





**Brighton & Hove
City Council**

Planning Committee

Title:	Planning Committee
Date:	16 December 2009
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Hyde (Chairman), Wells (Deputy Chairman), Carden (Opposition Spokesperson), Caulfield, Cobb, Davey, Hamilton, Kennedy, McCaffery, Smart, Steedman and C Theobald Co-opted Members: Mr J Small (CAG Representative)
Contact:	Penny Jennings Senior Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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AGENDA

166. 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.

167. MINUTES OF THE PREVIOUS MEETING

1 - 22

Minutes of the meeting held on 25 November 2009 (copy attached).

168. CHAIRMAN'S COMMUNICATIONS

169. PETITIONS

23 - 24

A petition has been received from the Friends of London Road Station (FLORA)- report of the Director of Strategy and Governance (copy attached)

Contact Officer: Penny Jennings Tel:291065
Wards Affected:

NB: This item will be dealt with in conjunction with Item --.

170. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 9 December 2009).

PLANNING COMMITTEE

No public questions received by date of publication.

171. DEPUTATIONS

25 - 26

(The closing date for receipt of deputations is 12 noon on 9 December 2009)

A Deputation has been received from Friends of London Road Station (FLORA) - report of the Director of Strategy and Governance (copy attached)

172. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

173. LETTERS FROM COUNCILLORS

No letters have been received.

174. NOTICES OF MOTION REFERRED FROM COUNCIL

No Notices of Motion have been referred.

175. APPEAL DECISIONS

27 - 54

(copy attached).

176. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

55 - 56

(copy attached).

177. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

57 - 58

(copy attached).

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

179. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST:16 DECEMBER 2009

(copy circulated separately).

180. 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

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

PLANNING COMMITTEE

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.

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

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

Date of Publication - Tuesday, 8 December 2009

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 25 NOVEMBER 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

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

Officers in attendance: Paul Vidler (Deputy Development Control Manager), Hamish Walke (Area Planning Manager (East)), Rob Fraser (Head of Planning Strategy), Zachary Ellwood (Interim Senior Team Planner), Steve Reeves (Principal Transport Planning Officer), Hilary Woodward (Senior Lawyer) and Penny Jennings (Senior Democratic Services Officer)

PART ONE

149. PROCEDURAL BUSINESS

149A Declaration of Substitutes

149.1 There were none.

149B Declarations of Interest

149.2 The Chairman declared a personal and prejudicial interest in relation to Application BH2009/01845, Land adjacent to 9 Challoners Close. On the previous occasion when an application for that site had been considered the Chairman had recently sold her previous home to one of the main objectors and had declared an interest. In order to be consistent she was declaring an interest in the same terms and would vacate the Chair and leave the meeting during its consideration and would take no part in the discussion or voting thereon. Councillor Wells, the Deputy Chairman would take the Chair during her absence.

149.3 Councillor Steedman declared a personal and prejudicial interest in respect of Application BH2008/01052, 169 -174 Western Road Brighton. Although he remained of a neutral mind he was aware that his employer was a neighbouring objector. He would therefore leave the meeting during consideration of the application and would take no part in the discussion or voting thereon.

149C Exclusion of the Press and Public

- 149.4 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 of them of confidential information as defined in Section 100A (3) of (The Act).
- 149.5 **RESOLVED** – That the press and public not be excluded from the meeting during consideration of any item on the agenda.

150. MINUTES OF THE PREVIOUS MEETING

- 150.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 4 November 2009 as a correct record.

151. CHAIRMAN'S COMMUNICATIONS**Web casting**

- 151.1 The Chairman explained that afternoon's meeting of Planning Committee was being web cast. 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.

South Downs National Park

- 151.2 The Head of Planning Strategy, Mr Fraser explained that the boundaries of the National Park had been confirmed by the Secretary of State on 12 November 2009. The National Park would come into being on 31 March 2010 and the South Downs Area of Outstanding Natural Beauty would be revoked. The Local Authority had requested that three additional areas be included within its boundaries, Green Ridge, Patcham Recreation Ground and a small area of land behind Roedean Crescent. He was pleased to be able to report that all of these areas did now fall within the national park's boundaries. Members were pleased to note this successful outcome and Councillor C Theobald stated that she particularly welcomed the inclusion of Patcham Recreation Ground.

- 151.3 **RESOLVED** – That the position be noted.

152. PETITIONS

- 152.1 The Senior Democratic Services Officer, Ms Jennings explained that although a petition had been received from the "Friends of Old London Road Station" (FLORA) they had requested that consideration of their petition take place at the next scheduled meeting of the Committee on 16 December 2009 when they could combine it with a deputation in relation to the same matters.
- 152.2 **RESOLVED** - That the position be noted.

153. PUBLIC QUESTIONS

153.1 The Chairman explained that notification had been received from Mr Pennington, the author of the public question that he wished to withdraw it.

153.2 **RESOLVED** – That the position be noted.

154. FUTURE INVOLVEMENT AND PARTICIPATION ON PLANNING COMMITTEE BY BRIGHTON & HOVE FEDERATION OF DISABLED PEOPLE

154.1 Dr Hastie was present representing the Brighton and Hove Federation of Disabled People. He explained that although representatives of the Federation had not formally attended meetings of the Committee for some time they had a “Get Involved” team who had been proactively liaising with officers from City Planning NHS partners and others. This had proved to be very productive as it had enabled a broad group of individuals to have input, particularly in relation to major developments at an early pre-application stage. All parties had found this approach to be beneficial.

154.2 Dr Hastie stated that it was intended that a Federation representative would attend and speak at Planning Committee meetings when the Federation considered it appropriate to do so, rather than attending every meeting.

154.3 Councillors Carden, C Theobald and Wells welcomed that approach that had been adopted and the Chairman commented that this early input had proved very productive.

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

155. DEPUTATIONS

155.1 The Senior Democratic Services Officer, Ms Jennings explained that a deputation had been received from the Friends of London Road Station (FLORA). However, it had not been in the correct form. It would therefore be considered at the next scheduled meeting of the Committee on 16 December 2009 in concert with the petition referred to at para 152 above.

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

156. WRITTEN QUESTIONS FROM COUNCILLORS

156.1 There were none.

157. LETTERS FROM COUNCILLORS

157.1 There were none.

158. NOTICES OF MOTION REFERRED FROM COUNCIL

158.1 There were none.

159. APPEAL DECISIONS

159.1 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.

160. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

161. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

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

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

Application:	Site Visit Requested by:
BH2009/02331, Land East of West Pier, Esplanade, King's Road, Brighton (Brighton "O" Wheel)	Deputy Development Control Manager
BH2009/00054 & BH2009/00055, St Augustine's Church, Stanford Ave, Brighton	Deputy Development Control Manager
BH2008/02170 & BH2008/02172, 2 Ashdown Road, Brighton	Councillor Hyde
Land adjacent 9 Challoners Close, Rottingdean	Councillor C Theobald

163. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST; 25 NOVEMBER 2009

(i) TREES

163.1 **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 to fell the tree which is the subject of this application subject to the conditions set out in the report.

Application BH2009/002686, 3 The Green, Hove

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

163.2 There were none.

(iii) **MINOR APPLICATIONS**

A Application BH2009/01489, Ocean Heights, Roedean Road, Rottingdean – Demolition of existing dwelling and construction of 7 residential apartments (part 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) gave a detailed presentation and explained that the scheme was largely complete but had not been built in accordance with the 2007 planning permission. He set out the main differences between the permission granted and the scheme as built. A number of complaints had been made by local residents and had been investigated. The principle of erecting a block of flats on the site had been established by the earlier permission. Whilst marginally higher and notwithstanding the other changes made, it was not considered to be so visually intrusive as to warrant refusal.
- (3) Mrs Colverd spoke on behalf of the Roedean Residents' Association and neighbouring objectors. They considered the applicant had shown a cavalier attitude, the development as built represented a gross overdevelopment which towered above the neighbouring residential dwellings which were of more modest height and proportions. The development was not in keeping with the prevailing street scene. The roots of a number of the screening trees and those adjacent to the driveway which had been tarmaced over had been undermined and overall the development was contrary to a number of the Council's policies, namely QD1, QD2 and QD14.
- (4) Mr Theobald spoke on behalf of the applicants in support of their application. He explained that advice had been sought from the Council's arboriculturist, who had indicated that the flank wall had undermined the roots of a number of trees making them unstable. These had been removed and had been replaced by planting of similar species elsewhere on the site. The scheme represented an innovative development which had attracted a great deal of media interest and provided a contemporary sustainable building.

Questions/Matters on Which Clarification was Sought

- (5) Councillor Steedman and Mr Small, (CAG) enquired of the applicant regarding the charges effected to the front elevation of the building which now had contrasting cladding which was of a significantly different appearance than that shown on the plans as originally submitted. Councillor Kennedy also sought clarification in respect of this matter. The applicant's representative explained that given the nature of this innovative

scheme it had proved necessary to make some adjustments as the scheme had progressed.

- (6) Councillor Cobb asked to see drawings showing the approved and amended building lines and floor plans. She enquired whether the development had been built forward of the building line and whether the buildings had been set down further into the site. It was confirmed that they had not.
- (7) Councillor C Theobald also enquired regarding configuration of the building within the site and whether a boundary fence had been removed.
- (8) Councillor Hyde, the Chairman referred to the terraces/balconies to the rear enquiring whether they were of sufficient width to be used as a sitting out area. It was confirmed that these had been reduced in width in order to reduce any overlooking.
- (9) Councillor Smart enquired regarding the width and height of the screens provided to the top rear balconies enquiring as to their height. The Area Planning Manager (East) explained that the height of the screens (which could be increased) and use of opaque or other glazing materials if considered appropriate could be controlled by condition. Conditions relating to finishes/cladding could be problematic given that part of the construction process had been completed.
- (10) Councillor Smart also enquired whether removal of a number of trees on site and removal of the original retaining wall had formed part of the original planning permission. The applicant's representative confirmed that it had always been intended that the wall would be removed. Councillor Caulfield enquired whether it was intended that the wall would be replaced.
- (11) Councillor Hamilton enquired whether a condition had been added to control the removal /replacement of trees.

Debate and Decision Making Process

- (12) Councillor Cobb stated that she had grave reservations regarding the scheme which did not reflect that for which permission had been given.
- (13) Councillor Caulfield stated that in her view given, that what had been built was so significantly different from the approved scheme, she had concerns whether the applicant would comply with this permission if granted.
- (14) Councillor C Theobald considered it regrettable that much of the screening had been removed from the site. The building was far higher than it should be and overlooked its neighbours. Notwithstanding that it had been reported that a number of the pines and other trees had been in poor condition it would have been preferable for them to be replaced with more mature specimens than appeared to be the case.
- (15) Councillor Smart referred to the sparseness of planting on the eastern boundary, although it was noted that replacement trees had been provided on site, in his view more were needed.

- (16) Mr Small (CAG) referred to the changes made to the front elevation which were dramatic and included a significant increase in the amount of weatherboarding used. He referred to the fact that timber cladding had been used at various locations across the city with variable success depending on the materials used and whether/how the timber had been treated. The applicant's representative stated that sustainable softwood had been used which had been treated to ensure it was water tight. Mr Small stated that locally sourced coppiced chestnut had been used effectively at other locations, it weathered naturally and its appearance improved over time. If a coating of white/pale grey was used, he considered this could improve the appearance of the existing cladding.
- (17) Councillor Smart considered it was unrealistic to seek demolition/partial demolition of the building and that discussions should take place to ensure that balconies were increased in height and additional screening was provided as appropriate to address any overlooking.
- (18) Councillor Hyde, the Chairman considered that the placing of fixed/partially fixed obscure glazed windows to the east and west elevations in line with the original permission should be pursued.
- (19) Councillors Caulfield and C Theobald re-iterated that they felt unable to support the application. Councillor C Theobald queried whether the application should be treated as a new application.
- (20) The Deputy Development Control Manager, Mr Vidler explained that this was a new application, the previous permission was however, a material consideration. Members needed to focus on the changes between the two schemes. It would be possible for Members to impose additional conditions, to these. Members were considering the new application and not possible enforcement action, should the application be refused.
- (21) Councillor Kennedy considered that the applicant's representative had given logical reasons for the changes made between the two schemes, although it was unfortunate that the need for these changes to be made had not been identified earlier.
- (22) Councillor Steedman concurred with the views expressed by Councillor Kennedy and queried whether it would be appropriate to defer consideration of the application in order to enable officers to negotiate with the applicants further to address the outstanding matters raised, especially in relation to the frontage of the building. The original scheme had been characterised by smaller more discrete panels which were lighter in appearance. Use of a finish which was lighter in colour to give the frontage a less dominant appearance would in his view be preferable.
- (23) The Area Planning Manager (East) explained that all of the issues raised could be addressed by authorising Officers to enter into further negotiations with the applicants.
- (24) A vote was taken, with the outcome that 4 Members voted for grant, 4 Members voted that the application be refused and 4 Members including the Chairman abstained. The Chairman stressed that she was not minded to use her casting vote for either approval or refusal of the application. The Solicitor to the Committee stated that in her view by

failing to reach a definitive decision, planning permission had failed to be granted and the outcome of that vote was therefore, deemed refusal. A short recess was then granted in order to seek clarification from the Head of Law.

- (25) Following the recess, the Solicitor to the Committee confirmed that the earlier vote had resulted in a deemed refusal. However, a decision was not ultimately considered to have been made until such time as the decision letter was issued. Therefore, if Members were minded to do so they could re-visit their earlier vote and defer determination of the application to enable officers to negotiate further with the applicants in relations to the matters raised.
- (26) Councillor Steedman formally proposed that the application be deferred and this was seconded by Councillor Carden.
- (27) A further vote was taken and on a vote of 7 to 4 with 1 abstention Members agreed that the application be deferred.

- 163.3 **RESOLVED** – That the above application be deferred pending the outcome of further negotiations by Officers in relation to:
- The front elevation (paragraphs (16) and (22) above refer);
 - The provision of screening to the rear balconies;
 - The proposed screening to front balconies;
 - The screening provided by planting along the east boundary of the site; and
 - The obscure glazing and fixing of the windows to the east and west side elevations.

Note: On the second substantive vote Councillors Caulfield, Cobb, C Theobald and Wells voted that the application be refused. Councillor Hyde, the Chairman abstained. Therefore on a vote of 7 to 4 with 1 abstention consideration of the application was deferred.

- B. Application BH2009/01360, 133 Westbourne Street and 75 Montgomery Street, Hove** – Demolition of existing office and store building and erection of 2, 2 storey buildings comprising 4 new residential units (2X2 bed flat and 2x1 bed flats).

Debate and Decision Making Process

- (1) Councillor Cobb stated that it was frustrating to find that within the same ward and in quick succession, applications had been put forward removing office use which was subsequently provided elsewhere within the same locality. In her view it called into question the accuracy of the levels of reported demand.
- (2) The Deputy Development Control Manager explained the rationale for the request set out in this application which dovetailed with Application BH2009/01361, 175–177 Westbourne Street, set out elsewhere on the Plans List.
- (3) A vote was taken and on a vote of 11 with 1 abstention planning permission was granted.

- 163.4 **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 that

they are minded to grant planning permission subject to the applicant entering into a satisfactory agreement under Section 106 of the Town & Country Planning Act 1990, as amended, and subject to the conditions and informatives set out in the report.

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

C. Application BH2009/01361, 175-177 Westbourne Street, Hove – Part extension of ground floor and conversion of storage areas, workshop and garage to create 6 new offices at ground floor. Erection of bridge-link extension between 175-177 Westbourne Street and 173 Westbourne Street and conversion of void first floor area of workshop to create 4 new offices including associated ancillary works.

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

163.5 **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 that it is minded to grant planning permission subject to the applicant entering into a satisfactory agreement under Section 106 of the Town and Country Planning Act 1990, as amended, and subject to the conditions and informatives set out in the report.

D. Application BH2008/03628, Rear of 4-34 Kimberley Road, Brighton – Demolition of Existing garages and construction of 4 two storey dwellings with off-street parking, associated landscaping works and resurfacing of access road,

(1) The Area Planning Manager (East), Mr Walke gave a presentation detailing the scheme by reference to elevational drawings and photographs. He explained that ten further letters in support of the application had been received and that it was understood that the applicant was in discussion with officers of the Fire and Rescue Service in relation to their objections to the proposed scheme.

Questions/Matters on Which Clarification was Sought

(2) Councillor Caulfield noted the concerns of the Fire and Rescue Service and sought confirmation (in view of the size of vehicle used) regarding proposed refuse collection arrangements. It was explained that they would not access the site and that refuse and recycling would be collected from the access road onto the site. Councillor Caulfield considered that this would result in residents needing to carry refuse some distance.

(3) Councillor Smart sought clarification as to the precise location of the refuse collection point and was informed that it would be close to Kimberley Road. He noted that the refuse collection point would be closer to other people's homes than those of residents of the proposed new development.

(4) Councillor C Theobald enquired whether any of the garages were still in use as such. It was explained that with the exception of a few which were in unauthorised use, they were not. Councillor Theobald stated that in her view, if large vehicles were unable to access the site (emergency vehicles, refuse vehicles), difficulties could be experienced in delivering building materials and removing construction waste from the site during the development process.

- (5) Councillor Davey queried why the traffic engineer had raised objections in relation to the previous scheme, but not the current one. The Principal Transport Planning Officer, Mr Reeves explained that since the first application further information had been received about the use of the site. As the existing garages were considered redundant and the number of vehicles associated with the proposed development would be fewer in number, the scheme was considered to be acceptable in traffic management terms.
- (6) Councillor Caulfield sought confirmation of the location of the allocated parking spaces associated with each unit. The Principal Transport Planning Officer was able to confirm that he seen plans indicating the location of 4 individual allocated parking spaces.

Debate and Decision Making Process

- (7) Councillor C Theobald stated that in her view the proposed scheme represented an unacceptable backland development which she was unable to support. It was disappointing that the existing garages had not been upgraded as she considered there would be demand for them at that location.
- (8) Councillor McCaffery stated that she had reservations regarding the scheme in view of the concerns put forward by the Fire and Rescue Service.
- (9) Councillor Caulfield stated that she felt unable to support the application in view of the proposed waste collection measures which she considered to be ill thought out and also in view of the concerns of the emergency services.
- (10) The legal adviser to the Committee explained that emergency access/fire access arrangements did not fall within the remit of the Planning Committee but would need to be addressed in order to meet Building Control requirements.
- (11) A vote was taken and on a vote of 5 to 3 with 4 abstentions planning permission was granted.

163.6 **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 that it is minded to grant planning permission subject to the applicant entering into a Section 106 Obligation to secure a contribution of £6,000 towards sustainable transport infrastructure within the vicinity of the site and subject to the conditions and informatives set out in the report.

Note: Councillors Caulfield, Cobb and C Theobald voted that the application be refused. Councillors Hyde, Chairman, Kennedy, McCaffery and Smart abstained.

Application BH2009/01186, Land Adjoining Badgers Walk, Ovingdean Road, Brighton – Erection of buildings to provide 2 loose boxes, a hay store and a tack room, with enclosing fence and yard.

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

(2) The Chairman enquired whether of approval of these works could set a precedent by establishing this land for building purposes. It was confirmed however that this was not the case given the site's location within the SNCI and outside the boundary of the built up area as defined in the Local Plan.

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

163.7 **RESOLVED** - The Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report and to the amendment of informative 3 (ii) to read:

“Subject to the compliance with the attached conditions it is considered that the proposed development will not be of detriment to the visual amenities of the existing property or the setting of the Sussex Downs Area of Outstanding Natural Beauty and the South Downs National Park, in addition to not having any adverse impacts upon the visual amenities and conservation of the Wanderdown Road Open Space Site of Nature Conservation Importance. Furthermore it is not considered that the proposal will have a significant adverse impact on the amenities of neighbouring properties.”

Note: Councillor Hyde, the Chairman abstained from voting in respect of the above application.

F. Application BH2009/01793, 11 Albert Mews, Hove - External alterations to form new door, stairs and gateway access from basement workshop to footpath.

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

(2) The Interim Senior Team Planner, Mr Elwood gave a presentation detailing the proposal to create a new access from the existing basement level workshop to the footpath which ran along Grand Avenue to provide an alternative access to the lower ground floor workshop area.

(3) Mrs Millar spoke on behalf of neighbouring objectors. This was the sole commercial use within an imposing Victorian Mansion block and the proposals were completely out of keeping with it and would result in those using the access way being able to look into flats on the ground floor as well as loss of privacy and amenity for those living at basement level who had sole access to that area at present, this could also result in residents being at greater risk of crime. The premises had steel grilled windows, the residential accommodation did not.

(4) Mr Field spoke on behalf of the applicant in support of their application. He explained that this unit had an established B1 use having been provided originally as storage space for the flats above. It had been used as storage space by various businesses since that time, most recently for storage of computer parts. The applicants wished to upgrade the space to provide a wc and further access which could also be used as means of escape in the event of fire.

Questions/Matters on Which Clarification was Sought

- (5) Councillor Steedman sought confirmation that there was an existing business use on site as this speaker had queried this. It was confirmed that this was the case.
- (6) Councillor Cobb sought confirmation that the only access point to the premises was currently from Albert Mews and it was confirmed that this was so. She also referred to the other points at which the front wall of Grand Avenue had been broken through and it was confirmed that as well as giving access to properties at basement level the amenity of residences below was protected by a screen wall. The Applicants representative confirmed that applicant would be prepared to erect a further screen wall in this instance.
- (7) Councillor Smart enquired regarding the proposed internal layout of the unit as plans indicating a flat, as well as a business use had been shown during the site visit the previous afternoon. It was confirmed that the application before the Committee related to the current business use.
- (8) The Interim Senior Team Planner confirmed that due to the height and position of the windows at first floor level those using the steps to access the basement level would not be able to see into them.

Debate and Decision Making Process

- (9) Councillor C Theobald stated that she considered the new access arrangements to be unacceptable as they would be detrimental to the privacy of existing residents.
- (10) Councillor Cobb stated that she did not see why these alterations were now required to meet fire regulations and considered it would be more appropriate for alterations to be made to the glazing bars to enable them to open. She saw no good reason to change the existing entrance/exit arrangements.
- (11) Councillor Mrs Theobald also referred to the comments received that the freehold owner of the block was not prepared to give their consent for the works and that such works were therefore illegal. It was explained that this did not constitute a planning consideration although all necessary permissions would need to be put in place to enable the works to be proceed. The applicants had indicated that they could carry out the work within the terms of their existing lease.
- (12) Councillor Smart also queried whether it was necessary to change the existing arrangements.
- (13) Councillor McCaffery expressed concern regarding the proposed arrangements considering that she would support conditions regarding when this entrance could be used.
- (14) Councillor Carden supported the proposal as he considered it was very important that adequate safety measures were in place to allow individuals to exit safely in the event of a fire.

- (15) The Chairman proposed that a condition be applied that the new access be used as an emergency access only. Councillor Carden seconded the proposal. On a vote of 6 to 6 she used her casting vote to require a condition to that effect to be added.
- (16) The substantive vote was then taken and on a vote of 7 to 4 with 1 abstention planning permission was granted.

163.8 **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, to the addition of SU10 relating to noise nuisance to informative 2 (i) and to the following additional condition:

The new external door hereby approved shall only be opened for emergencies and maintenance and for no other purpose whatsoever.

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

Note: Councillors Caulfield, Cobb, Smart and C Theobald voted that planning permission be refused, Councillor McCaffery abstained.

G. **Application BH2009/01845, Land Adjacent to 9 Challoners Close, Rottingdean** – Erection of 2 storey detached dwelling house and partial demolition of garage at 9 Challoners Close.

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

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

H. **Application BH2009/02179, 18 Honey Croft, Hove** - Erection of a 3 storey ground floor, first floor and roof extension to side including roof lights.

- (1) The Interim Senior Team Planner, Mr Ellwood explained that a letter of support had been received from Councillor Barnett who had requested that the application be determined by Committee. He referred to the extant permission which had already been granted explaining that there was no in principle objection to the development. It was considered however that the current proposal would be bulky in relation to the host dwelling and would result in a terracing effect and a development which would be contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan.
- (2) Mrs Deuk, the applicant spoke in support of her application. She stated that their agent had liaised with the Planning Department and had sought to provide a form of development which met their needs and was of an acceptable design. They thought this had been achieved but had been advised subsequently that this was not the case. The form of development which would be permitted would not meet their needs as a family with four children living in three bedroom house. Mrs Deuk displayed photographs of similar developments to that proposed which had already been built in the vicinity.

Questions/Matters on Which Clarification was Sought

- (3) Councillor C Theobald sought confirmation of the distance between the proposed development and the neighbouring garage. The applicant explained in answer to further questions that their existing garage was to be converted into a den/playroom ancillary to the main house
- (4) In answer to questions by Councillor Cobb it was explained that the remaining driveway would be sufficient for vehicle parking. Councillor Cobb also sought confirmation of the differences between the previously approved scheme and the current one.
- (5) In answer to further questions the Interim Senior Team Planner explained that it was good planning practice for side extensions to be set back in line with the earlier approval. The other extensions referred to had been built some 20 years earlier and would not be considered acceptable now.

Debate and Decision Making Process

- (6) Councillor Smart stated that he considered the proposal to be acceptable and would be voting in support of it.
- (7) Councillor Wells concurred, stating that he did not consider the proposed form of development to be out of keeping or a variance with the appearance of the prevailing street scene, nor would have it have a negative impact on neighbouring amenity.
- (8) A vote was taken and on a vote of 6 to 5 with 1 abstention planning permission was granted.

163.10 **RESOLVED** - That the Committee agrees that planning permission be granted subject to the following 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 measures.
2. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any revoking and re-enacting of that order with or without modification), no windows or doors shall be constructed in the south side elevation of the extension hereby permitted without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Note: Councillor Wells proposed that planning permission be granted. This was seconded by Councillor Smart. A recorded vote was then taken. Councillors Caulfield, Cobb, Hyde, Chairman, Smart, C Theobald and Wells voted that planning permission be granted. Councillors Carden, Davey, Kennedy, McCaffery and Steedman voted that planning permission be refused. Councillor Hamilton abstained. Therefore on a vote of 6 to 5 with 1 abstention planning permission was granted.

- I. **Application BH2008/01052, 169–174 Western Road, Brighton** - Erection of part second/third floor extension to incorporate storage space and staff facilities (retrospective).
- (1) The Interim Senior Team Planner, Mr Ellwood gave a presentation detailing what was sought as part of the current retrospective application. He explained that amendments had been made to the proposed conditions and informatives as set out in the circulated report and referred to the amendments which had been circulated separately (for copy see minute book). He explained that the conditions as now circulated represented a “tidying up” exercise which would supersede certain pre-commencement conditions which had now been met whilst also seeking to ensure that any conditions now applied (e.g. new Condition 5) were consistent with the decisions of the Planning Inspector.
 - (2) Mr Naylor-Smith spoke on behalf of neighbouring objectors. He showed photographs which in his view illustrated the obstruction, noise and nuisance caused by vehicles seeking to make deliveries from Crown Street. In view of the size of vehicles used and time which deliveries took to unload, several vehicles often queued in Crown Street at the same time. In addition to the noise associated with the vehicles themselves, goods were loaded into metal cages which were then wheeled across a concrete yard, resulting in further noise nuisance. Approaches to the store to seek to remedy these issues had gone un-headed.
 - (3) Ms Collins spoke on behalf of the applicant in support of the application. She explained that additional works had been undertaken to address issues arising from the inspector’s decision. Councillor Kennedy enquired why “Primark” could not receive all of their deliveries through the front of the store in common with the other large stores fronting Western Road. It was explained that this would result in stock having to be transported across the length of the store to the rear impeding customer movements within the store en-route. Ms Collins undertook to refer the concerns raised back to the store manager.
 - (4) Councillor Kitcat spoke in his capacity as a Local Ward Councillor. He reiterated and amplified the points made by Mr Naylor-Smith. He expressed concern that the conditions now being placed before the Committee for its consideration differed from those previously circulated and queried whether this was legal/enforceable. He stressed that neighbouring residents had suffered greatly in consequence of “Primark’s un-neighbourly attitude and un-willingness to meet with them or listen to their concerns. The tracking records used and cited in relation to the number of deliveries etc did not reflect the reality of the situation. Residents wanted all deliveries to take place from Western Road and for that to be enforced. The Solicitor to the Committee

explained that it was in order for amended/additional conditions to be discussed and voted on the meeting.

Questions/Matters on Which Clarification was Sought

- (5) Councillor Smart queried whether there was sufficient room for vehicles to manoeuvre in Crown Street and sought clarification as to whether Marlborough Street was wider. Councillor Cobb raised the same query. It was explained that the Planning Inspector had carefully considered vehicular access to the site resulting in the conditions imposed on the previous planning permission.
- (6) Councillor Smart also enquired whether it would be possible to compel "Primark" to ensure that all lorries actually entered the rear yard and that all deliveries took place there. It was explained that these issues were covered by proposed Condition 4.
- (7) Councillor Mrs Theobald enquired regarding the number of deliveries per day. When the site had been occupied by "Littlewoods" there had been two per day, the current figure appeared to be more than that.
- (8) Councillor Davey enquired regarding the comments made by the Environmental Health Officer and it was confirmed that these had related to Marlborough Street rather than Crown Street.
- (9) Councillor Hamilton enquired whether it would be possible for deliveries to be made using a circular movement e.g., in via Crown Street and exiting through Marlborough Street.
- (10) Councillor Cobb enquired whether Marlborough Street rather than Crown Street could be used for deliveries. It was explained in answer to both Councillors' questions that use of Marlborough Street was not an option given its narrower width and the fact that it was already in use by other stores for delivery purposes.
- (11) Councillor Smart enquired whether deliveries were taken from all of the side roads adjacent to Western Road. It was confirmed that the majority of stores fronting Western Road took their deliveries in through the front of the store.

Debate and Decision Making Process

- (12) Councillor Carden whilst supporting the application in view of the economically priced clothing and goods it provided for families, and considered it was very important that the store behaved as a responsible neighbour. He considered it would be beneficial if the store appointed a member of its staff to act as a Liaison Officer with local residents.
- (13) Councillor Smart also considered that it was important that "Primark" did not abuse use of its delivery yard and listened to the concerns of its residential neighbours.
- (14) Councillor Davey enquired regarding measures which could be invoked in relation to noise nuisance, which although difficult to quantify was clearly a problem. The Deputy Development Control Manager stated that he would bring the matter to the attention of

the Environmental Health Department as it was clear that assessments had not been taken from all neighbouring properties.

- (15) Councillors Davey and McCaffery enquired regarding implementation and control of cycle parking. Councillor Davey raised the matter of access to cycle parking (photos of the cycle racks were shown surrounded by refuse bins). It was confirmed that this condition (now no 8) would require these to be accessible and free from obstruction.
- (16) Councillor Kennedy stated that she had no confidence that the store would take account of the legitimate concerns of neighbouring residents or that it would begin to act as a "good neighbour". All direct approaches to the store to date had been ignored. Permission would not be given for a rear goods yard now; in addition to the disruption caused by deliveries themselves, unacceptable noise was generated by goods being moved around the yard and the noise of staff using the yard area. She felt unable to support the application unless additional conditions were applied to ameliorate some of the nuisance currently suffered by those living in Crown Street.
- (17) Councillor Kennedy suggested that:
- All deliveries take place from Western Road;
 - The rear yard be re-surfaced with a rubberised material to deaden noise;
 - Bins and cages used in the yard area be fitted with rubber wheels (also to deaden noise).
- (18) The Interim Senior Team Planner, explained that the principle of the use was already established. The current application had been submitted because pre-commencement conditions relating to sustainability, cycle parking and access gates had not been complied with. Members should be focussing their consideration on these issues. Use of the rear service yard had always been integral to the business use and was unfettered and it would not be appropriate to seek to address the current problems by adding conditions which fell outside or were not consistent with the decisions of the Planning Inspectorate. Effective enforcement of any conditions imposed was the appropriate way to deal with these matters.
- (19) A vote was taken and on a vote of 8 to 2 with 1 abstention planning permission was granted.

163.11 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons set out in the recommendation set out in the report and resolves to grant planning permission subject to the revised conditions and informatives set out below:

Grant subject to the following conditions:

1. All air handling units and plant located on the roof of the premises shall not operate between the hours of 23.00 and 0.700.

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

2. Noise associated with plant and machinery incorporated within the development shall be controlled such that the rating level, measured and calculated at 1 metre from the façade of the nearest noise sensitive premises shall not exceed a level of 5dB

below the existing LA90 background noise level. Rating level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

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

3. No vehicle movements nor any loading or unloading of vehicles shall take place between the hours of 20.00 to 0.800.

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

4. No deliveries, including the collection of refuse and recyclable materials, shall be taken at or dispatched from the site except from either the service yard to the rear of the application site accessed from Crown Street only or the front of the site along the designated section of footway in Western Road.

Reason: To safeguard traffic flows along Crown Street and Marlborough Street and not to prejudice highway safety in accordance with policies TR1 and TR7 of the Brighton & Hove Local Plan.

5. No deliveries or unloading of vehicles shall take place on Sundays or Bank or other Public Holidays except using the designated section of footway in Western Road.

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

6. The refuse and recycling storage facilities hereby approved shall be retained for use at all times.

Reason: To ensure the retention of satisfactory facilities for the storage of refuse and recycling and to comply with policies SU2 and QD27 of the Brighton & Hove Local Plan.

7. BH02.09 Flat roofed extensions.

8. The cycle parking hereby approved shall remain accessible and free from obstruction, and retained for use at all times.

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

Additional Informative:

The applicant is advised that the Planning Committee is of the view that effective engagement and communication should take place with the local community regarding the operation of the store.

Note 1: Having declared an interest Councillor Steedman left the meeting during consideration of the above application and took no part in the discussion or voting thereon.

Note 2: Councillors Davey and Kennedy voted that the application be refused. Councillor C Theobald abstained.

J. Application BH2009/02047, 77 Grand Parade, Brighton – Change of use from office (B1) to sauna/ solarium (sui generis).

- (1) The Area Planning Manager (East), Mr Walke gave a presentation detailing the constituent elements of the application. He explained that since the previous refusal, the applicant had provided supporting evidence which demonstrated that the office use was genuinely redundant and that the previous reasons for refusal had been overcome. The proposal was now considered to be in accordance with development plan policies.

Questions/Matters on Which Clarification was Sought

- (2) Councillor Kennedy enquired whether the cumulative impact of such establishments (there were several nearby) constituted a planning consideration. The Area Planning Manager confirmed that there was no policy basis to apply criteria relating to cumulative effects although factors such as potential noise, loss of amenity, etc were taken account of.
- (3) Councillor Smart enquired whether the top floor of the building would be enclosed and it was confirmed that it would. However, the designated smoking area would be outside and in consequence conditions would be applied regarding the hours during which this area could be used.
- (4) A vote was taken and on a vote of 10 to 1 with 1 abstention planning permission was granted.

163.12 **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. Condition 4 to be amended to read:

“...The hours of 08.00 and 02.00 hours the following day Monday to Sunday.”

Note: Councillor Smart voted that the application be refused. Councillor Kennedy abstained.

K. Application BH2008/02170, 2 Ashdown Road, Brighton – Conversion of existing dwelling to form 3 self contained flats. Demolition of 11 rear garages and erection of 2 new houses.

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

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

L. Application BH2008/02172, 2 Ashdown Road, Brighton- Demolition of 11 garages (Conservation Area Consent).

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

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

M Application BH2009/01986, 12 York Place, Brighton - Installation of new shop front to ground floor and alterations to first and second floors to the front façade. Change of use of upper floors to form 2 two bedroom flats and 1 one bedroom flat, incorporating rear dormer to third floor .

(1) It was noted that as the one objection received from a Local Ward Councillor had been withdrawn from the agenda as a result of amendments made to the submitted scheme by the applicants, the application had been able to be granted under officers’ delegated powers.

163.15 **RESOLVED** – That the position be noted.

164. 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

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

Application:	Site Visit Requested by:
BH2009/02331, Land East of West Pier, Lower Esplanade, King’s Road, Brighton (Brighton “O” Wheel)	Deputy Development Control Manager
BH2009/00054 & BH2009/00055, St Augustine’s Church, Stanford Avenue, Brighton	Deputy Development Control Manager
BH2009/01845, Land Adjacent, 9 Challoners Close, Rottingdean	Councillor C Theobald
BH2009/02170 & BH2009/02172, 2 Ashdown Road, Brighton	Councillor Hyde (Chairman)

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

165.1 **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 .

The meeting concluded at 6.15pm

Signed

Chair

Dated this

day of

Subject:	Petitions		
Date of Meeting:	16 December 2009		
Report of:	Director of Strategy & Governance		
Contact Officer:	Name:	Penny Jennings	Tel: 29-1065
	E-mail:	penny.jennings@brighton-hove.gov.uk	
Key Decision:	No		
Wards Affected:	Preston Park		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

1.1 To receive the following petition to be presented directly to the Planning Committee.

1.2(i) To receive the following petition:

“We the undersigned would urge Brighton & Hove City Council to contest the Planning Inspector’s decision to grant permission for development of the former railway allotment land between the Open House pub and London Road Station.

The Inspector’s decision was flawed because he discounted the testimony of hundreds of local residents and users of the station who want to keep this land as green open space. He also failed to give adequate consideration to several other issues which are relevant to the case, such as the impact of the development on biodiversity, on parking, the noise nuisance to potential residents of the development from railway engineering works, and the treat it would pose to the Open House, a very popular community pub.

The Council opposed this scheme at application and appeal stages and must continue to do so, and to enforce its own decisions, if it is to retain any credibility.”

Subject:	Deputations		
Date of Meeting:	16 December 2009		
Report of:	Director of Strategy & Governance		
Contact Officer:	Name:	Penny Jennings	Tel: 29-1065
	E-mail:	penny.jennings@brighton-hove.gov.uk	
Key Decision:	No		
Wards Affected:	Preston Park		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To receive the following deputation to be presented directly to the Planning Committee.
- 1.2 (i) To receive the following deputation:

“This deputation comes from Community Group FLORA which has tried and failed to prevent development at London Road Station.

FLORA has been bitterly disappointed that a permission has been granted at Appeal which may set a precedent contrary to Council policies, and seeks written assurance that the Council will now commit its officers to ensuring that enforcement of conditions and planning permissions at this site and neighbouring sites is taken seriously and monitored so that further unacceptable development is prevented and properly monitored so that further unacceptable development is prevented or properly scrutinised.

FLORA and residents urge the council to work with them and consult to prevent further inappropriate development.

APPEAL DECISIONS

Page

A. WISH WARD

Application BH2009/00837, 53a Church New Church Road, Hove. **29**
Appeal against refusal to grant planning permission for erection of three new detached houses and ancillary landscaping works and demolition of existing dwelling (Delegated Decision) **APPEAL DISMISSED** (copy of the letter from the Planning Inspectorate attached).

B. GOLDSMID WARD

Application BH2009/00012, 18 Davigdor Road, Hove. Appeal against **35**
refusal to grant planning permission for extension to form a two bedroom dwelling. (Delegated Decision) **APPEAL DISMISSED** (copy of the letter from the Planning Inspectorate attached).

C. WITHDEAN WARD

Application BH2009/01701, "Chailey", 61 Valley Drive, Brighton. **39**
Appeal against refusal to grant planning permission for demolition of existing garage and erection of a two storey side extension (Delegated Decision) **APPEAL DISMISSED** (copy of letter from Planning Inspectorate attached).

D. QUEENS PARK WARD

Application BH2008/03269, 14 Dorset Gardens, Brighton Appeal **41**
against refusal to grant planning permission for first floor rear extension (to align with ground floor), enlargement of front dormer, installation of conservation roof lights and front and rear roof slopes, replacement of casement windows to rear elevation with timber box sash units and renewal of defective units to front elevation with matching timber box sash units with glazing bars, re-covering of front roof slope with natural slate, removal of rear doors to basement, replacing with casement windows. (Committee Decision) **APPEAL DISMISSED IN PART /ALLOWED IN PART** (copy of letter from the Planning Inspectorate attached).

E. QUEENS PARK WARD

Applications BH2008/03096 & BH2008/03083, 102 Marine Parade, Brighton. Appeal against refusal to grant planning permission and listed building consent for conversion of house into 5 flats (re-submission) (Committee Decision) **APPEALS DISMISSED** (copy of the letter from the Planning Inspectorate attached). **45**

F. ROTTINGDEAN COASTAL WARD

Application BH2009/01397, 2 Roedean Crescent, Rottingdean. Appeal against refusal to grant planning permission for erection of a rear first floor conservatory. (Committee Decision) **APPEAL DISMISSED** (copy of the letter received from the Planning Inspectorate attached). **51**

G. ROTTINGDEAN COASTAL WARD

Application BH2008/03626, 44 Arundel Drive, East, Saltdean. Appeal against refusal to grant certificate of lawful use for hipped to gable roof conversion. (Delegated Decision) **APPEAL DISMISSED**. (copy of the letter received from the Planning Inspectorate attached). **53**



Appeal Decision

Hearing held on 28 October 2009
Site visit made on 28 October 2009

by **David Morgan BA MA MRTPI IHBC**

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

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

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
11 November 2009

Appeal Ref: APP/Q1445/A/09/2108358

53a New Church Road, Hove, East Sussex BN3 4BA

- 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 Mrs Philippa Stephen-Martin against the decision of Brighton & Hove City Council.
- The application Ref BH2009/00837, dated 7 April 2009, was refused by notice dated 11 June 2009.
- The development proposed is three new detached houses and ancillary landscaping works and demolition of existing dwelling.

Decision

1. I dismiss the appeal.

Procedural matters

2. A unilateral undertaking was submitted at the Hearing facilitating a financial contribution of £4,500 towards sustainable transport improvements. I have taken this unilateral undertaking into account when making my decision.
3. This appeal and the planning application have been submitted following the dismissal at appeal of a previous residential scheme on the site (Appeal ref: APP/Q1445/A/2081031). Given the similarities of both schemes and key issues involved, I consider the previous Inspector's decision to carry substantial weight as a material planning consideration in this case, and have taken it into account when making my decision.

Main issues

4. I consider these to be a) the effect of the proposed development on the character and appearance of the area, b) its effect on the living conditions of occupiers of adjacent properties by virtue of loss of privacy, loss of sun light and overbearing impact and c) their effect on the safety of highway users of the access lane to the site.

Reasons

Character and appearance

5. The appeal site comprises a backland plot set back from the New Church Road frontage and accessed off a narrow lane. The area is primarily residential in character with a diverse mix and pattern of housing of differing vintage. Being a backland site, the plot is enclosed by residential development on all sides.

6. The site is certainly in a sustainable location, being close to a major arterial public transport route into the city centre and at a distance that would encourage both walking and cycling as travel modes alternative to the car. There are also a good range of local services which provide a useful practical function and reinforce a sense of attractive local identity to the area. I, like the previous Inspector, conclude the principle of development in such a sustainable location to be in accord with the thrust of both local development plan and national housing policy.
7. The proposals seek the demolition of one of a pair of bungalows currently occupying the backland area and its replacement with three detached dwellings of contemporary design. Amenity space would also be provided, as would ancillary landscaping, which incorporates a disabled parking space and turning area for visiting vehicles and deliveries.
8. Purely in respect of character and appearance, and acknowledging that the designs of the dwellings have been modified in form and detail, I concur with the views of the previous Inspector that the proposed houses would add to the diverse mix of housing in the area, indeed broadening that pleasing diversity. In this respect I consider the proposals to be fully in accord with the requirements of policies QD1 and QD2 of the Brighton and Hove Local Plan 2005 (BHLP). I also consider it to be broadly in accord with the aims of policy QD3 of the BHLP which, consistent with the aims of Planning Policy Statement 3 *Housing* (PPS3) seeks to encourage the more efficient and effective use of previously developed land. The pursuit of these aims as set out by the BHLP policy are calibrated however against the impact of such development on 'amenities', and these matters are addressed below.

Effect on living conditions of adjacent occupiers

9. The central issue in relation to the previous appeal was its impact on the living conditions of occupiers of adjacent properties, most specifically no 53b (the bungalow opposite to the east) no 25 Richardson Road to west and nos 34 and 36 Lawrence Road to the north. To be assured that any successive application or appeal might succeed, these concerns would need to be addressed. The appeal proposals have endeavoured to achieve this aim, with a reduction in the scale of the houses, their relocation further away from the northern boundary of the site and the reconfiguration of their fenestration. Despite these amendments, and acknowledging some of the concerns have been met, I conclude the proposed development would have adverse consequences for a remaining number of these dwellings and their occupants.
10. I agree with the appellant and the Council that the amendments to the front elevational treatment of the dwellings successfully overcome the concerns relating to no 53b New Church Road. The high-level clearstorey windows, the recessed stair hall window and the angled dining room window all overcome concerns over overlooking causing loss of privacy to habitable rooms and garden associated with the previous scheme. Whilst the proposed dwellings would undoubtedly have greater visual presence than the existing bungalow, because of the distances between proposal and dwelling, this would not amount to an overbearing one, causing material harm to living conditions of occupiers.

11. With regard to no 25 Richardson Road I again acknowledge that the appellant has sought to mitigate the impact of development through the reconfiguration of the rear fenestration and a reduction in the scale of the development. However, the boundary between no 25 and the development site is defined by a reasonably low brick wall supported by relatively modest planting. The rear elevation of the three houses would be just over 5m from this boundary and though the rear lounge window would be formed by a concave angled recess, they would be raised 1.2m above ground level in each case. In my opinion these raised floor levels would afford a platform from which views into the garden of no 25 would be afforded. This harm would be compounded by the fact that the steps down from the lounge give access to the private amenity space of each of the dwellings and proposed cycle stores; both facilities that would be actively used by future occupants. In my view such a degree of overlooking would cause material harm to the living conditions of occupiers of no 25, the garden area of which already sustains a significant degree of overlooking from the adjacent flats.
12. Similarly, the appellant has sought to mitigate the impact of the development on occupiers of Lawrence Road to the north by reducing the height of the flank elevations of the dwellings and drawing the northernmost elevation just over 4m away from the boundary. However, though this has certainly reduced the impact of this part of the development, I conclude that because of its height and proximity to the boundary, the proposed development would be both unacceptably overbearing in relation to nos 34 and 36 Lawrence Road in particular. Moreover, again because of its height and aspect in relation to the boundary, the development would result in a loss of sunlight to the gardens of both houses, particularly in the winter months. Though this loss of sunlight would be less with regard to no 34, I conclude the outcome would result in material harm to the living conditions of users of both gardens.
13. I too, like the previous Inspector, have taken full account of the close juxtaposition of properties in this backland area and the visual inter-connectivity that is a concomitant of such urban living. I have also considered the measures the appellant has employed to address the challenges identified in the previous appeal decision. However, these challenges have not been satisfactorily overcome and material harm to living conditions of adjacent occupiers would result if the development were to proceed. For these reasons therefore I conclude the proposals would be contrary to policy QD27 of the BHLF.

Highway safety

14. The appellant has sought to address concerns over pedestrian and vehicular conflict along the access lane by reducing the parking for all dwellings to one disabled space and an access turning area shared by all. The absence of on-site dedicated parking is consistent with BHLF policy and the Highway Authority consider the proposals acceptable on this basis, subject to a financial contribution to sustainable transport provision, which has been provided. I also agree with the appellant that given the sustainable location of the development, it is a reasonable expectation that such development will prove attractive to people who choose not to own a car; such an expectation is again in line with the thrust of local and national policy. Notwithstanding this point, I also noted that New Church Road and surrounding roads are the subject of a
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controlled parking scheme and at the three times of day on which I visited the site (evening, morning and mid day) there was spare capacity which could accommodate future on-street parking demand. Indeed, the Highway Authority confirm there is currently no waiting list for permits in the zone area. I acknowledge that the appellant has gone some way to addressing concerns over the increased use of the lane by reducing the number and availability of dedicated parking spaces for each of the dwellings, and that this would incrementally reduce the scope for pedestrian//vehicular conflict along its length.

15. I also acknowledge that whilst there is a major concern of residents over the management or restriction of 'unauthorised' parking within the residual space on the site, this could be substantially overcome through a detailed landscaping scheme for this area that defined the disabled parking, delineated the turning area and restricted the potential use of the residual area for parking.
16. However, the lane is the only means of access to the site and is currently used by six properties along its length. Even though dedicated parking spaces are not provided this does not eliminate the primary cause for concern: the conflict between vehicles and pedestrians and cyclists along it. The reverse in fact, as the three houses would generate considerable more pedestrian/cyclist movements than at present, and they would have to compete with existing levels of vehicular movement (or a slightly reduced level is one of the two existing spaces if discounted) along the lane. Moreover, if those future occupiers chose to have a car and park on-street they would still need to use the lane to provision their homes. If they chose not to own a car there would be a likelihood that deliveries to the home would be the alternative means of supply. In either scenario greater use of the lane for vehicular access would result. This, combined with the increase in pedestrian/cyclist activity as a result of the development and the existing vehicular activity, would result in an increase in the conflict between road users, to the material detriment of their safety. This would be in direct conflict with policy TR7 of the BHLP.

Unilateral undertaking

17. A signed and dated unilateral undertaking has been submitted facilitating a financial contribution of £4,500 towards improvements to sustainable transport in the area. These relate to the BHLP policy framework in relation to transport planning obligations and are calculated on the basis of an agreed formula. I was told that such contributions would be put towards improvement to public transport infrastructure, specifically improving access at bus stops and augmenting the existing programme of real-time bus information. I am therefore satisfied such contributions accord with the requirements of Circular 05/2005 *Planning Obligations* in all respects, I therefore attach substantial weight to the obligation when making my decision.

Conclusions

18. I have found that the proposals offer positive benefits in terms of more effective and efficient use of land, make a positive aesthetic contribution to the character and appearance of the area and contribute appropriately towards improvements in sustainable transport facilities in the area. However, these benefits are outweighed by the harm that would be caused to the living

conditions of adjacent occupiers and by the increased risk to users of the access lane caused by increased vehicular/pedestrian conflict that would result. For the reasons given above therefore, I conclude that the appeal should be dismissed.

David Morgan

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Malcolm Lewis Dip Arch
(Dist)

Mrs Philippa Stephen - Martin

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Earp

INTERESTED PERSONS:

Mr Mark Bailham

Mr and Mrs Lucy Eagan

Ms Louise Winn

Ms Christine Crowley

Mr Hal Mileham

Mr S Haggard (for Mrs E
Haggard)

Mr James Marinko

DOCUMENTS SUBMITTED AT THE HEARING

1. Notification of arrangement of Hearing and list of recipients - BHCC
2. Sunlight trajectory drawing - (Mr E)
3. Photographs from appendix Mr Lewis
- 4.** signed and dated unilateral undertaking - Mr Lewis



Appeal Decision

Site visit made on 11 September 2009

by **M C J Nunn BA BPL LLB LLM BCL MRTPI**

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

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Decision date:
16 November 2009

Appeal Ref: APP/Q1445/A/09/2105169

18 Davigdor Road, Hove, East Sussex, BN3 1TT

- 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 A Haagman against the decision of Brighton and Hove City Council.
- The application Ref BH2009/00012, dated 18 December 2008, was refused by notice dated 2 April 2009.
- The development proposed is an extension to 18 Davigdor Road to form a two bedroom dwelling.

Decision

1. I dismiss the appeal.

Procedural matters

2. The description in the heading above is that used on the application and appeal forms. It differs from that in the Council's decision notice which is the 'erection of a 3 storey extension to form one dwelling.' I believe the description in the heading above adequately reflects the works proposed and I have therefore considered the appeal on this basis.
3. I note that the appellant has submitted a unilateral undertaking which I deal with in the body of this decision.

Main issues

4. I consider the main issues in this case to be:
 - i. the effect of the proposal on the character and appearance of the area;
 - ii. the effect of the proposal on the living conditions at the host property and adjacent properties, with particular reference to outlook, sunlight and daylight;
 - iii. whether the proposal would comply with 'Lifetime Homes' standards;
 - iv. the effect of the proposal on highway safety, with particular regard to on-street parking availability.

Reasons

Character and Appearance

5. The appeal property comprises a large rendered property with a rear garden that runs parallel with Davigdor Road. The property appears to date from the

Victorian era and is currently converted into flats. It lies on a corner site at the junction of Davigdor Road and Osmond Gardens. The local area is predominantly residential and comprises a mix of dwelling types, including substantial Victorian semi-detached villas, some of which have been converted to flats, but there are dwellings from later periods.

6. I consider that the proposed extension to provide a new dwelling would be an overly large addition to the existing building. I acknowledge an attempt has been made by the appellant to follow the design of the property by replicating the existing architectural detailing, roof form as well as window and door arrangements. However, the proposed excavation works to provide a lower ground floor would mean the addition would have the appearance of a three storey dwelling, increasing the impression of bulk and scale. This would, in my opinion, harm the appearance of existing property. Also, the scheme would result in a building considerably larger in bulk and size than others in the vicinity, including those nearby in Davigdor Road and Osmond Gardens. Thus I consider it would appear overly dominant and discordant in relation to other properties, and would harm the area's character.
7. I also consider that the proposed excavation works at the rear garden area to facilitate to the lower ground floor, involving an elevated access way to the entrance, would appear incongruous at this location. In my view, this arrangement would be much more visible from public vantage points than the appellant's computer generated photo image would suggest. From my site visit, I could not see any evidence of this kind of arrangement in the vicinity. In my view, as this feature does not draw on any locally evident examples, it would appear incongruous and unsympathetic in this location. I consider it would harm the appearance and architectural integrity of the building, as well as the wider area.
8. I note the existing rear garden is at a lower level than the adjacent property at No 16 Davigdor Road. It seems to me that the proposed excavation works will exacerbate this difference in levels, creating a visually unattractive and discordant effect, particularly when viewed from vantage points in Davigdor Road. This adds to my concerns regarding the proposal's effect on the character and appearance of the area.
9. I note that the appellant contends that the proposal would not be cramped because of the separation between the proposed extension and No 16 Davigdor Road. Whilst I accept there would be adequate separation between these properties, this does not alter my concerns above.
10. I therefore find on the first issue the proposal would unacceptably harm the character and appearance of the area. It would be contrary to Policies QD1, QD2, QD3 and H04 of the Brighton and Hove Local Plan (BHLP) which together require, amongst other things, a high quality of design for new development which takes into account local characteristics whilst ensuring the efficient and effective use of sites.

Living Conditions

11. Because of the substantial size of the addition, particularly its height and depth, I have concerns at its effect on the living conditions of occupiers of the
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existing host building. I consider the addition would appear overbearing and create an unacceptable sense of enclosure, causing a loss of outlook to the rear facing windows of the existing property. The rearward projection of the addition would unacceptably impinge on the living conditions in the rooms facing to the rear creating a 'hemmed in' feeling. This enclosed feeling would be exacerbated by the existing property at No 16 Davigdor Road at the end of the appeal property's garden.

12. As the extension would be located to the north of these rear facing windows, I do not consider there would be any adverse effect in terms of loss of direct sunlight. Although I consider the extension's size would mean a reduction in the amount of daylight reaching these rear windows, I do not consider this loss to be significant because of the northward position of the extension.
13. I am satisfied that there would be no unreasonable adverse effect on living conditions in terms of outlook, sunlight or daylight to No 16 Davigdor Road. There would be a reasonable degree of separation between the proposal and this property which has only secondary flank windows facing the appeal site, serving what appeared to be a toilet and bathroom and a secondary window to a kitchen.
14. I am also satisfied that, because of the considerable separation involved, there would be no unreasonable loss of outlook, daylight or sunlight to the adjacent property to the south at No 19 Osmond Gardens.
15. However, these findings do not outweigh the harm I have identified to living conditions at the host property in terms of outlook. I therefore conclude that the proposal would be contrary to BHLPP Policy QD27 which states that new development will not be permitted where it would cause a loss of amenity to proposed, existing and /or adjacent users, residents or occupiers.

Lifetime Homes

16. The Council is concerned that the proposal would not comply with 'Lifetime Homes' standards, although the appellant has stated that where practicable, they have been incorporated into this scheme, and that certain requirements are covered by building regulations in any event.
17. However, I note BHLPP Policy H013 requires new development to comply with 'Lifetime Homes' standards. I have been supplied with the Council's Planning Advice Note 03 (PAN 03) dated January 2008 on Accessible Housing and Lifetime Homes. This gives guidance on the application of BHLPP Policy H013. It states that, whilst there is some flexibility in applying the standards in conversions or the creation of new housing units in existing residential buildings, where new build housing is proposed, proposals will be expected to comply fully with the standards. I consider this proposal to be essentially a new build scheme, although I acknowledge it utilises part of the existing building for one of the bedrooms.
18. Some of the Council's concerns could be resolved by a suitably worded condition requiring appropriate details to be submitted for approval to ensure compliance with the standards. However, the proposal as currently designed would not comply with the standards in certain respects because of the internal layout proposed. Whilst I note the appellant's view that the existing layout has

the potential to be amended so as to ensure greater compliance with the standards, I have to assess the scheme before me.

19. This being so, I can see no sound reason to depart from or override the requirements of BHL P Policy H013. Consequently, I am led to conclude that until the scheme is modified so as to comply with the requirements of that policy, the appeal would not comply with 'Lifetime Homes' standards and should therefore fail.

Highway Safety

20. The Council states that insufficient information has been submitted relating to the demand for travel likely to be created by the development, and has raised concerns regarding on-street parking availability. Despite this, I note the Council's own Transport Planning Section has not raised objections to permission being granted subject to a financial contribution towards improving transport infrastructure, and cycle parking provision being implemented once the details have been agreed.
21. I have been supplied with a Unilateral Undertaking dated 17 August 2009 whereby the appellant has undertaken to pay to the Council a 'Sustainable Transport Contribution' of £1,000 and a 'Traffic Regulation Order Payment' of £2,000 in the event I am minded to allow the appeal. Thus it seems to me that this undertaking in principle would address the Transport Planning Section's requirements regarding financial contributions. As to cycle provision, this is indicated on the plans, the details of which could be controlled by a suitably worded condition.
22. Thus, there is no evidence before me that would suggest the appeal should fail on highway grounds. In my view, the provision of a single dwelling of the size and type proposed would not result in significant harm to highway safety, nor be likely to have an unacceptable effect on on-street parking availability.
23. My findings on this matter do not, however, outweigh the harm I have already identified.

Other matters

24. I note the appellant's contention that the proposal would make better use of an underused garden area, improving its appearance, and that the site is accessible to local facilities, and is well served by public transport. I have also had regard to Government policy, as well as BHL P policy QD3 which encourages the most efficient use of land. However, in this instance, I consider that the benefits that would accrue from allowing the appeal would not outweigh the harm I have identified.

Conclusion

25. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

M C J Nunn

INSPECTOR



Appeal Decision

Site visit made on 12 November 2009

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

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Decision date:
25 November 2009

Appeal Ref: APP/Q1445/D/09/2114576

"Chailey", 61 Valley Drive, Brighton, East Sussex BN1 5FD

- 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 Terry Offord against the decision of Brighton & Hove City Council.
- The application Ref BH2009/01701, submitted to the Council on 10 July 2009, was refused by notice dated 4 September 2009.
- The development proposed is the demolition of the existing garage and erection of a 2-storey side extension.

Decision

1. **I dismiss the appeal.**

Clarification

2. The planning application forms submitted with the appeal are undated. The decision notice states that the application was submitted to the Council on 10 July 2009.

Main issues

3. The main issue is the impact of the proposal on the living conditions of the occupiers of No 3 Hillside Way, with particular regard to outlook and sense of enclosure.

Reasons

4. The appeal property is a 2-storey detached house on the south side of Valley Drive in a predominantly residential part of the built-up area of Brighton. The land rises quite steeply to the south so that the adjoining dwelling at the rear, No 3 Hillside Way, is sited approximately one storey height above the level of the appeal property.
5. The Council has no objection to the design and appearance of the proposed extension and I agree that it would not look out of place or cramped in the Valley Drive street scene. However, the existing garage that would be replaced has a flat roof that preserves a substantial gap at first floor level between Nos 61 and 63. Because of the hilly nature of the surroundings and the relative positions of the two dwellings, this gap allows a relatively open outlook to the north from the rear windows and garden of No 3 Hillside Way.

6. Both the appeal property and No 3 have particularly small rear gardens in comparison with other dwellings in the surrounding area. The openness above the garage is, for that reason, important to prevent an uncharacteristically enclosed environment at the rear of No 3. Because of its height, width and siting, extending across much of the present gap above the garage, the proposed extension would dominate the outlook from the rear of No 3 and its first floor and roof would, in my estimation, create a very significantly increased sense of enclosure to the garden and ground floor windows of that property.
7. The current proposal has been amended from that which was dismissed on appeal in June 2009. Amongst other things, the extension would now be set back 1.57 metres from the back wall of No 61 and the ridge height of the roof would be 1.6 metres below that of the existing house. The extension would also be to the north of No 3 and so would have little impact on sunlight. I consider that the amendments that have been made would result in some improvement to the previously proposed situation. However, I agree with the Council that they would not be significant enough to prevent the proposed extension from creating a congested and claustrophobic effect at the rear of No 3 and from increasing the sense of enclosure experienced by the occupiers of that property to an unneighbourly and harmful extent.
8. Policies QD14 & QD27 of the Brighton & Hove Local Plan permit extensions only if they would be well designed and sited in relation to adjoining properties and would not result in significant loss of outlook or amenity to neighbours. I consider that the proposed extension would fail to meet those requirements and that its dominant impact would be unacceptably harmful to the living conditions of the occupiers of No 3 Hillside Way.
9. I accept that the northward view across the top of the existing garage from the rear of No 3 is blocked to some extent by the large street tree on the verge outside the appeal property. However, that tree is a natural feature that is situated further from No 3 Hillside Way than the proposed extension. Moreover, the concern with the appeal proposal does not relate to views but to the enclosing impact that would be created by increased built development at close range to the neighbouring dwelling and garden.

John Head

INSPECTOR



Appeal Decision

Site visit made on 27 October 2009

by **Jennifer Vyse** DipTP DipPBM MRTPI

**an Inspector appointed by the Secretary of State
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**Decision date:
25 November 2009**

Appeal Ref: APP/Q1445/E/09/2106730

14 Dorset Gardens, Brighton, East Sussex BN2 1RL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Watercress Management Limited against the decision of Brighton and Hove City Council.
- The application No BH2008/03269, dated 2 October 2008, was refused by a notice dated 12 December 2008.
- The works are described on the application form as first floor rear extension (to align with ground floor), enlargement of front dormer, installation of conservation roof lights to front and rear roof slopes, replacement of casement windows to rear elevation with timber box sash units and renewal of defective units to front elevation with matching timber box sash units all with glazing bars, re-covering of front roof slope with natural slate, removal of rear doors to basement, replacing with casement windows.

Procedural Matters

1. The appeal scheme was largely the subject of a consent granted in 1999¹. Whilst works commenced however, they were not wholly in accordance with the approved details and the application the subject of this appeal sought to regularise the situation. A detailed schedule of the works is set out within the planning officer's report. Since my site visit was carried out on an unaccompanied basis, I was unable enter the property and did not have the benefit of seeing all the works in place. I am advised by the Council however, that the application is largely retrospective.

Inspector's Decision

2. For the reasons that follow I dismiss the appeal in relation to the enlargement of the front dormer. In relation to the remaining elements of the application however, I allow the appeal and grant listed building consent for a first floor rear extension (to align with ground floor), installation of conservation roof lights to front and rear roof slopes, replacement of casement windows to the rear elevation with timber box sash units and renewal of defective units to the front elevation with matching timber box sash units all with glazing bars, re-covering of front roof slope with natural slate, removal of rear doors leading to basement and replacement with casement windows, at 14 Dorset Gardens, Brighton, East Sussex in accordance with the terms of the application No BH2008/032629, dated 2 October 2008 and the plans submitted with it, subject to the following conditions:
 - 1) The proposed conservation style flush fitting roof lights with slim section metal frames, as shown on drawing No RFA 08/075/02, must be completed in accordance with the approved details within three months of the date of this decision.

¹ Application No BH1999/01700/LB, approved 21 September 1999.

- 2) This approval is limited to the works shown on the approved drawings and does not indicate approval for any associated or enabling works which may be necessary to carry out the scheme.

Main Issue

3. The appeal premises are listed grade II. The main therefore, is the effect of the works on the special architectural and historic interest of the listed building.

Reasons for the Decision

4. National guidance in Planning Policy Guidance Note 15 'Planning and the Historic Environment' refers to the duty under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting, or any special architectural or historic features it possesses. Saved policies QD14 and HE1 of the Brighton and Hove Local Plan 2005, together with supplementary planning guidance entitled 'Roof Alterations and Extensions' (SPG)², reflect that advice.
5. The appeal building lies within a terrace of grade II listed properties on the eastern side of Dorset Gardens opposite to an area of grassed open space. The properties, which date from the late 18th Century, are generally of three storeys plus dormer and basement. The roofs are stepped, reflecting falling ground levels, and are separated by substantial chimney stacks and raised party walls. Each has a low parapet to the front. Notwithstanding minor variations and some unsympathetic modern alterations, the front of the terrace, including the appeal premises has, in my view, a strong and generally coherent vernacular period character and appearance, making a positive contribution to the surrounding East Cliff Conservation Area.
6. The Council takes no issue with the majority of the works applied for. Whilst no objection is raised in principle to the installation of a roof light to the rear roof slope, that is on the basis that it is of the flush-fitting conservation type as shown on the submitted plan. Although I am advised that the one installed is not such, I am satisfied that this is a matter that could be secured by condition.
7. Issue is taken with the front roof light that has been installed. The Council's SPG suggests that only one roof light, usually to a rear roof slope, will normally be permitted on a listed building. The appellant advises however, and it is not disputed, that wherever practicable, the Council also insists on bathrooms having natural light and ventilation. I understand that the front facing roof light provides natural ventilation and the only source of daylight to a bathroom within the roof space. It has been installed within the lower part of the roof slope, below the sight line created by the parapet walling when viewed from the opposite pavement at ground level. As a consequence, it is not readily visible in the street scene. Moreover, as the land to the front of the property falls away, it is unlikely to be readily viewed from any public or private viewpoint.
8. PPG15 recognises that cumulative changes can represent an aspect of a building's character, suggesting that appropriate and sensitive alteration is rarely impossible if the parties show flexibility and imagination. Given its context, together with its discreet siting and limited size, I am satisfied that in

² The SPG was formally in February 1999 following public consultation and consequential amendment.

principle, provided that it is a flush fitting conservation light, it would be an acceptable alteration to the property that would not detract from the architectural or historic character of the building as a whole, or that of the terrace within which it is located. There would be no conflict therefore, with the thrust of advice in PPG15 or with policies QD14 and HE1 of the Local Plan. I am also satisfied that here would be no harm to the character or appearance of the Conservation Area, which would be preserved.

9. The replacement dormer however, is a more significant feature on the building and is clearly seen from the street and from the open space opposite. Whilst the new window contains some acceptable elements, such as a timber sliding box sash window, it is wider than the windows below and the cheeks and roof appear thick and bulky compared to the previous installation. I recognise that the appellant felt that since he had, in the past, been encouraged to enlarge the basement window, that the same advice would apply to the dormer. In general however, the higher up a building a window is, the smaller and simpler in design it should become. The design and proportions of the dormer the subject of this appeal make it appear top heavy. In my view, it comprises an overly dominant element on the building frontage that materially detracts from its special architectural and historic interest, and from the established character and appearance of the Conservation Area. The scheme would conflict with the thrust of the relevant Local Plan policies and national guidance in this respect.
10. In support of the scheme, the appellant comments that a number of the terraced properties on Dorset Gardens have dormer windows identical to that proposed. Indeed, during my visit I saw a variety of modern installations at roof level along the terrace. I have no information however as to when they were installed, nor whether they benefit from any necessary consent/permission. In any event, they do not necessarily represent appropriate precedents to follow for the alteration the subject of this appeal. Other properties with dormer windows elsewhere in the City centre, also referred to, are distinguishable from the appeal property by their architectural composition and do not set a precedent for the appeal scheme.
11. On balance, for the reasons set out above, I conclude that the appeal should fail in relation to the replacement dormer. In relation to the remaining elements of the scheme however, I conclude that the appeal should succeed.

Conditions

12. Most of the works have been carried out as proposed and so conditions would not be appropriate. However, the two roof lights have not been installed as proposed. To ensure that the works are revised to accord with the proposed drawings and description, and to preserve the special architectural and historic interest of the listed building, I will require these works to be carried out within a reasonable period of time. In the interest of clarity and to preserve the special architectural and historic interest of the listed building, I also agree that a condition controlling any enabling works is necessary.

Jennifer A Vyse

INSPECTOR



Appeal Decisions

Site visit made on 28 October 2009

by **Jennifer Vyse** DipTP DipPBM MRTPI

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Decision date:
18 November 2009

Appeal Ref: APP/Q1445/A/09/2099281 102 Marine Parade, Brighton BN2 1AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs McClymont against the decision of Brighton & Hove City Council.
- The application No BH2008/03096, dated 12 September 2008, was refused by a notice dated 20 January 2009.
- The development proposed is described as conversion of house into five flats (re-submission).

Appeal Ref: APP/Q1445/E/09/2099297 102 Marine Parade, Brighton BN2 1AT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr and Mrs McClymont against the decision of Brighton & Hove City Council.
- The application No BH2008/03083, dated 12 August 2008, was refused by a notice dated 20 January 2009.
- The works proposed are described on the application form as conversion of dwelling into five flats (re-submission).

Inspector's Decision

1. For the reasons that follow I dismiss both appeals.

Main Issues

2. The main issues in this case are whether the scheme proposed would preserve the special architectural and historic interest of this grade II listed building; the effect of the proposed cycle and refuse store on the setting of the listed building and on the character and appearance of East Cliff Conservation Area; whether the proposal would make satisfactory provision for the parking of cycles; whether the absence of a planning obligation would significantly harm the aim of local planning policies to reduce reliance on the private car; whether the scheme would significantly undermine local planning policies which seek to reduce the use of energy, water and materials in new development and promote a sustainable approach to waste management.

Reasons for the Decision

Listed Building

3. The grade II listed appeal property forms one end of a short terrace of three houses located on the seafront within East Cliff Conservation Area. No 102, which comprises four storeys plus a basement, is sited on the corner of

Burlington Street, at its junction with Marine Parade. Although the submissions with the planning application indicate that the property is vacant, it was clearly being occupied for residential purposes at the time of my visit. I understand that its last lawful use was as a single dwellinghouse.

4. During my visit, I saw that the building still retains its original Regency staircase at first floor level and above, in its original location. The staircase linking the ground and first floors has been replaced, possibly at the turn of the century, with one that appears to be larger than the original would have been, and a glazed lobby has been added at sometime in the past at ground floor. Notwithstanding the alterations that have taken place, the building retains a significant proportion of its original historic and architectural character. To my mind, its special interest is found not only in its history and external appearance, but also in the remains of the original staircase.
5. It is proposed to convert the lower ground, ground and first floors to 3 two-bedroom flats, with 2 one-bedroom flats on the second and third floors. A single storey extension is proposed at the rear lower ground floor level, which would align with the projecting rear elevation of the ground floor above. A free-standing refuse and cycle store is also proposed to the front of the property, adjacent to the boundary with Burlington Street.
6. The Council takes no issue with the principle of conversion to flats, or with the removal of the glazed lobby. Other than the design and proportions of the windows, a matter that could be addressed by condition were the appeal to succeed, no issue is taken either with the proposed rear extension. However, while it is proposed to reinstate the staircase at ground floor, in a design to match that of the original staircase above, it would be in a different location, set in some 1m from the eastern (party) wall to the property. The remaining original staircase at first second and third floor would also be repositioned 1m in from the eastern wall of the building. The relocation of the staircase is intended to facilitate private access at each floor between the front and rear parts of each of the flats proposed, allowing for the staircase to provide a communal access to each floor.
7. Current guidance in PPG15¹ emphasises that the removal or alteration of any historic staircase is not normally acceptable. The importance of staircases, and the presumption in favour of their retention, is also addressed in supplementary planning guidance adopted by the Council (SPG11)². The staircase is an integral part of the building and, on the upper floors at least, remains in its original location. I am in no doubt that its re-siting would have a significant detrimental impact on the special architectural and historic interest of the listed building.
8. In support of the appeals, I am advised that in September 1981, consent was granted by the Council for conversion works, including the relocation of the existing stairs at ground floor and above to facilitate private access between the front and rear parts of the building³. Although the consent was partially implemented, the alterations to the staircase were not undertaken and I understand that that permission has since been superseded by other consents.

¹ Planning Policy Guidance Note 15 'Planning and the Historic Environment'

² Listed Building Interiors, adopted on 4 September 2003 following public consultation

³ No 81/873: use of basement as storage, ground floor as offices and upper floors as self-contained flats.

Be that as it may, the appeal proposal has to be considered in the light of current policy and guidance which speaks against such alterations.

9. I recognise that there are benefits associated with the proposed works. The scale of the building and the lack of any private amenity space, means that it has limited appeal as a single family residence. Conversion to flats would allow for its continued use, the scheme before me largely retaining the grand proportions of the front rooms as well as providing a beneficial use for the basement area, which is currently only used for storage. The principle of reinstatement of a staircase at ground floor that replicates the original in terms of its design is also to be welcomed and I recognise that the original stair case would not be lost as such.
10. To my mind however, the proposal would be materially harmful to the character and special architectural and historic interest of the listed building, to an extent that would not be justified by the benefits outlined. On this basis, I find that the proposed works would not accord with national guidance in PPG15, as reflected in saved policy HE1 of the Local Plan⁴, SPG11 and SPG13⁵, which together seek to safeguard listed buildings.

Conservation Area and Setting of the Listed Building

11. It is proposed that a flat roofed enclosure, with a footprint of 3m x 2.7m and a height of 1.3m, would be erected within the front garden to the property, adjacent to the boundary with Burlington Street, to provide storage for refuse bins and cycles. During my visit I saw that notwithstanding boundary walling, garden areas such as that to the front of this listed terrace, together with other front gardens in the immediate vicinity, soften the boundary between buildings and the road and are an historic feature of the Conservation Area.
12. In my opinion, although the proposed store would not necessarily be readily visible from outside the site, it would erode the open nature of the frontage. It would not be in keeping with the historic setting of the listed terrace and would set an undesirable precedent in the area. AS a consequence, the development would not preserve or enhance the character or appearance of the Conservation Area, contrary to saved policies QD1, QD2, QD14 and HE6 of the Local Plan. It would also have an adverse impact on the setting of the listed terrace, contrary to saved policy HE6 of the Local Plan.

Cycle Parking

13. The appellant indicates that a total of five cycle parking spaces would be provided. That would be one short of the six required by SPGBH4⁶, which was produced pursuant to Local Plan policy TR14. Of more significance however, is that with an overall height of just 1.3m, it is difficult to see how even five cycles could be readily accommodated within the proposed enclosure on the site in a secure manner. In my opinion, the cycle parking provision proposed would be unlikely to provide a useable amenity for future occupiers which in turn, would be likely to discourage the use of cycles as an alternative means of travel to the private car, contrary to the thrust of policy TR14.

⁴ Brighton and Hove Local Plan 2005

⁵ Listed Buildings – General Advice, adopted 4 September following public consultation

⁶ Supplementary Planning Guidance Note 4 'Parking Standards'

Sustainable Transport

14. Although the appeal site currently provides three off-street parking spaces, these do not have the benefit of planning permission. Having said that, policy HO7 of the Local Plan does allow for car free housing in locations with good access to public transport and local services and facilities in the presence of complementary on-street parking controls. In such circumstances, the policy requires a contribution from the developer towards the improvement of public transport facilities and/or infrastructure in the locality. The explanatory text also confirms a need to ensure that car free development does not result in additional parking on neighbouring streets.
15. The Council confirms that the site is well served by public transport and I saw that local services and facilities are within easy walking distance. Moreover, the site lies within a controlled parking zone. On this basis, I am satisfied that a car free development is appropriate in this case. Having regard to the provisions of saved policies HO7 and SU15 of the Local Plan, I am satisfied that there is a need for an appropriate contribution towards necessary public transport facilities services/infrastructure in the City, and for an arrangement to prevent future occupiers from being eligible for on-street resident parking permits. Whilst arrangements in relation to the latter matter could be dealt with by condition, a financial contribution can only be secured by way of an agreement under the provisions of S106 of the Town and Country Planning Act 1990 as amended, not by means of a condition as suggested by the appellant. No such agreement is before me. The absence of any such agreement would, in my opinion, significantly harm the thrust of local planning policies aimed at reducing reliance on the private car in the pursuit of sustainable development.

Energy Efficiency and Sustainable Waste Management

16. Policy SU2 of the Local Plan requires that new development should demonstrate a high level of efficiency in the use of energy, water and materials. Although a Waste Minimisation and Management Strategy was submitted with the planning application, it does not clearly demonstrate how the measures set out in the policy would be integrated into the development proposed. In my opinion, the requirements of the policy would not be met, undermining the aim of the Council to promote a sustainable approach to new development by reducing use of limited resources.
17. Local Plan policy SU2 and Planning Advice Note 05⁷ also require that development should provide sufficient space to make it easy for households to separate and store recyclable waste. I am mindful in this respect that the freestanding structure proposed to the front of the property incorporates five separate bin stores, one for each of the flats proposed. However, there is no provision for the storage of recyclable waste. As a consequence, the development would, in my opinion, undermine the aim of local planning policies and guidance which seek to promote a sustainable approach to waste management.
18. I recognise that providing such facility within the freestanding structure to the front would necessitate a larger structure which, given my findings above

⁷ 'Design Guidance for the Storage and Collection of Recyclable Materials and Waste' produced by the Council in September 2007.

would not be appropriate. That is not to say however, that some alternative provision could not be made within each property for example, to facilitate source separation and storage of recyclable waste.

Conclusions

19. For the reasons set out above I conclude that neither of the appeals should succeed.

Jennifer A Vyse

INSPECTOR



Appeal Decision

Site visit made on 12 November 2009

by **Keith Manning BSc (Hons) BTP MRTPI**

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

The Planning Inspectorate
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Decision date:
17 November 2009

Appeal Ref: APP/Q1445/D/09/2112381 2 Roedean Crescent, Brighton BN2 5RH

- 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 E Thompson against the decision of Brighton & Hove City Council.
- The application Ref BH2009/01397, dated 11 June 2009, was refused by notice dated 20 August 2009.
- The development proposed is erection of a rear first floor conservatory.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues are; the effect of the proposed development on the character and appearance of the area with particular regard to the street scene; and its effect on the living conditions of neighbouring occupiers with regard to privacy.

Reasons

3. The appeal site is typical of its locality in that it is an attractive detached house of individual design with, by virtue of the topography, commanding views of the sea. The terrace upon which the proposed conservatory would be situated affords an amenity to the master bedroom that takes full advantage of the sea view. Terraces and balconies for this purpose are common in the area and this one appears to be an established feature of the house. Conservatories at first floor level appear less common, albeit not wholly absent.
4. The proposed development would be at the rear of the house. Nevertheless, from the vicinity of the junction of Roedean Heights with Roedean Crescent, the terrace in question is quite visible from the street at relatively close quarters, albeit that in the summer months deciduous trees would at least partially screen the conservatory proposed to be superimposed upon it. More distant views of the proposed development would be possible from various points in the lower-lying area to the south-east, for example from parts of Roedean Road and Roedean Way, but it is the close view from the street that would have the most significant impact within the public domain.
5. The proposed conservatory would project almost the full depth of the terrace, appearing from the street as a significant elevated structure and that bulk, accentuated by the rear facing gabled treatment, would be rendered particularly incongruous by the awkward relationship with the existing roof of

the house that would be created by the hipped element of the conservatory roof sloping down to the eaves of the house. Those factors would combine to create a conspicuously ill-proportioned addition to an otherwise visually attractive house in a manner that would have a negative impact upon the street scene. For that reason, I consider that the proposed development would harm the character and appearance of the area contrary to the intentions of saved policies QD2 and QD14 of the Brighton & Hove Local Plan which respectively concern general design principles and extensions and alterations specifically.

6. The elevated conservatory as proposed would project beyond the rearmost first floor elevation of the host property, thereby affording views from within across the rear elevation of 4 Roedean Crescent, albeit mitigated by existing boundary vegetation. Although the visibility of the projecting part of the conservatory from that property might create a perception of an enhanced ability to overlook its rear elevation and garden, the existing reality is that occupiers of 2 Roedean Crescent may do so unhindered now and logically are more likely to use the terrace in fine weather when privacy in the adjacent gardens, and that of 4 Roedean Crescent in particular, is most likely to be of concern.
7. Although the conservatory would extend the periods when overlooking could occur, it is probable in my view that seating would generally be arranged to appreciate the broader vista to the south and it is entirely conceivable that blinds or other forms of screening to the side windows would be deployed on many occasions to help maintain tolerable temperatures within the proposed conservatory. I consider that a conservatory in this location would, in practice, be as likely to reduce overlooking as to exacerbate it, certainly in favourable weather conditions. On that basis, I do not consider that the privacy of neighbouring occupiers would be significantly compromised by the proposed development and therefore there would be no conflict concerning the relevant intentions of the saved local plan policy QD14 in that respect, or those of saved policy QD27, which also aims to protect amenity.
8. Overall, however, in view of my conclusion on the first issue concerning the effect of the proposed development on the appearance of the host property and hence, in its specific circumstances, the character and appearance of the immediate area, I consider that the proposed development would give rise to harmful conflict with the intentions of the development plan. No material considerations sufficient to outweigh that conflict have been identified and I therefore conclude that the appeal should be dismissed.

Keith Manning

Inspector



Appeal Decision

Site visit made on 14 October 2009

by **R J Perrins MA MCM**

The Planning Inspectorate
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Decision date:
12 November 2009

Appeal Ref: APP/Q1445/X/09/2098191 44 Arundel Drive East, Saltdean, Brighton BN2 8SL.

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mrs Jenny Campbell against the decision of Brighton & Hove City Council.
- The application Ref BH2008/03626, dated 19 November 2008, was refused by notice dated 26 January 2009.
- The application was made under section 191(1)(b) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is a hipped to gable roof conversion.

Summary of Decision: The appeal is dismissed.

Main issue

1. The main issue for me to decide is whether the development would be permitted under the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (GPDO). In particular Schedule 2, Part 1, Class B, B.1(c)(ii)¹.

Reasons

2. The roof of the appeal property has been converted and the Council contend that the development has increased the cubic content of the dwellinghouse by approximately 58.9 cubic metres and thereby does not comply with the GPDO. The appellant opines that the Council have included the airspace below the eaves of the extended hips which has falsely increased the volume calculation. The appellant's own calculations, excluding that air space, put the increase in volume at 48.62 cubic metres.
3. It is clear from the guidance laid down in the *citation, commencement and interpretation* of the Town and Country Planning (General Permitted Development) Order 1995² that external measurements are to be used. However, during my site visit the parties were able to agree on a number of internal and external measurements. Those internal measurements being useful as comparators and to enable me to assess the facts of the case.
4. It is clear from those agreed measurements that there is some ambiguity between what is shown on drawing No 01A, submitted with the application, and

¹ The cubic content of the resulting roofspace would exceed the cubic content of the original roof space by more than 50 cubic metres.

² "cubic content" means the cubic content of a structure or building measured externally.

- that measured on site. For example, the proposed side elevation shows the depth of the property to be 8.9m; on site this was measured at 9.1m. In addition, scaling from those drawings, the width of the property, measured at the rear elevation, is approximately 10.1m; on site this was agreed at 10.44m. That measurement was borne out by an internal measurement of 10.35m.
5. Also, measurements were agreed internally which included 2.31m for the distance from the height of the floor beams to the bottom of the barn end. This is indicated as 2.42m on the drawings. An external measurement of 2.77m was also agreed from the top of the uppermost course of bricks on the gable end. I have no detail of whether the roof joists that have been constructed match, in height terms, those that were there previously or what the original level internally was. Therefore, it seems to me that, of those measurements, the external measurement would be the most appropriate.
 6. The disparity continues, internally the height of the barn end detail was measured at 1.07m to a depth of 1.15m, from the drawing those measurements are shown as 1.29m and 1.28m. The internal measurement does not reflect the external given the difference is up to 0.22m. To my mind the drawing does not accurately depict what has been built. Moreover, reliance upon that drawing for other matters, such as establishing the position and size of the original roof must be drawn into question.
 7. Paragraph 8.12 of Circular 10/97 *Enforcing Planning Control: Legislative Provisions and Procedural Requirements* confirms that the onus of proof in a LDC application is firmly on the applicant/appellant. It is not a matter for me to work out the volume of what has been built. In any event I am not convinced that would be possible given the drawing and measurements I have available to me. I must therefore find, as matter of fact and degree, that Schedule 2, Part 1, Class B, B.1(c)(ii) would not be met and the application must fail. In addition, there is a fundamental error in drawing No 01A in that it refers to No 42 Arundel Drive East, whilst I have no doubt this is an administrative oversight, that drawing is the one upon which the appellant relies and which would be subject to any LDC.
 8. I have also taken into account a number of third party representations regarding the impact of the development upon the character and appearance of the locality and living conditions of occupiers of nearby properties. However, the planning merits of the case are not before me and have not formed part of my deliberations.

Conclusions

9. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the loft conversion was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Decision

10. The appeal is dismissed.

Richard Perrins

PLANNING COMMITTEE

Agenda Item 176 Brighton & Hove City Council

NEW APPEALS LODGED

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

PRESTON PARK

BH2009/01486

5 Florence Road, Brighton

Replacement of existing hard-standing with 2 no. gravel parking spaces and associated landscaping works. Alterations to front boundary wall to re-align pedestrian entrance with front door and provide a second car access point.

APPEAL LODGED

09/11/2009

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

PRESTON PARK

BH2009/01487

5 Florence Road, Brighton

Consent for demolition of existing front boundary wall.

APPEAL LODGED

09/11/2009

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

CENTRAL HOVE

BH2009/00194

7 Hove Manor, Hove Street, Hove

Conversion of existing office to form an office (B1) to the front and 2no. bedroom flat to the rear (Retrospective)

APPEAL LODGED

13/11/2009

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

PATCHAM

BH2009/01135

12 Carden Avenue, Brighton

Erection of double garage with residential dwelling space in roof, incorporating 1no timber window to front apex and 6no roof-lights.

APPEAL LODGED

17/11/2009

Delegated

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

BH2009/01182

Land Adjacent to 20 Old London Road,
BrightonErection of a two storey four bedroom detached
house with external works and landscaping to
create one new vehicular access road.

APPEAL LODGED

19/11/2009

Environmental Services Planning Committee

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

BH2009/00316

75-79 East Street, Brighton

Removal of existing glass doors and block up
existing openings. Fixing of formica cladding
panels to front elevation (retrospective).

APPEAL LODGED

06/11/2009

Delegated

INFORMATION ON HEARINGS / PUBLIC INQUIRIES
16th December 2009

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

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 3rd November – Friday 6th November
Tuesday 10th November – Friday 13th November
Tuesday 17th November – Friday 20th November
Tuesday 24th November – Wednesday 25th November
Tuesday 1st December – Friday 4th December
Tuesday 8th December – Wednesday 9th December
Monday 14th December – Wednesday 16th December

Location: Brighton Centre – East Wing

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: Public Inquiry

Date:

Location:

PLANNING & ENFORCEMENT APPEAL: The Hyde, Rowan Avenue, Hove

Planning application no: • BH2009/01249
Enforcement no: • BH2009/0450
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.
• Unauthorised land use and loss of amenity.
Decision: Committee
Type of appeal: Public Inquiry
Date: TBC
Location:

ENFORCEMENT HEARING: 18 Hampton Place

Enforcement nos: • 2003/0319
• 2006/0428
Description: • Metal Flue Erected at the rear of the property without listed building consent.
• Various unauthorised works to a listed building.
Decision: N/A
Type of appeal: Informal Hearing
Date:
Location: