

Site visit made on 25 August 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:**  
**21 September 2009**

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## Appeal Ref: APP/Q1445/A/09/2103065

*74 Crescent Drive North, Woodingdean, Brighton, East Sussex BN2 6SN*

- 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 K Sinar against the decision of Brighton & Hove City Council.
- The application Ref. BH2007/04540 was dated 29 November 2007 and was refused by notice dated 27 October 2008.
- The development proposed is described as 'roof conversion and rear extension'.

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### Preliminary matters

1. I consider the Council's description of the proposed development more accurate than the appellants' and so have decided this appeal on that basis, namely the erection of a rear conservatory, rear garage extension and two dormers (one with Juliet balcony).

### Decision

2. I allow the appeal and grant planning permission for the erection of a rear conservatory, rear garage extension and two dormers (one with Juliet balcony) at 74 Crescent Drive North, Woodingdean, Brighton. East Sussex BN2 6SN in accordance with the terms of the application (ref: BH2007/04540, dated 29 November 2007) and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
  - 2) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those used in the existing building.
  - 3) The guardrail to the doors on the dormer shown on the approved drawings shall be installed flush to the external walls to the dormer and thereafter retained as such, and no part of the flat roof to the extended garage shall be used as a balcony, roof garden or similar amenity area.

### Main issues

3. I consider the main issues in this appeal are the effect of the proposed development on, firstly, the character and appearance of the surrounding area and, secondly, the living conditions of adjoining occupiers.

### Reasons

#### *Character and appearance*

4. The appeal property lies within a suburban residential area of mixed character, where there is a diversity of architectural styles and building form. Crescent

Drive North and the surrounding area have steep topography which results in No. 74 being set notably lower than the roadway; the land also slopes further down to the south west. No. 74 has a similar appearance to the adjoining property of No. 76.

5. The proposed development would see an extension at ground floor and first floor to the rear, with new dormer windows above and an alteration to the roof. These works would have limited visibility from the street. In views from adjoining properties, and when looking at the altered and extended rear elevation of No. 74, I consider the proposed changes would be appropriate to the property. The ground and first floor additions would make effective use of the existing underused area behind the garage, with the conservatory design appearing in scale with the host property. By showing the proposed flat roofed extension at raised level to project no further than the existing rear elevation of the property, I consider that part of the change would not appear dominant to the house; its scale would sit comfortably within that of the extended property.
6. I am satisfied that the proposed two dormers would be appropriate to the extended property. There would be sufficient space provided around the dormers so as to not dominate the roof slope or elevations below. I note that one dormer is shown as being taller, to provide a Juliet balcony, since they match in width and general form I think the dormers would still appear as a balanced pair. Thus, although the design of the dormers would differ to the windows on the host property, I consider that difference would not be so great as to create a discordant feature on the rear elevation. I note that the Council permitted alterations to the rear of the property with two differing dormers in 2002 (ref. BH2002/02702), at which time the Council had published their current Supplementary Planning Guidance (SPG) Note 1: Roof Alterations & Extensions (1999).
7. It is therefore my opinion that the design and positioning of the proposed extensions and dormers would be appropriate to the host property, and to the character and appearance of the wider area. Thus, the proposals would accord with the relevant provisions of saved Policies QD14 and QD27 of the Brighton & Hove Local Plan 2005, and the objectives of SPG Note 1.

#### *Living conditions*

8. The raised position of the appeal property already leads to some degree of overlooking to adjoining properties, although the length of garden and intervening vegetation minimises this. The appeal proposals would result in addition windows in the rear elevation to No. 74. However, due to the distance to adjoining properties and degree of existing mutual overlooking between properties, from my observations at the site visit I consider this would not lead to a material change to the level of privacy enjoyed by adjoining occupiers.
9. No access to the proposed flat roof is proposed by the appellants, although the Council express concern that such access might occur. If that happened then I agree that a raised roof terrace would lead to unacceptable overlooking to adjoining occupiers. The appellants have suggested the imposition of a condition to prevent such use and so, with such a condition similar to that attached to permission BH2002/02702, I consider this matter to be satisfactorily addressed.

10. It is therefore my conclusion on the second issue that the proposed development would not be harmful to the living conditions of adjoining occupiers and so would comply with the relevant provisions of saved Policy QD27 of the Local Plan.

*Conclusion and conditions*

11. For the reasons given, and having regard to all other matters raised, it is my conclusion that the appeal should succeed. I have granted permission accordingly.
12. I have attached the Council's conditions requiring the use of matching materials, to ensure a satisfactory appearance to the development. I have also attached the appellants' suggested condition restricting use of the flat roof area as a terrace, for the reasons stated earlier. The Council seek to remove extensive permitted development rights for the existing property. I am mindful of the advice in Circular 11/95 that such a condition should only be imposed in exceptional circumstances, and I am not persuaded by the Council that existing permitted development rights that might exist at No. 74 should be removed as a consequence of allowing this appeal. I have therefore not attached the suggested two conditions on this matter.

*C J Leigh*  
INSPECTOR





# Appeal Decision

Site visit made on 25 August 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:  
22 September 2009**

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## Appeal Ref: APP/Q1445/A/09/2102361

*74 Pankhurst Avenue, Brighton. East Sussex BN2 9YN*

- 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 Jacob Chadwick against the decision of Brighton & Hove City Council.
- The application Ref. BH2008/03354 was dated 15 October 2008 and was refused by notice dated 23 December 2008.
- The development proposed is described as 'side extension and conversion of roof space'.

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### Preliminary matters

1. I consider the Council's description of the proposed development more accurate than the appellants' and so have decided this appeal on that basis, namely the erection of a two storey side extension and side and rear roof extension including hip to gable, incorporating rooflights, solar panel and wind generator.

### Decision

2. I allow the appeal and grant planning permission for the erection of a two storey side extension and side and rear roof extension including hip to gable, incorporating rooflights, solar panel and wind generator at 74 Pankhurst Avenue, Brighton. East Sussex BN2 9YN in accordance with the terms of the application (ref: BH2008/03354, dated 15 October 2008) and the submitted plans with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
  - 2) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 3) No development shall take place until the full technical specifications of the solar panels and wind turbine have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved detail.
  - 4) No part of the flat roof shown on the approved 'attic plan' drawing in the development hereby approved shall be used as a balcony, roof garden or similar amenity area.

### Reasons

3. The appeal property is a semi-detached house situated within an estate of 1950s urban housing. The surrounding area has a reasonable degree of consistency in its appearance, scale and use of materials. The corner location

- of No. 74 creates an awkwardly-shaped garden and also provides clear views of the side extension, particularly along Glynde Road.
4. The proposed side extension does not, in the main, seek to replicate the existing form, architecture or materials in the host property. Instead, it is a conscious attempt at extending the house in a contemporary fashion, and in my opinion admirably achieves this goal. The curved form of the side extension would elegantly deal with the difficult geometry of the site, resulting in an extension that would appear well-mannered and appropriately-scaled. Its form would complement the flow of the complex, but balanced, pitched roof above and its dynamic glass wall. I consider the roof would appear as an innovative structural form sitting atop the curved side extension, whilst also relating well to the host property and the rear dormer extension.
  5. The muted palette of materials has evidently been chosen to articulate the side extension as a clear modern addition, yet would not unduly compete with the host property or surrounding area. The drawings show the careful positioning of windows which I think would break up the elevations and roof form.
  6. The design of the roof makes provision for the installation of the proposed wind turbine. This is larger than might commonly be seen on a residential property, but I note the appellant's submission that such a size and position is needed in order for it to be effective in this particular location. I consider the turbine would be viewed as a clear modern addition to the house that forms part of the modern extensions beneath. It would thus seem part of the contemporary changes to the property and not appear intrusive to the wider area. I am also mindful of the advice in PPS1: Delivering Sustainable Development that seeks the promotion of renewable resources, including small-scale renewable and low carbon energy schemes in developments. Thus, in my view, the existence of the turbine would be both an appropriate addition to the house and an illustration of development consistent with national policy objectives seeking the prudent use of natural resources.
  7. I acknowledge that the design of the proposed side extension and the alterations to the roof would not accord with certain aspects of the Council's Supplementary Planning Guidance Note 1: Roof Alterations & Extensions. However, it is my opinion that, in this instance, the proposed design is of sufficiently high quality to outweigh the detailed criteria set out in that document. Thus, I consider the proposed extensions and additions to the property would accord with the fundamental objectives of the relevant saved policies of the adopted Brighton & Hove Local Plan 2005 that seek a high standard of design, namely Policies QD1, QD2 and QD14.
  8. I saw there is currently a good degree of mutual overlooking between properties in the area, and the windows shown in the proposed extensions would not materially change the levels of privacy for existing occupants. The proposed first floor terrace at the front of the property would not look towards private garden areas and, with a suitable planning condition, access could be prevented to the proposed the side flat roof area (as indicated on the 'attic plan' drawing). The scale and position of the proposed extensions would not lead to any loss of light or overbearing impact to adjoining occupiers. Thus, the proposed extensions would accord with the objectives of saved Policy QD27 of the Local Plan.
-



9. For the reasons given, and having regard to all other matters raised, it is my conclusion that the appeal should succeed. I have granted permission accordingly. I have attached the Council's conditions requiring the submission of further details regarding the materials to be used in the extensions and details of the solar panels and wind turbine, to ensure a satisfactory appearance to the development. I have also attached a condition restricting use of the side flat roof area as a terrace, as was referred to in the Council's Delegated Report, for the reasons stated earlier.

*C J Leigh*  
INSPECTOR





# Appeal Decision

Site visit made on 25 August 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:**  
**21 September 2009**

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## Appeal Ref: APP/Q1445/A/09/2103089

*133 New Church Road, Hove, East Sussex, BN3 4ED*

- 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 Firsht against the decision of Brighton & Hove City Council.
- The application Ref. BH2009/00129 was dated 19 January 2009 and was refused by notice dated 17 March 2009.
- The development proposed is a rear ground floor orangery extension.

---

### Decision

1. I dismiss the appeal.

### Reasons

2. There are existing rear extensions to the appeal property that would be demolished to enable the erection of the proposed addition. This would extend no further into the site than the existing dining room of No. 133, although the proposed orangery would fill a greater width than the current extensions to the property. Most notably, in my opinion, the proposed addition would be sited adjacent to the boundary wall with No. 131 to the east.
3. From my observations at the site visit I consider the depth of the proposed extension would not appear excessive when viewed from No. 131. However, I share the concerns of the neighbouring residents that the height of the proposed extension would be so great as to cause an unacceptable impression of dominance and overbearing effect to their property. This would be contrary to the objectives of saved Policies QD14 and QD27 of the Brighton and Hove Local Plan 2005, insofar as they seek to ensure new development does not harm the living conditions of neighbouring properties.
4. The Council has raised concern that the proposed extension would result in too bulky an addition to the rear of No. 133. I consider the design of the proposed orangery to relate well to the architecture of the host property, with the use of brick and timber appropriate to area. The depth of the addition would not be excessive for the house, with a good sized garden area remaining. However, it is my judgement that my findings on this matter are outweighed by my conclusions regarding the harm to the living conditions of the adjoining occupiers and consequent conflict with the relevant planning policies. I have dismissed the appeal accordingly.

*C J Leigh*  
INSPECTOR



**NEW APPEALS RECEIVED**

**WARD**

**APPLICATION NUMBER**  
**ADDRESS**  
**DEVELOPMENT DESCRIPTION**

**APPEAL STATUS**  
**APPEAL RECEIVED DATE**  
**APPLICATION DECISION LEVEL**

**STANFORD**

BH2008/03640  
Park House, Old Shoreham Road, Hove  
Demolition of former residential language  
school and erection of 5 storey block of 72 flats.  
APPEAL LODGED  
03/09/2009  
Environmental Services Planning Committee

**WARD**

**APPLICATION NUMBER**  
**ADDRESS**  
**DEVELOPMENT DESCRIPTION**

**APPEAL STATUS**  
**APPEAL RECEIVED DATE**  
**APPLICATION DECISION LEVEL**

**REGENCY**

BH2009/01439  
45-46 North Street, Brighton  
Conversion of existing residential unit into 3  
self-contained flats and 6 bedsit units, together  
with extension to third floor. Minor alterations to  
existing shopfront to allow access to flats above  
APPEAL LODGED  
03/09/2009  
Delegated

**WARD**

**APPLICATION NUMBER**  
**ADDRESS**  
**DEVELOPMENT DESCRIPTION**

**APPEAL STATUS**  
**APPEAL RECEIVED DATE**  
**APPLICATION DECISION LEVEL**

**PATCHAM**

BH2009/00058  
The Priory, London Road, Brighton  
Construction of additional storey to existing  
block of flats, to form 4 three-bedroom flats with  
a roof garden to each unit. Provision of 6 car  
parking spaces (of which 2 are disabled  
spaces). New cycle store.  
APPEAL LODGED  
07/09/2009  
Non-determination

**WARD**

**APPLICATION NUMBER**  
**ADDRESS**  
**DEVELOPMENT DESCRIPTION**

**APPEAL STATUS**  
**APPEAL RECEIVED DATE**  
**APPLICATION DECISION LEVEL**

**WITHDEAN**

BH2009/01345  
16 Hillside Way, Withdean, Brighton  
Pitched roof front dormer and pitched roof  
porch.  
APPEAL LODGED  
10/09/2009  
Delegated

**WARD**

**APPLICATION NUMBER**  
**ADDRESS**

**STANFORD**

BH2009/01516  
10 Radinden Manor Road, Hove

DEVELOPMENT DESCRIPTION Erection of a two storey front and side extension  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 14/09/2009  
APPLICATION DECISION LEVEL Delegated

---

**WARD** **HANGLETON & KNOLL**  
APPLICATION NUMBER BH2009/01249  
ADDRESS The Hyde, Rowan Avenue, Hove  
DEVELOPMENT DESCRIPTION Proposed construction of two blocks of 2 and 3 storeys to provide a total of 27 new sheltered housing units with associated caretaker's flat, support and recreation areas including private landscaped gardens and car and cycle parking facilities.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 15/09/2009  
APPLICATION DECISION LEVEL Environmental Services Planning Committee

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**WARD** **STANFORD**  
APPLICATION NUMBER BH2009/00864  
ADDRESS Land to Rear of 116 Goldstone Crescent, Hove  
DEVELOPMENT DESCRIPTION Construction of three storey building with flat roof comprising 1 no. one bed and 2 no. two bed flats. To include 3 no. rooflights, cycle store and refuse facilities.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 11/09/2009  
APPLICATION DECISION LEVEL Delegated

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**WARD** **STANFORD**  
APPLICATION NUMBER BH2009/00901  
ADDRESS 30 Bishops Road, Hove  
DEVELOPMENT DESCRIPTION Construction of rear terrace incorporating rainwater and garden storage below.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 17/09/2009  
APPLICATION DECISION LEVEL Delegated

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**WARD** **QUEEN'S PARK**  
APPLICATION NUMBER BH2007/04679  
ADDRESS 8 Pavilion Parade, Brighton  
DEVELOPMENT DESCRIPTION Change of use and conversion from office space on the basement, ground, first and second floors to 7 flats (retrospective).  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 23/09/2009  
APPLICATION DECISION LEVEL Delegated

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**WARD** **ROTTINGDEAN COASTAL**

<u>APPLICATION NUMBER</u>	BH2009/01397
<u>ADDRESS</u>	2 Roedean Crescent, Brighton
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a rear first floor conservatory.
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	22/09/2009
<u>APPLICATION DECISION LEVEL</u>	Delegated







**Brighton & Hove  
City Council**

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES**  
**14<sup>th</sup> October 2009**

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**This is a note of the current position regarding Planning Inquiries and Hearings**  
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**53a New Church Road, Hove**

Planning application no: BH2009/00837

Description: Demolition of existing dwelling and the erection of 3no. detached houses with ancillary landscaping works.

Decision: Delegated

Type of appeal: Informal Hearing

Date: Wednesday 28<sup>th</sup> October 2009

Location: Hove Town Hall

**Land at Brighton Marina**

Planning application no: BH2007/03454

Description: Demolition of Asda superstore to create 3 -10 storey building with enlarged store (3112 sqm increase) and 2,025 sqm of other Class A1-A5 (retail/restaurant/drinking) uses on ground floor with 779 residential units above and community hall and new pedestrian/cyclist bridge link from cliff to roof of building and associated engineering works. Demolition of petrol filling station to create 28 storey building with 182 sqm of Class A uses at ground floor and 148 residential units above. Demolition of McDonalds restaurant to create 5 - 16 storey building with enlarged drive-thru restaurant (285 sqm increase) and 131sqm of other Class A uses and 222 residential units above. Demolition of estates office to create 3-4 storey building of 35 residential units. Demolition of western end of multi-storey car park to create 6-11 storey building adjacent to western breakwater of 117 residential units with stair access from breakwater to Park Square. Demolition of part of the eastern end of multi-storey car park to create single storey petrol filling station, pedestrian footbridge and new lift and stair access. Total: 1301 residential units. Associated car parking spaces (805 residential, 666 commercial), cycle parking (1907 residential, 314 in public realm), servicing, plant, refuse, CHP unit, public and private amenity space, hard & soft landscaping and outdoor recreation areas. Change of use of two A1 retail units (524 sqm) within Octagon to medical use (Class D1). Alterations to vehicular, pedestrian and cyclist access and circulation, including new roundabout and transport interchange behind Waterfront.

Decision: Committee

Type of appeal: Public Inquiry

Date: Tuesday 3<sup>rd</sup> November – Friday 6<sup>th</sup> November  
Tuesday 10<sup>th</sup> November – Friday 13<sup>th</sup> November  
Tuesday 17<sup>th</sup> November – Friday 20<sup>th</sup> November  
Tuesday 24<sup>th</sup> November – Wednesday 25<sup>th</sup> November  
Tuesday 1<sup>st</sup> December – Friday 4<sup>th</sup> December

Tuesday 8<sup>th</sup> November – Wednesday 9<sup>th</sup> November

Location: Brighton Centre – East Wing

**30 Vernon Terrace, Brighton**

Planning application no: BH2009/00739

Description: Certificate of lawfulness for an existing use of a roof terrace.

Decision: Delegated

Type of appeal: Public Inquiry

Date:

Location:

**Park House, Old Shoreham Road, Hove**

Planning application no: BH2008/03640

Description: Demolition of former residential language school and erection of 5 storey block of 72 flats.

Decision: Committee

Type of appeal: Informal Hearing

Date:

Location:

**The Hyde, Rowan Avenue, Hove**

Planning application no: BH2009/01249

Description: Proposed construction of two blocks of 2 and 3 storeys to provide a total of 27 new sheltered housing units with associated caretaker's flat, support and recreation areas including private landscaped gardens and car and cycle parking facilities.

Decision: Committee

Type of appeal: Public Inquiry

Date:

Location: