



**Brighton & Hove
City Council**

Planning Committee

Title:	Planning Committee
Date:	8 April 2009
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	<p>Councillors:Hyde (Chairman), Wells (Deputy Chairman), Barnett, Carden (Opposition Spokesperson), Davey, Hamilton, Kennedy, McCaffery, K Norman, Smart, Steedman and C Theobald</p> <p>Co-opted Members: Mr J Small (CAG Representative)</p>
Contact:	<p>Penny Jennings Senior Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk</p>

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AGENDA

222. 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.

223. MINUTES OF THE PREVIOUS MEETING

1 - 16

Minutes of the meeting held on 18 March 2009 (copy attached).

224. CHAIRMAN'S COMMUNICATIONS

225. PETITIONS

17 - 18

Report of the Director of Strategy and Governance (copy attached).

*Contact Officer: Penny Jennings Tel:29-1065
Ward Affected: Stanford*

226. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 1 April 2009)

No public questions received by date of publication.

227. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 1 April 2009)

PLANNING COMMITTEE

No deputations received by date of publication.

228. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

229. LETTERS FROM COUNCILLORS

No letters have been received.

230. NOTICES OF MOTION REFERRED FROM COUNCIL

No Notices of Motion have been referred.

231. APPEAL DECISIONS

19 - 42

(copy attached).

232. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

43 - 46

(copy attached).

233. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

47 - 50

(copy attached).

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

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

(copy circulated separately).

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

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

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

PLANNING COMMITTEE

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

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

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

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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, 31 March 2009

PLANNING COMMITTEE

Agenda Item 223
Brighton & Hove City Council

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 18 MARCH 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

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

Officers Present : Mr P Vidler, Deputy Development Control Manager; Mr H Walke, Area Planning Manager (East); Mr S Walker, Area Planning Manager (West); Mr D Alibi, Planning Officer; Ms K Boggiano, Senior Planning Officer; Mrs H Woodward, Senior Solicitor ; Ms P Jennings, Senior Democratic Services Officer; Mr A Renault, Head of Transport Planning & Policy; Mr S Reeves, Principal Transport Planner.

PART ONE

206. PROCEDURAL BUSINESS

(A) Declarations of Substitutes

206.1 Councillor Mrs A Norman attended as substitute member for Councillor K Norman.

(B) Declarations of Interest

206.2 Councillor Davey declared a personal but not prejudicial interest in Application BH2008/02376, City College, and Pelham Street. He had been invited to attend meetings of the Project Board in his capacity as a Local Ward Councillor; he had not however attended any of the meetings, had not pre-determined the application and remained of a neutral mind and would therefore remain present during the discussion and voting thereon.

206.3 Councillor Barnett declared a personal but not prejudicial interest in respect of Application BH2009/0048, 3 - 5 Vernon Gardens explaining that she sat on the Adult

Social Care & Housing Overview and Scrutiny Committee. However, this application had not formed the subject of discussion at any of their meetings; she had not predetermined the application and remained of a neutral mind and would therefore remain present during the discussion and voting thereon.

- 206.4 Councillor Hyde, the Chairman declared a personal and prejudicial interest in respect of Application BH2008/03043, Land Adjacent to 9 Challoners Close, Rottingdean. As one of the objectors was known to her in a personal capacity it was her intention to leave the meeting and to take no part in the discussion or voting thereon. Councillor Wells the Deputy Chairman would Chair the meeting during her absence.
- 206.5 Councillor Steedman declared a personal and prejudicial interest in Application BH2008/03918, London Road Viaduct by virtue of the fact the application site was immediately adjacent to his home. He stated that it was his intention to leave the meeting during its consideration and to take no part in the discussion or voting thereon.

(C) Exclusion of Press and Public

- 206.6 The Committee considered whether the press and public should be excluded from the meeting during consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present there would be disclosure to them of confidential or exempt information as defined in Section 100A (3) or 100(1) of the Local Government Act 1972.
- 206.7 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any item on the agenda.

207. MINUTES OF THE PREVIOUS MEETING

- 207.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 25 February 2009 as a correct record.

208. CHAIRMAN'S COMMUNICATIONS

Web-casting of Planning Committee Meetings

- 208.1 The Chairman explained that afternoon's meeting of the Planning Committee was being web-cast as part of the on-going pilot study which would run until June 2009. Members were reminded to speak directly into the microphones and to switch them off when they had finished speaking in order to ensure that they could be heard clearly both within the Council Chamber and the public gallery above.
- 208.2 Correspondence sent to those wishing to make representations to speak at meetings included information to ensure that they were aware that meetings were being web-cast and guidance was given on use of equipment available in the meeting room including operating instructions for the microphones.
- 208.3 **RESOLVED** - That the position be noted.

209. PETITIONS

209.1 There were none.

210. PUBLIC QUESTIONS

210.1 There were none.

211. DEPUTATIONS

211.1 There were none.

212. WRITTEN QUESTIONS FROM COUNCILLORS

212.1 There were none.

213. LETTERS FROM COUNCILLORS

213.1 There were none.

214. NOTICES OF MOTION REFERRED FROM COUNCIL

214.1 There were none.

215. APPEAL DECISIONS

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

216. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

217. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

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

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

Applications:	Site Visit requested by:
BH2008/03963, Medina House, King's Esplanade*	Deputy Development Control Manager

BH2008/02816, Land Adjacent to Eastern Breakwater, Brighton Marina*	Deputy Development Control Manager
BH2008/02303, Elmhurst, Warren Road, Woodingdean*	Deputy Development Control Manager
BH2008/00087, GB Liners, Blackman Street, Brighton*	Deputy Development Control Manager
BH2008/03960, Leighton Road Depot, Hove*	Deputy Development Control Manager
BH2009/00414 & 00415, The Old Market, 11A Upper Market Street, Hove	Mr Small, CAG

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

219. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST : 18 MARCH 2009

(i) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY: 18 MARCH 2009

A. Application BH2008/02376, City College, Pelham Street, Brighton –Application for outline planning permission for the redevelopment of the site for a mixed use scheme including the demolition of Pelham Tower and other associated buildings. (Phase1) for the erection of a 14,237 sqm new City College campus and ancillary uses (Class D1) and associated access. (Phase 2) additional college space (Class D1), student accommodation (ClassC1), youth hostel (sui generis, café with ancillary gallery space (Class A3), employment space (Class B1), GP Clinic (Class D1), residential use (Class C3), infrastructure and landscaping works and associated access. Access, appearance, landscaping, layout and scale to be determined for (Phase1). Access, layout and scale to be determined for (Phase 2).

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Officer (Ms Boggiano) gave a detailed presentation setting out the constituent elements of the scheme. Perspectives and photomontages were shown indicating how the completed scheme as it would appear from various locations both in the immediate vicinity of the site and in longer views. Phased demolition of all the existing buildings would take place including Pelham Tower. Members were being asked to approve access, appearance, landscaping, layout and scale for Phase 1. Access layout and scale for Phase 2 remained to be determined later.

Questions / Matters on Which Clarification was Sought

- (3) Councillor Wells sought clarification regarding potential loss of sunlight / diminution of daylight to properties located in Whitecross Street. It was explained that independent surveys had been submitted by the applicant and although a reduction would occur it was considered to be acceptable. The potential juxtaposition of that element of the scheme to properties and gardens immediately adjacent in Whitecross Street had been considered during the site visit the previous afternoon.
- (4) Councillor Kennedy sought clarification that conditions to secure ecological matters were to be adequately addressed would be applied to any permissions granted for both Phases of the scheme and it was confirmed that they would.
- (5) Councillor Steedman referred to strategic views across the site, and sought further detail regarding the finishes and materials to be used for Phase 1.
- (6) Reference had been made to the loss of education space on site which would need to be offset by additional provision elsewhere in the City. It was noted that this would be met in part by additional space to be provided at Falmer Stadium, which did not form part of the application before Committee that day. Councillor Steedman enquired as to measures to be undertaken if the required level of educational provision had not been provided off-site by the time Phase 1 had been completed, it was explained that this would need to be off-set elsewhere in the City or re-provided on site.
- (7) Councillor Steedman also enquired as to why Phase 2 would be required to achieve a very good rather than an excellent BREEAM rating. It was explained that the current SPD had not been in place when the application had first been lodged.
- (8) Councillor Smart requested to see visuals showing the relationship between the College and St Bartholomew's Church. In answer to questions it was explained that the Pelham Street frontage of the scheme had been stepped back in order to lessen any potential impact on the church. He also asked whether a scheme would be put into place to enable staff that had previously had use of the on-site car park to use any nearby NCP car parks at a discounted rate; no such scheme was envisaged.
- (9) Councillor Barnett sought clarification regarding location of the public and private amenity spaces within the scheme and the areas which would be designated as play space for children living in the completed development.
- (10) Councillor Davey sought information regarding the proposed traffic management arrangements to be implemented around Pelham Square / Trafalgar Street. Councillor Davey had concerns that the highway was not wide enough to "funnel" the potential increase in vehicular movements which could result. The Head of Transport Planning & Policy explained the proposals in detail and was of the view that any additional movements could be safely accommodated over the short section of highway proposed.
- (11) Councillor Mrs Theobald sought confirmation regarding height and density of the scheme overall and clarification regarding the sums for public art and education proposed and how / where they would be spent. It was explained that both sums were

calculated using an agreed formula. It was envisaged that the public art would be integrated into the public square and that the money towards educational provision would be provided to schools in the area.

- (12) Mr Small CAG enquired whether following their initial comments English Heritage had been notified of all subsequent amendments to the scheme. It was explained that they had not, however, a number of their concerns had been addressed by changes made to the scheme as originally submitted.
- (13) Mr Bromberg spoke as a neighbouring objector to the scheme. He stated that he had not been properly consulted by the applicant in respect of the proposals which would have a significant and detrimental impact on his property and that next door which was also in his ownership. The aspect of the development which would be adjacent to his property would be too bulky and would result in loss of amenity, light and privacy and would make his garden area unusable. He had experienced problems in engaging with the applicants and was of the view that the design option chosen was not the only one which would be tenable. In his view the impact on day lighting would be more severe than suggested particularly as the podium area would over sail his garden. He also had grave concerns in view of the fact that there was currently a funding gap; the applicant had insufficient funding in place to complete the scheme.
- (14) Mr Frier, Principal of City College spoke in support of the college's application. The scheme represented an integrated option which would provide an educational facility which was fit for purpose and would provide for modern academic and vocational needs. It would also integrate with the North Laines and the New England Quarter by providing additional shopping, housing and employment opportunities.

Questions Seeking Clarification from the Applicant

- (15) Councillor Wells enquired about the numbers of students and staff at the College. The Principal, Mr Frier explained that there would be 8,000 across 4 sites 4,000 of whom would be based at the central site. There were 2,000 full time students and 250 full time equivalent staff. Arrival and departure times were staggered as not all students and staff were present on campus all day every day.
- (16) Councillor McCaffery enquired how the loss of existing educational floor space which would result from the proposals would be addressed also, how the loss of space during demolition would be managed. Mr Frier explained that much of the existing space was no longer fit for purpose and was therefore under-utilised. The proposed scheme once completed would result in much better use of space than currently. It was intended that Phase 2 and the demolition associated with that phase of the scheme would not take place until the 10,000 sq. m of additional accommodation had been found off-site.
- (17) Councillor Smart referred to the loss of parking for staff which would be lost in consequence of the increase in site coverage, whether this could be re-located elsewhere and the level of consultation which had been undertaken in respect of this matter. Mr Frier explained that staff had been fully consulted in respect of this matter and the decision had been taken that all staff were to be treated equally and no provision would be provided for them within the scheme. The rationale for this decision had been based on the easy accessibility of the site to good public transport links, both

bus and rail and the availability of pay car parks. The College's business was to provide education, rather than spend money on parking provision and the feasibility of providing a dedicated bus link between the various college sites was also being considered.

- (18) Councillor Mrs Theobald enquired whether any staff or students were disabled and whether parking would be provided for them. Mr Frier explained that there were currently 5 and that disabled parking would be provided in the basement level car park.
- (19) Councillor Mrs Norman whilst generally supportive of the scheme had concerns regarding the fact that no staff parking was proposed and the close proximity of tall buildings to Mr Bromberg's garden. She sought confirmation regarding any measures proposed to ameliorate any detriment to neighbouring dwellings. Mr Frier explained that a consultation process had been entered into and that the scheme had undergone amendments since first inception. This had included setting the scheme back from the southern boundary adjoining properties in Whitecross Street and reducing the south facing internal terraces.
- (20) Councillor Davey referred to the proposed shared space traffic arrangements and local traffic movements. The Head of Transport Planning & Policy confirmed the proposed scheme would evolve over time and that some existing traffic movements would be displaced onto other streets.

Points Raised During Debate

- (21) Councillor Wells stated that whilst generally considering the scheme to represent an improvement to the existing buildings, he had concerns both regarding lack of staff car parking and the overbearing impact of the scheme on Mr Bromberg's property. These concerns were shared by Councillors Mrs Norman and Theobald. Councillor Wells considered that determination of the application should be deferred pending amendment to address the matters raised. Councillor Mrs Theobald was in agreement considering that the option of providing additional parking at basement level for use by staff and students should be explored. It was explained provision of additional basement car parking would require the significant amendment to the submitted scheme. The Solicitor to the Committee explained that it would not be appropriate to defer the consideration of the submitted application. The changes suggested were major and as such could not be effected other than by a completely new application being lodged. The Committee needed to determine the application as set before them. The Deputy Development Control Manager concurred in that view.
- (21) Mr Small,(CAG) referred to the colour of materials shown in the visuals stating that this lighter shade would be preferable and sought confirmation whether the Committee could give final approval to the materials and finishes to be used. Councillor Steedman concurred in that view and following discussion it was agreed that materials and external finishes to Phase 1 would be agreed by the Development Control Manager in consultation with the Chairman, Deputy Chairman and Opposition Spokesperson.
- (22) Councillor Mrs Norman stated that whilst generally considering the scheme to be good she did none-the-less have concerns regarding potential impact on Mr Bromberg's property and others in Whitecross Street,

- (23) Councillor Kennedy commended the scheme. Whilst having some sympathy for residents of Whitecross Street, she considered that any benefits accruing from the scheme outweighed any disbenefits. To have the benefit of a large open area next to them given the density of the city centre was unsustainable. Councillors Smart and Steedman concurred in that view.
- (24) Councillor Barnett expressed support for the scheme considering that it provided a fantastic opportunity to develop that part of the City. Councillor Carden also welcomed the scheme.
- (25) A vote was taken and on a vote of 8 to 0 with 4 abstentions Members voted that they were minded to grant planning permission in the terms set out below.

219.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 10 of the report and that it is Minded to Grant planning permission subject to the completion of a Section 106 agreement in the terms set out in the report and to the conditions and informatives also set out in the report and subject to the additional heads of terms and conditions set out below: Materials to be agreed by the Development Control Manager, Chairman, Deputy Chairman, and Opposition Spokesperson.

Additional S106 head of term requiring the submission, agreement by the Local Planning Authority (LPA) and implementation of a maintenance and management plan for the public square.

Additional S106 head of term requiring the submission, agreement by the LPA and implementation of maintenance plan for the children's play area prior to the first occupation of any of the residential units.

Amendment to Condition 63 to read:

No development shall commence on Phase 2 until details of disabled car parking facilities for the Phase 2 development which will accommodate a minimum of; 9 disabled car parking spaces for the college and student accommodation; 3 disabled car parking spaces for the youth hostel; 4 disabled car parking spaces for the employment space; 2 disabled car parking spaces for the GP clinic; and 6 spaces for residential accommodation for use of the staff, residents and visitors to the Phase 2 development have been submitted and approved in writing by the LPA. The residential disabled parking spaces shall be provided in the 2 car parks which are located to the east of Pelham Street. These facilities shall be implemented and made available for use prior to occupation of any part of the Phase 2 development hereby permitted unless otherwise agreed in writing with the LPA and shall thereafter be retained for use at all times.

Additional Phase 1 development condition:

No development of Phase 1 shall commence until 1.20 scale elevations and sections of:

- a) the overhanging dance studio element (Pelham Street);
- b) the vehicular gates (Pelham Street); and

c) the entrance (north and south) have been submitted to and approved by the LPA. Development shall be carried out in accordance with the approved details.
Reason: to ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with QD1 of the Brighton & Hove Local Plan.

Note: Councillors Hyde, Chairman, Mrs Norman, Mrs Theobald and Wells abstained.

B. Application BH2009/00048, 3 – 5 Vernon Gardens, Brighton – Change of use from care home to 10 self-contained flats for disabled occupation and community facility.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager (West) (Mr Walker) gave a presentation detailing the constituent elements of the scheme.
- (3) Councillor Barnett sought clarification regarding whether it was intended the internal recreation space would be hired out. It was explained that this space would be available for residents and for those with special needs but would not be available for commercial hire. In answer to a further question it was explained that the age range of residents was not known.
- (4) Councillor Barnett referred to the amount of on-site parking. Although residents would not require parking, some visitors were likely to arrive by car. The Area Planning Manager explained that there was insufficient space to provide parking on-site.
- (5) Councillor Mrs Norman requested that consideration be given to designating the existing ambulance bay which was located outside the development and which would no longer be required. She asked if this could be utilised for visitor parking, for car club use or as disabled parking bays.
- (6) A vote was taken and Members voted unanimously that they were minded to grant planning permission in the terms set out below.

219.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 10 of the report and resolves that it is minded to grant planning permission subject to a Section 106 Planning Obligation to secure a contribution to amend the Traffic Regulation Order to ensure the development remains car free and to the conditions and informatives also set out in the report and to the following:

Additional Condition:

No development shall take place until elevational details of additional windows to the rear ground floor have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenities of the area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

- C. Application BH2008/03121, 25 – 28 St James’ Street, & 24 Dorset Gardens, Brighton** - Redevelopment of first floor and airspace above to form residential development of 34 flats including 13 affordable flats over 4 floors above existing retail.
- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
 - (2) The Planning Officer (Mr Alabi) gave a detailed presentation setting out the constituent elements of the scheme. Samples of materials to be used were displayed and in answer to questions it was explained that solar panelling would be included in the roof membrane of the development. Space would be provided internally within each unit for storage of an electrical bicycle. Power points for charging such equipment would also be provided.
 - (3) Councillor Davey referred to the concerns expressed by the Environmental Health Officer in respect of air quality, asking whether this matter had been adequately addressed. The Planning Officer explained that all necessary assessments had been carried out. The proposed development would have no impact on existing air quality.
 - (4) Councillor Barnett sought clarification as to whether there would be two lifts in the development. It was explained that there would be. The lifts would open on both sides and would be fully bicycle and wheelchair accessible.
 - (5) Councillors Barnett and McCaffery enquired regarding the proposed contribution towards educational provision, noting that there were no secondary schools within the immediate locality. The Deputy Development Control Manager explained that it was in order to request a sum towards education on the basis that there would be family units within the development. The level of contribution requested was worked out using an agreed formula.
 - (6) Councillor Wells enquired regarding the art work to be used within the development and examples were displayed for the Committee’s benefit. Councillor Wells also enquired regarding how the contribution towards sustainable transport would be spent. The Principal Transport Planner gave a breakdown of the schemes which would be funded by this contribution.
 - (7) Councillor Kennedy asked for details of the materials to be used. Mr Small, CAG stated that the paler colour which now appeared to be proposed would be preferable. In answer to his questions regarding the panelling to be used, the applicant’s architect explained that all of the external feature panelling would be butt jointed.
 - (8) In answer to questions by Councillor Mrs Theobald it was explained that there was insufficient space to provide parking on site.
 - (9) Councillor McCaffery enquired whether the development would be greater in height than the blocks located on the opposite side of the road. It was explained that it would not.

- (10) Councillor Steedman welcomed the proposed development stating that as it was located in his ward he looked forward to being consulted regarding where monies to be allocated towards improvement of a local recreation space could be spent most appropriately.
- (11) Whilst supporting the scheme Members were in agreement that an informative should be added to any permission requesting the applicant to consult the East Sussex Fire & Rescue Service about the installation of sprinkler systems in the development.
- (12) A vote was taken and members voted unanimously that they were minded to grant planning permission in the terms set out below.

219.3 **RESOLVED** – (1) 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 completion of a Section 106 legal agreement to secure:

- 38.2 % affordable housing
- £44,945 towards primary and secondary education
- £22,700 towards sustainable transport
- £25,000 for public art works
- £57,521.52 towards outdoor recreation space; and

(2) Subject to the conditions and informatives set out in the report together with:

Amendment to Condition 10 to read: A detailed assessment of air quality around the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works hereby permitted and any mitigation measures identified shall be implemented prior to the first occupation of the residential units hereby approved.

Reason: In the interests of pollution control and residential amenity and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

Amendment to Informative 2 to include under Brighton & Hove Local Plan: HE6 Development within or affecting the setting of conservation areas.

Additional Informative: The applicant is advised to consult the East Sussex Fire & Rescue Service about the installation of sprinkler systems in the development.

(ii) **MINOR APPLICATIONS**

D. Application BH2008/03043, Land Adjacent 9 Challoners Close, Rottingdean – The erection of a detached dwelling (C3) and partial demolition of 9 Challoners Close.

- (1) Councillor Wells took the Chair during consideration of this application.
- (2) Ms Cattell and Mr Wojalawski spoke on behalf of neighbouring objectors, concurring with the comments set out in the Officers' report regarding the negative impact of the proposed development on "Challoners", on other neighbouring dwellings and on the

character of the conservation area. Mr Wojalawski also referred to the negative impact of the proposed development on 8 Northgate Close.

- (3) Mr Jackson, the applicant spoke in support of his application, stating that it had been sensitively designed in order to have minimal impact on "Challoners", the Grade II Listed Building. It was not considered out of keeping with neighbouring properties in Challoners Close or Northgate Close and had been designed to be highly sustainable and to avoid any potential overlooking.
- (3) Having heard the officers' presentation and submissions from the speakers the Committee moved to the vote.
- (4) A vote was taken and on a vote of 7 to 0 with 4 abstentions Members voted that planning permission be refused in the terms set out below.

219.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 7 of the report and resolves to refuse planning permission for the reasons and subject to the informatives set out in the report.

Note 1: Councillors Barnett, McCaffery, Smart and Wells abstained.

Note 2: Having declared a personal and prejudicial interest in the above application Councillor Hyde, The Chairman, left the meeting during consideration of the above application and took no part in the discussion or voting thereon. Councillor Wells, the Deputy Chairman took the Chair during her absence.

E. Application BH2008/03730, Sutton Close, Woodingdean - The provision of 10 no. echelon parking spaces to a central reservation including anti-traffic bollards to remainder of site. Earth bunds planted with Hebe bushes.

- (1) The Area Planning Manager (East) (Mr Walke) gave a detailed presentation setting out the rationale for recommending that the application be refused.
- (2) Councillor Simson spoke in her capacity as a Local Ward Councillor stating that notwithstanding the officer's recommendation she considered that it was appropriate to depart from policy in this instance given the lack of availability of on-street parking. Conflict arose as a result of the space being inappropriately used by older teenagers and adults for the playing of ball games. In reality the area around the green was already used for parking and in the absence of dedicated parking it became a mud churned eyesore, which also represented an accident waiting to happen. The proposal reflected the needs of local residents. Following completion of the works and subsequent re-landscaping an albeit smaller green amenity space would remain. Additional green space was also provided by the downs which were in close proximity. A similar scheme had been adopted in Marden Close which was nearby.
- (3) In response to their requests Members were shown photographs of the completed scheme at Marden Close which it was noted had yet to be landscaped. In answer to questions, Councillor Simson responded that completion of the scheme had been delayed pending agreement of the Planning Department to the final detail of the

scheme. The current appearance of the Marden Close scheme did not accurately reflect how it would look once all outstanding works had been completed. In answer to questions by Councillor Smart, the Area Planning Manager explained that the photographs of Marden Close and the application site had been taken a few days prior to the meeting.

Points Raised During Debate

- (4) Councillors Barnett and Smart expressed support for the proposal stating that similar arrangements had been put into place in Hangleton. Such parking arrangements provided a workable solution in instances where residents did not have access to off street parking. Councillor Wells concurred in that view.
- (5) Councillor Carden referred to the examples cited in respect of Hangleton stating that any departure from Council policy needed to be agreed by the Committee. The only departure of which he was aware related to Marden Close.
- (6) Councillors Hamilton and Steedman stated that in their view the matter was one of enforcement rather than one of relaxing control. Councillor Hamilton stated that a number of the properties appeared to have hard-standing for vehicular parking. He had stated when the earlier Marden Close application had been considered that additional on-street parking could be provided by means of a one-way system which would allow additional parking to be provided on one side of the close. He remained of the view that such a scheme could be adopted in this instance.
- (7) Mr Small, CAG referred to the size and dimensions of the bays and whether they would be able to accommodate larger vehicles such as vans. It was explained that they would.
- (8) Councillor Steedman did not consider that a sufficiently compelling case had been made to depart from established national policy. Loss of amenity and usable green open space would result and this was not acceptable. Councillors Davey and Kennedy concurred stating that valuable amenity / play space should not be sacrificed in order to provide additional car parking. Councillor Davey considered that close proximity of the downs did not justify loss of the existing space which provided an area where parents could watch their children at play. Councillor Kennedy requested it be minuted that should the scheme proceed it would be deplorable and would set an unfortunate precedent. If such decisions were made, it made it would be very difficult to resist the loss of green space elsewhere in the City. Councillor McCaffery concurred citing the appeal decision in respect of Highcroft Villas which was set out elsewhere on the agenda.
- (9) Councillor Mrs Theobald referred to the wooden posts which it was proposed would demarcate the parking area asking whether it would be possible for these to be removed. It was explained however that the scheme had to be determined as submitted.
- (10) A vote was taken and on a vote of 6 to 4 with 2 abstentions planning permission was refused in the terms set out below.

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

Note : Councillors Hyde (Chairman), Barnett, Smart and Wells voted that planning permission be granted. Councillors Mrs Norman and Mrs Theobald abstained.

F. Application BH2008/03720, Mews House, St John’s Road – Demolition of existing terrace and erection of a single storey rear extension and new terrace.

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

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

G. Application BH2008/03918, London Road Viaduct, Brighton – Installation of feature illumination to the arches.

(1) The Area Planning Manager (East) (Mr Walke) gave a presentation detailing the proposals. In answer to questions he explained that it was intended that each of the arches would be illuminated with different coloured lighting and that different colours could be used to denote special events.

(2) Councillor McCaffery sought clarification regarding whether it was intended that the proposals would form part of an integrated scheme. It was explained that this was envisaged as a stand- alone scheme.

(3) Councillor Hamilton queried whether planning permission would also be required. Listed Building applications were usually accompanied by a complimentary planning application. The Deputy Development Control Manager explained that in this instance as the proposed works could be effected with minimal impact to the structure itself, planning permission was not required. The objections raised were not germane to consideration of the application for Listed Building Consent.

(4) In answer to questions from Councillor Wells it was explained that the arches were in the ownership of Network Rail. Councillor Hamilton, whilst having no objections to the scheme, queried whether the Council was able to allow public money to be spent on buildings not actually in its ownership. The solicitor to the Committee considered that if monies were to be used to effect improvements for the public good, this would be deemed acceptable. However, she confirmed that she would check on the legal position and report back to Members thereon. The Committee were advised subsequently that Section 2 of the Local Government Act 2000 allowed all local authorities to do anything which they considered likely to achieve the promotion or improvement of the economic, social or environmental well-being of their area, this could relate to the whole or part of the local authority area, or all or any persons resident in that area. This power also allowed a local authority to incur expenditure. In her view the proposed lighting would clearly fall within those powers.

- (5) Councillor Kennedy expressed her wholehearted support for the scheme which in her view would provide a fitting welcome at one of the main gateways to the City. Councillors McCaffery and Mrs Theobald concurred in that view.
- (6) A vote was taken and the 11 Members present voted unanimously that it to be recommended to the Secretary of State that Listed Building consent be granted in the terms set out.

219.7 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and recommends that the Secretary of State grants Listed Building consent subject to the conditions and informatives set out in the report.

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

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

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

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

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

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

221. 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

221.1 **RESOLVED** - That the following site visits be undertaken by the Committee prior to determination:

Applications:	Site Visit Requested by:
BH2008/03963,	Deputy Development Control

Medina House, King's Esplanade, Hove *	Manager
BH2008/02816, Land Adjacent to Eastern Breakwater, Brighton Marina*	Deputy Development Control Manager
BH2008/02303, Elmhurst, Warren Road, Woodingdean*	Deputy Development Control Manager
BH2008/00087, GB Liners, Blackman Street, Brighton*	Deputy Development Control Manager
BH2008/03960, Leighton Road Depot, Hove	Deputy Development Control Manager
BH2009/00414 & 00415, The Old Market, 11A Upper Market Street, Hove	Mr Small, CAG

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

The meeting concluded at 6.05pm

Signed

Chair

Dated this

day of

PLANNING COMMITTEE

Agenda Item 225

Brighton & Hove City Council

Subject:	Petitions		
Date of Meeting:	8 April 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:	Stanford		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT

1.1 To receive the following petition presented at Council on 19 March 2009 and any petitions presented directly to the Planning Committee.

125. (i) To receive the following petition presented at Council on 19 March by Brown and signed by 57 people.

"We the undersigned are neighbours to Leighton Road Transfer station and urge our Councillors to refuse the planning permission from Veolia to make permanent changes to the working hours and other restrictions at the site."

APPEAL DECISIONS

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A. ROTTINGDEAN COASTAL	
Application BH2008/01370, 27 Stanmer Avenue, Saltdean. Appeal against refusal to grant planning permission for a single storey extension with pitched roof over (Delegated Decision) APPEAL ALLOWED (copy of the letter from the Planning Inspectorate attached).	21
B. HANOVER & ELM GROVE WARD	
Application BH2008/00725, 29 Shanklin Road, Brighton Appeal against refusal to grant planning permission to split a house into two flats. APPEAL DISMISSED (copy of the letter from the Planning Inspectorate attached).	23
C. HANOVER & ELM GROVE WARD	
Application BH2008/01101, 148 Elm Grove, Brighton. Appeal against refusal to grant planning permission for conversion of shop and garage to form two one-bedroom flats. APPEAL DISMISSED (copy of the letter from the Planning Inspectorate attached).	25
D. ST PETER'S & NORTH LAINE WARD	
Application BH2008/02451, 100 Buckingham Road, Brighton. Appeal against refusal to grant planning permission for erection of a side extension to provide two two-bedroom maisonettes (Delegated Decision) APPEAL DISMISSED (copy of the letter from the Planning Inspectorate attached).	29
E. WITHDEAN WARD	
Application BH2007/03736, 43-45 Surrenden Road, Brighton Appeal against refusal to grant planning permission for rebuilding of garden walls on new boundaries (Delegated Decision). APPEAL DISMISSED (Copy of the letter from the Planning Inspectorate attached).	31

F. WESTBOURNE WARD

Applications (A) BH2008/02108 & (B), BH200802107, 149 – 151 Kingsway, Hove Appeal against refusal to grant planning permission in both cases for demolition of existing semi-detached houses and erection of eight apartments with basement parking and front and rear landscaped gardens. (Delegated Decisions) **APPEALS DISMISSED** (copy of the letter from the Planning Inspectorate attached). **33**

G. STANFORD WARD

Application BH2008/02842, 211 Old Shoreham Road, Hove. Appeal against refusal to grant planning permission for conversion to form a three bedroom maisonette and one bedroom flat **APPEAL ALLOWED** (copy of the letter from the Planning Inspectorate attached). **37**

H. SOUTH PORTSLADE WARD

Application BH2008/02144, 281 Old Shoreham Road, Portslade Appeal against refusal to grant planning permission for a two storey extension to the side. **APPEAL DISMISSED** (copy of the letter from the Planning Inspectorate attached). **39**

I. NORTH PORTSLADE WARD

Application BH2008/02125, 5 Village Close, Portslade. Appeal against refusal to grant planning permission for resubmitted retrospective application (BH2008/01071) for proposed decking and raised planter (retrospective partially complete) (Delegated Decision) **APPEAL DISMISSED** (copy of the letter from the Planning Inspectorate attached). **41**



Appeal Decision

Site visit made on 20 February 2009

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

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:
6 March 2009

Appeal Ref: APP/Q1445/A/08/2092285

27 Stanmer Avenue, Saltdean, Brighton BN2 8QL

- 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 George Danaher against the decision of Brighton & Hove City Council.
- The application, ref. BH2008/01370, dated 16 April 2008, was refused by notice dated 16 October 2008.
- The development proposed is *Single storey extension with pitched roof over*.

Decision

1. I allow the appeal and grant permission for the erection of a single storey side extension with pitched roof at 27 Stanmer Avenue, Saltdean, in accordance with the terms of the application, ref. BH2008/01370, dated 16 April 2008, and the drawings submitted therewith, subject to the conditions:-
 1. The materials to be used on the external surfaces of the extension shall match those of the existing building.
 2. The window on the north western elevation shall be glazed with obscure glass and retained as such.

Main issue

2. The main issue is the effect that the extension would have on the appearance of the building, the street scene and the character of the area.

Reasons

3. The property is a detached bungalow in a steeply sloping street. The proposed side extension (already partly constructed) to replace a garage, would project at the front to align with the bay on the opposite side of the frontage.
4. I saw that there is considerable variety in the detailed designs of the bungalows on both sides of the street. I appreciate the Council's point that, apart from one or two properties where unsympathetic roof extensions have been erected, the original main roofs retain their ridges, but the length and direction of the ridges varies considerably from property to property, as does the pattern of gables or hipped roofs over front projections.
5. Although the proposal would introduce an area of flat roof, I agree with the appellant that, at about 4sq.m, it would not be extensive. Despite the slope of the road and the views that would be possible from the central green space, I

do not consider that the section of flat roof would be at all prominent in the street scene. In my opinion the extension as a whole would not be out of keeping with the design of the building or its setting. It would accord with policies QD1 (design), QD14 (alterations and extensions) in the Local Plan and with adopted supplementary planning guidance on roof alterations.

6. I have had regard to the Council's reference to its refusal of permission to the same appellant for an extension at 29 Stanmer Avenue and to an appeal decision in Chalkland Rise, Woodingdean. However both these cases involved the provision of substantial habitable space at roof level, in significant contrast to the present proposal. I do not consider that they are directly comparable.
7. With regard to the conditions suggested by the Council, I agree with the need to require matching external materials and, in order to minimise overlooking, to require the new side window (in the north-west rather than north-east elevation) to be glazed with obscure glass.

R.A.Hersey

INSPECTOR



Appeal Decision

Site visit made on 26 February 2009

By David J Rose BScEcon MA HonMRTPI

**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:
10 March 2009**

Appeal Ref: APP/Q1445/A/08/2089602 29 Shanklin Road, Brighton BN2 3LP

- 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 H Hussain against the decision of Brighton and Hove City Council.
- The application Ref BH2008/00725, dated 22 February 2008, was refused by notice dated 24 September 2008.
- The development proposed is to split the house into two flats.

Decision

1. I dismiss the appeal.

Main issue

2. This is whether the proposed development would result in an acceptable loss of family accommodation.

Reasons

3. The appeal property is a 2 storey house with a basement. It currently comprises a dwelling described by the appellant as having 4 bedrooms and by the Council as having 3 bedrooms. The proposal is to create two self contained flats, a 3 bedroom flat on the ground and first floors and a 1 bedroom flat in the basement. No external alterations are proposed so there would not be an increase in the size of the property and therefore in the number of residents that it could accommodate.
4. The Council maintains that the property has an internal floor area of 114 square metres whilst the appellant suggests it is 120 square metres. I have not myself inspected the inside of the property but, having scaled the submitted plans, conclude that the internal floor area is less than 115 square metres. The Council seeks to protect small family dwellings from conversion as there is a high level of demand for such dwellings in the City. Policy HO9 of the Brighton & Hove Local Plan 2005 (the Local Plan) includes a number of criteria which must be satisfied to permit the conversion of dwellings into smaller units. These include (a) that the original floor area is greater than 115 square metres or the dwelling has more than 3 bedrooms as originally built. Evidence has not been presented to me that enables me to conclude that the property meets either test of size. I therefore conclude that the proposal would result in an unacceptable loss of family accommodation, contrary to Local Plan Policy HO9.

5. Criterion (b) of the Policy is that at least one unit of accommodation is provided which is suitable for family occupation and has a minimum of two bedrooms. The maisonette on the ground and first floors would have a minimum of two bedrooms with a small terrace of 8 square metres accessed from the ground floor that would provide amenity space. Although, the proposal meets this criterion, this is outweighed by the size of the property not meeting the test in criterion (a).
6. The proposal does not provide secure covered cycle parking as sought by criterion (d) of the Policy and by Local Plan Policy TR14. I observed on my visit that cycles were stored against the railings of numbers of nearby properties. The appellant has offered to make a contribution to cycle parking nearby but proposals have not been put to me where such cycle parking might be located. However, I consider that an appropriate condition could address the objectives of the Local Plan Policies H09 (d) and TR14.
7. The property is located within 100 metres of a bus stop in Hartington Road and is close to the public transport links, cycle lanes and local facilities in Lewes Road. It is therefore a location suited to the use of public transport, walking and cycling. The property does not have any off-street parking spaces but is not located within a controlled parking zone and, on my visit, on-street parking was easily available. The Council is not seeking to restrict the permission on transport grounds but has sought a contribution towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area of the site. However, the property would not be extended to accommodate an increase in the number of residents and the Council has not presented evidence to me that the proposal would create additional demand for travel and have an adverse impact on transport so requiring remedial measures as sought by Local Plan Policy TR1.
8. I have noted that there would be limited impact on residential amenity and that there were not any objections from neighbours. I have further noted that, subject to compliance with the Building Regulations, the proposal could provide two small units with satisfactory accommodation. Nevertheless, these considerations do not outweigh the harm that I have identified from the loss of family accommodation. I therefore conclude for the reasons given above and having regard to all other matters raised that the appeal should be dismissed.

David J Rose

INSPECTOR



Appeal Decision

Site visit made on 20 February 2009

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

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:
10 March 2009

Appeal Ref: APP/Q1445/A/08/2090921 148 Elm Grove, Brighton BN2 3DB

- 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 Paul Sherman against the decision of Brighton & Hove City Council.
- The application, ref. BH2008/01101, dated 20 March 2008, was refused by notice dated 28 October 2008.
- The development proposed is *Conversion of shop and garage to form two one-bedroom flats*.

Decision

1. I dismiss the appeal.

Main issues

2. I consider that there are four main issues in this case:- (1) the effect of the loss of the shop unit on the availability of local services; (2) the effect of the alterations and extension on the appearance of the building and the street scene; (3) the likely effect on the living conditions of neighbouring residents; (4) whether the development would result in the provision of a satisfactory standard of housing accommodation.

Reasons

3. The property is a vacant corner shop with two garages accessed from Arnold Street at the side. One of the proposed new flats would occupy most of the area of the existing shop. The other would be converted from the larger existing garage and part of the shop, with the erection of an additional storey above. The smaller garage would be used as a refuse and cycle store. The first floor above the shop would continue as a separate flat.

Loss of shop

4. Policy SR8 of the Brighton and Hove Local Plan 2005 states that planning permission for changes of use of individual shops from A1 use will be permitted, provided that a) the shop is within easy walking distance of a local, district, town or regional shopping centre; b) it has been adequately demonstrated that an A1 use in that unit is no longer viable; c) there would be no harm to neighbours or the character of the area.
5. The appeal property does not form part of a shopping centre but is one of several small corner shops and mid-terrace shops that are interspersed with

terraces of predominantly residential properties along Elm Grove. It has been vacant since 2002, having been previously used as a carpet shop. Although permission was granted in 2005 for use as a launderette, this permission has not been implemented.

6. I saw that a number of former shops in Elm Grove have been converted to residential use or live/work units. I also saw that there are a significant number of vacant shops. The appellant has submitted representations from marketing agents about the limited demand for retail shops in Elm Grove and refers to evidence from the same agents that was accepted by the Council to justify the changes of use of nearby shops in recent years. Even though there is no detailed information about the efforts to market this property as a shop during the last 18 months as suggested by the Council, I am satisfied from the history of the appeal property and that of similar nearby premises that there is little prospect of the appeal property again being used for retail purposes in the foreseeable future.
7. The premises are within comfortable walking distance of the Lewes Road local shopping centre and only a short bus ride from Brighton Town Centre. Several small convenience shops, specialist retailers and other services remain in Elm Grove. In these circumstances I do not consider that the loss of the appeal property from retail use would result in significant harm to the facilities available to local residents. The proposal would not conflict with policy SR8.

Appearance

8. It is proposed to remove the existing shop fascia, the large shop window on the Elm Grove frontage and the shop door on the splay corner and to provide a painted render finish with one small window at the front. I share the Council's concern that this treatment would be out of keeping with the appearance of the existing building and would not relate well to the character and appearance of the adjoining residential terrace.
9. On the Arnold Street frontage, the first floor extension would have a sloping roof, reflecting the profile of the existing garage and linking the property at this level to the flank wall of a terrace of houses. Although the profile and the timber cladding would be unconventional, I do not consider that, having regard to its set back position, it would be unduly prominent or harmful to the appearance of this part of the building or the street scene, but on this issue overall I conclude that the development would harm the street scene, in conflict with policy QD14 of the Local Plan.

Effect on neighbours

10. The first floor extension would fill in the gap at first floor level between the rear of the existing building and the flank wall of 2 Arnold Street. It would involve raising a length of the existing boundary wall to the small sloping garden of the house at 146 Elm Grove to a height of about 5 to 5.5m. Having regard to the already rather enclosed nature of this garden as a result of the two storey section of the appeal property and the side of the Arnold Street properties, I consider that the additional height of the boundary wall now proposed would significantly harm the living conditions of the neighbouring residents and the level of amenity provided by their rear garden. It would also enclose the small terrace at the rear of the first floor flat at no.148. It would create an

unreasonable sense of enclosure that would conflict with the objectives of policy QD27 (protection of amenity) in the Local Plan.

Standard of accommodation

11. Although the Council is concerned about the limited size of the terraces that would provide an amenity area for each of the flats and about the provision of internal bathrooms, I do not consider that these limitations would be so significant on a property of this nature as to justify refusal of permission. The appellant has indicated that, as far as practicable, the dwellings would comply with the Council's Lifetime Homes standards.
12. Overall, I acknowledge that the proposal would result in the provision of two new small dwellings and would bring the property back into use. However, although I have found in favour of the appellant on two of the issues, I conclude for the reasons given that the advantages of the development would be outweighed by the harm that I have identified.

R.A.Hersey

INSPECTOR



Appeal Decision

Site visit made on 17 February 2009

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

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:
9 March 2009

Appeal Ref: APP/Q1445/A/08/2092104 100 Buckingham Road, Brighton BN1 3RB

- 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 P.I.B. UK Ltd against the decision of Brighton & Hove City Council.
- The application, ref. BH/2008/02451, dated 17 July 2008, was refused by notice dated 10 October 2008.
- The development proposed is *Side extension to provide two two-bedroom maisonettes.*

Decision

1. I dismiss the appeal.

Main issues

2. I consider that there are three main issues. One issue is the effect of the development on the appearance of the building and on the character and appearance of the West Hill Conservation Area. The second issue is whether the development would provide a satisfactory standard of housing accommodation. The third issue is the likely effect on the living conditions of neighbouring residents at 99 Buckingham Road.

Reasons

3. The appeal property is a three storey and basement semi-detached Victorian house, now converted into five flats. The proposal is to demolish a block of three garages at the rear and to erect a three storey and basement side extension comprising two two-bedroom maisonettes.
4. This part of the Conservation Area is characterised by semi-detached pairs of villas, spaced around a bend in the road, beyond which to the north are substantial terraces of houses.
5. I appreciate that the existing gap between nos. 99 and 100 is significantly larger than the gaps between other properties in this small group. Because of this, I do not consider that the closing of the gap to the extent proposed in this case would, by itself, necessarily be out of character with or unduly harmful to the street scene. I do, however, share the view of the Council and interested parties about the effect of the extension on the appearance of the building. Although the extension would be set back from the staircase projection at the side of the building, it would itself have a stepped plan form. Because of this plan, its width, its eaves height matching eaves level of the existing building and its complex pitched roof form above that, I consider that the extension

- would appear as an over-dominant addition to the existing building. It would seriously unbalance the appearance of the semi-detached pair, thereby harming the appearance of the building, the street scene and the character of the conservation area.
6. I do not consider that the proposed bin store, located at the side of the property against the low wall between nos. 99 and 100 and partly screened by vegetation would be unduly prominent but the side extension would be contrary to policies QD2 (Design), QD14 (Extensions) and HE6 (Conservation Areas) in the Local Plan.
 7. With regard to the standard of accommodation, I agree with the appellant that the proposal to provide a small rear garden in place of the garages and comparable with the garden at the rear of the lower flat in the existing building would be reasonable in accordance with policy HO5 of the Local Plan.
 8. Cycle storage is shown to be provided for the new flats in the hall of the existing building. I appreciate the appellant's point that there is no requirement to provide cycle storage for the existing flats. However, apart from the practical and aesthetic problems of providing a cycle store in the hall of an elegant, recently refurbished building, to which the new lower flat would have no direct access, the loss of the garages would effectively remove the possibility of providing adequate cycle storage space for the whole building and, as such, it would not accord with the Council's objectives for cycle access and parking referred to in policy TR14 of the Local Plan.
 9. I have had regard to the Council's comments regarding its Lifetime Homes standards but it seems to me that, in so far as they would be applicable in this case, a condition could be imposed requiring further details.
 10. As for the effect on neighbouring properties, the extension, by reason of its height and proximity to the boundary with 99 Buckingham Road, would have some effect on the light to the windows in the side of that property but, as these windows appear to be minor or secondary windows, I do not consider that the effect would be serious. The depth of the extension, projecting some 2 to 3 metres beyond the rear wall of no.99 and at a similar distance from the garden boundary, would provide an increased sense of enclosure to the rear of no.99 and its garden but, bearing in mind the angle between the rear elevations of the two properties, I do not consider that the effect on the living conditions of the residents of no.99 would be so serious as to justify refusal for this reason. I have also had regard to the comments of a prospective owner of a flat in the existing building. Any loss of light to habitable rooms in the existing flats would be minimal. I do not consider that additional overlooking of the rear garden would be serious.
 11. I acknowledge that the development would provide two new dwellings on previously developed land in a convenient location but I consider that the benefits arising would be outweighed by the harm that I have identified.

R.A.Hersey

INSPECTOR



Appeal Decision

Site visit made on 20 February 2009

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

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:
6 March 2009

Appeal Ref: APP/Q1445/E/08/2091534 43-45 Surrenden Road, Brighton BN1 6PQ

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Thornton Properties against the decision of Brighton & Hove City Council.
- The application, ref. BH2007/03736, dated 3 October 2007, was refused by notice dated 5 June 2008.
- The development proposed is *Demolition and rebuilding of garden walls on new boundaries*.

Decision

1. I dismiss the appeal.

Procedural matter

2. The application refers to rebuilding as well as to demolition and the submitted drawings show the intended replacement walls, but there is no concurrent application for planning permission for the erection of new walls. An application would be required by reason of an Article 4 Direction. The Council's decision notice refers only to the proposed demolition.

Main issue

3. The main issue is the effect that demolition of the existing walls would have on the character and appearance of the Preston Park Conservation Area.

Reasons

4. The appellant's intention is to widen the narrow lane that runs between the two appeal properties and provide 2m visibility splays on the street frontage. The lane leads to a block of garages and also provides rear access to the dwellings in the adjoining streets.
5. This part of the conservation area is characterised by substantial detached or semi-detached Victorian or Edwardian houses. The brick piers and walls at the front of the appeal properties are typical of those along this section of Surrenden Road and I agree with the Council that they make a significant contribution to the character of the area and to the appearance of the buildings.
6. Even though the merits of the proposed new walls are not formally before me, I have had regard to the Council's comments and objections, particularly to the

proposed siting of the new piers. I have also had regard to the comments of the Inspector who dealt with a previous appeal (APP/Q1445/A/07/2052564) regarding a scheme for the erection of new houses on land at the rear of 45 and 47 Surrenden Road. In that case the Inspector, in dismissing the appeal because of its effect on the visual amenities of the vicinity and the character and appearance of the conservation area, referred to the potential improvement to highway safety of a widened lane and visibility splays.

7. In some circumstances, it may be necessary to compromise between design and conservation details and public safety. However, in the absence of any approved development at the rear that would result in increased use of the lane or any evidence of a significant safety hazard caused by the existing use, I can see no justification for the demolition of the existing walls without prior approval of a suitable replacement. The demolition of the walls in the present circumstances would seriously harm the character and appearance of the conservation area, in conflict with policy HE8 of the Local Plan.

R.A.Hersey

INSPECTOR



Appeal Decisions

Site visit made on 17 February 2009

by **Richard A. Hersey BA Dip TP MRTPI**

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:
9 March 2009

Appeal Ref: APP/Q1445/E/08/2089422 – Appeal A

Appeal Ref: APP/Q1445/A/08/2089321 – Appeal B

149-151 Kingsway, Hove BN3 4GR

- Appeal A is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- Appeal B is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeals are made by Stranmede Ltd. against the decisions of Brighton and Hove City Council.
- Appeal A. The application, ref. BH2008/02108, dated 19 June 2008, was refused by notice dated 10 October 2008.
- Appeal B. The application, ref. BH2008/02107, dated 19 June 2008, was refused by notice dated 15 September 2008.
- The development proposed in both cases is *Demolition of existing semi-detached houses and erection of eight apartments with basement parking and front and rear landscaped gardens.*

Decisions

1. Appeal A – I dismiss the appeal.

Appeal B – I dismiss the appeal.

Main issues

2. The main issue in appeal A is the effect that demolition of the existing buildings would have on the character and appearance of the Pembroke and Princes Conservation Area.
3. The main issue in appeal B is the effect that the proposed new building would have on the living conditions of neighbouring residents, having regard in particular to their light, outlook and privacy.

Reasons

4. The appeal properties comprise a pair of semi-detached houses, forming one of two similar pairs fronting on to the Western Lawns and the Western Esplanade on the Hove seafront. They are within the Pembroke and Princes Conservation Area that is characterised by a wide variety of sizes and ages of buildings predominantly in residential use.

Appeal A

5. The Council raises no objection in principle to the demolition of the existing buildings. I agree that they and the neighbouring pair, although quite pleasant in themselves, are of no particular architectural merit but, despite the recent damage to the buildings following occupation by squatters, they do make a positive contribution to the character of the area. If a redevelopment were to be approved that would preserve or enhance the area, it would be appropriate, subject to conditions, to grant consent for demolition. However, in the light of my conclusions in respect of appeal B, set out below, and in the absence of an approved redevelopment scheme, the demolition of the existing buildings would be premature. It would leave an unsatisfactory visual gap in a prominent location. As such it would harm the character and appearance of the conservation area, contrary to policy HE8 of the Brighton and Hove Local Plan.

Appeal B

6. The proposed new building would be on lower ground, upper ground, first to third floors, with a set back fourth floor. Although the building would be substantially larger than the existing pair of houses and the remaining neighbouring pair at 145-147 Kingsway, it would be comparable in height with the adjoining five storey hotel to the west and a little lower than the main block of Viceroy Court, the block of flats to the east at the corner of Hove Street. The Council accepts that, in principle, a contemporary design as proposed would be in accordance with the adopted Local Plan policies and with the emerging Core Strategy Preferred Options for this part of the Western Seafront. However, despite a number of revisions made to a previously refused scheme, there is significant concern about the effect of the scale and siting of the proposed building on two of the neighbouring buildings, namely the semi-detached house to the east, no.147 Kingsway, and the three storey block of flats, an annex to Viceroy Court, at the rear.
7. With regard to 147 Kingsway, I saw that, although the front of the new building would align with the existing building, it would be significantly nearer to the common boundary, particularly at the front, where it would be only about 0.5m from the boundary. Rising to third floor level at this corner, it would dominate the first floor front balcony at no.147 and seriously reduce light and outlook to the side dormer window in the second floor bedroom, as well as to minor windows. The presence of living room windows in the side of the proposed building and balconies at the front would also provide the potential for overlooking at a very close distance, although, if I were minded to grant permission, a condition could be imposed requiring revised details in this respect.
8. The new building would project 3m beyond the rear of no.147 at a distance of only 1m from the boundary. Although this would not have any significant effect on daylight to the rear of no.147, it would, by reason of its height and proximity to the boundary, be likely to have a significant effect on the outlook from and sense of enclosure to the rear windows and rear garden, to the detriment of adjoining residents.

9. The effect on the three storey flats at the rear would be to reduce significantly the daylight and sunlight to the south facing living rooms. I can readily appreciate the concern expressed by neighbours about this. However, the appellant's evidence, using the Building Research Establishment publication "Site layout planning for daylight and sunlight," is that the vertical sky component at each of these windows would still be 27% or more, thereby providing the potential for good daylight and sunlight to the relevant rooms.
10. I acknowledge that the flats would continue to receive at least a minimum recommended level of daylight and sunlight and on this point alone refusal of permission would not be justified. However, the outlook from the flats is equally significant and, from my on-site judgement, I consider that the effect of the development, particularly when viewed in conjunction with the rear of the neighbouring hotel, would be to result in a significant and unreasonable sense of enclosure to the occupiers of the flats at the rear. The effect would be exacerbated by the additional overlooking, or perception of being overlooked, by a substantial number of windows at a distance of only about 18m.
11. I am aware that there would be some additional overshadowing of the gardens of neighbouring properties as a result of the development but I do not consider that this would be significant enough to justify refusal. Overall I conclude that the development, by reason of its size and siting, would significantly harm the living conditions of neighbouring residents, contrary to policy QD27 of the Local Plan.

R.A. Hersey

INSPECTOR



Appeal Decision

Site visit made on 17 February 2009

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

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:
9 March 2009

Appeal Ref: APP/Q1445/A/08/2090554 211 Old Shoreham Road, Hove BN3 7EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr. V. O'Rourke against the decision of Brighton & Hove City Council.
- The application, ref. BH2008/02842, dated 24 August 2008, was refused by notice dated 14 November 2008.
- The development proposed is *Conversion to form a three bedroom maisonette and a one bedroom flat.*

Decision

1. I allow the appeal and grant permission for the conversion of 211 Old Shoreham Road, Hove, into a three bedroom maisonette and a one bedroom flat, in accordance with the terms of the application, ref. BH2008/02842, dated 24 August 2008, and the drawings submitted therewith, subject to the following conditions:-
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 2. Before first occupation of the dwellings hereby permitted, the refuse storage arrangements shown on the approved drawings shall be provided and thereafter retained.

Main issues

2. I consider that there are two main issues. One issue is whether the proposed dwellings would provide a satisfactory standard of housing accommodation. The other issue is the likely effect on the living conditions of neighbours, having regard in particular to noise and traffic generation.

Reasons

3. The property is a semi-detached house on two main floors, plus a roof storey that was part of the original building but which has been enlarged by way of a hip to gable extension and a large rear dormer. It is proposed to convert the property to provide a three bedroom maisonette on ground and first floors and a one bedroom flat in the roof storey. The application, recommended for approval by Council officers, was submitted following refusal of permission, the subject of a concurrent appeal, for conversion of the property into three flats.

4. With regard to the first issue, the reasons for refusal refer to a lack of private amenity space. However, the existing rear garden would remain for use by the family size maisonette. Although the small upper flat would not have its own amenity space, this is a situation that is common to many upper floor flats, particularly in residential conversions. I do not consider that it would make the flat unsatisfactory or conflict with policy HO5 of the Local Plan.
5. The area of the original house exceeds the minimum standard (115sq.m) referred to in the Council's policy HO9 of the Local Plan regarding residential conversions. A family unit would be provided and each of the new dwellings would have a satisfactory size and layout. One car parking space would be available in the existing garage and the garage could also accommodate one or two cycles, albeit with some inconvenience, depending on the size of the car. Although not shown on the drawings, I saw that there is also a shed at the rear of the garage that could also accommodate cycles.
6. With regard to the effect on neighbouring properties, I acknowledge the concerns expressed by nearby residents arising from the potential increase in the intensity of occupation. However, I do not consider that the effect of one additional small flat would be unreasonable. Noise transmission between dwellings should be minimised through compliance with the Building Regulations. No new windows would be constructed, therefore any additional overlooking or perception of overlooking of adjoining properties or gardens would be minimal. A refuse storage area would be provided adjacent to the shared driveway at the front. Although there may be some increased pressure on on-street parking space in the side roads near to the appeal property, I do not consider that the demand arising from one small additional flat would be so significant as to justify refusal for this reason.
7. Overall I consider that the development would result in a satisfactory residential conversion in accordance with policy HO9 of the Local Plan.
8. I have had regard to the conditions suggested by the Council. I do not consider it necessary to require further details of refuse storage arrangements but it is necessary to require the provision of the facilities shown on the drawings. I do not consider it necessary to require further details of cycle storage. With regard to Lifetime Homes criteria, the appellant has stated that all new door and corridor widths would comply with Part M of the Building Regulations; I do not consider it necessary to require further details. A waste minimisation statement has been provided; in view of the limited scale of the works, I do not consider that any further details are necessary.

R.A.Hersey

INSPECTOR



Appeal Decision

Site visit made on 26 February 2009

By David J Rose BScEcon MA HonMRTPI

**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 March 2009**

Appeal Ref: APP/Q1445/A/08/2090808

281 Old Shoreham Road, Portslade, Brighton BN41 1XS

- 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 Glen Doney against the decision of Brighton and Hove City Council.
- The application Ref BH2008/02144, dated 17 June 2008, was refused by notice dated 12 November 2008.
- The development proposed is a two storey extension at the side.

Decision

1. I dismiss the appeal.

Main issue

2. This is the effect of the proposal on the character and appearance of the street scene.

Reasons

3. The appeal property is a two storey detached house fronting to Old Shoreham Road, on the junction with the A293 and with a flank elevation to Links Road. To the front, the property has a symmetrical appearance with the main entrance door to its centre. It is a prominent building, particularly when approached from the A293.
4. The proposal is to erect a two storey extension on the east elevation towards Links Road. The extension would be just over 3m wide and of the same depth as the host property and not set back from the front elevation. The existing pitched roof would be extended with tiles to match.
5. I consider that the dwelling would lose its sense of symmetry with the front door no longer being centrally positioned, as there would be one set of windows on each floor to the right (west) when viewed from the front and two sets to the left (east). Additionally, it is proposed to remove the chimney on the Links Road elevation whilst retaining that to the west. In my view, the proposals would unbalance the look of the property from the front and the effects on the character and appearance of the street scene would be highly visible.
6. To the rear, the property does not currently have the symmetry that it has to the front, and it faces towards the side gardens of properties in Links Road. I am therefore content that the effects of the proposal to the rear are limited. However on the east side elevation, towards Links Road, the proposal would lead to the loss of some of the side garden. The front elevations of the houses on that side of Links

Road are set back further from the street than is the existing side elevation of the appeal property. The proposal would therefore result in the appeal property being closer to Links Road and so more prominent on that street, particularly when viewed approaching towards Old Shoreham Road.

7. I conclude that the proposal would result in this prominent building losing the distinctive symmetry which is a key feature of the local street scene and lead to a building that had an over-extended appearance. The adverse effect of the proposal on the character and appearance of the streetscene would be contrary to the high standard of design sought by Policy QD1 of the Brighton & Hove Local Plan 2005 (the Local Plan) and the proposal also fails to take into account the local characteristics sought by Local Plan Policy QD2.

Other matters

8. I have noted that the roof and fenestration proposed are of the same design and materials as the host property. Furthermore, there would be no adverse effects upon the daylight/sunlight received or the privacy and outlook enjoyed by the occupiers of the adjoining property, 279 Old Shoreham Road. There would also be no such adverse impacts to the adjoining property in Links Road. Additionally, the impacts to 289 Old Shoreham Road, on the opposite side of Links Road, would also be minimal. Nevertheless, the proposal fails to meet the test of being well designed, sited and detailed in relation to the property to be extended, as sought by Local Plan Policy QD14.

Conclusion

9. I therefore conclude for the reasons given above and having regard to all other matters raised that the appeal should be dismissed.

David J Rose
INSPECTOR



Appeal Decision

Site visit made on 24 February 2009

by **Philip Willmer BSc Dip Arch RIBA**

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

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:
10 March 2009

Appeal Ref: APP/Q1445/A/08/2090249
5 Village Close, Portslade, East Sussex, BN41 2GT.

- 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 Rault against the decision of Brighton and Hove City Council.
- The application Ref BH2008/02125, dated 23 June 2008, was refused by notice dated 11 September 2008.
- The development proposed is described as "Re-submission of retrospective application BH2008/01071. Provision of proposed decking and raised planter (retrospective-partially complete)".

Decision

1. I dismiss the appeal.

Main Issue

2. I consider the main issue to be the effect of the development on the living conditions of neighbouring residential occupiers in terms of visual dominance and the potential for overlooking leading to a loss of privacy.

Reasons

3. The property, the subject of this appeal, is the end house in a terrace of five separated from a similar terrace of four houses by a common passageway. It is part of a recent residential development known as Village Close. The two terraces at the northern end of the site are cut into steeply sloping ground so that the houses' small rear gardens, along with an access path serving some of them, have level access from the properties. However, beyond the path, but within the residential curtilage, each house has a small area of ground which rises at a relatively steep angle away from the path. One occupier has terraced their piece with railway sleepers while others are laid to grass or left unkempt.
4. The appellant has constructed two terraces on his section of land. The lower and wider one is accessed by steps from the path, is decked and has a protective balustrade. The upper one, which does not have steps to it, is identified on the application drawings as a raised planter.
5. The structure, as built, is substantial and, while not visible from the road, is nevertheless highly prominent when viewed from the rear facing rooms and private gardens of neighbouring properties. Due to the close proximity of the structure to neighbouring dwellings and private garden areas, I consider that it is overly dominant and therefore overbearing.

6. The lower terrace is sufficiently wide and accessible as to be utilised by the appellant and his family as an extension of their garden and, I imagine, would be a pleasant place to sit. However, as I saw, anyone on the terrace has a clear view into a number of the private rear gardens and, through rear facing windows, into neighbouring houses. The appellant proposes 1.5 metre high screens to either side of the decked areas. These would, to some limited extent, reduce the potential for overlooking. However, they would not have such a significant affect, due to their limited height, as to overcome my concern. Further, the introduction of such screening would tend, in my opinion, to make the structure even more visually dominant.
7. I appreciate that there will be some mutual overlooking by the nature of the form of the original town house development. However, I do not believe this to be as direct as from the newly built terrace even if access is, as proposed, restricted to just the lower section. The appellant points out that if the deck were removed then he and his family could use the grassy bank to sit on. This is so and may well lead to some overlooking. However, the formation of a raised deck means that sitting out here is more accessible and people are likely to use it for extended periods. I have noted the appellant's concern in respect of the initial advice given to him by the Council. However, although sympathetic to his concerns, I have considered this appeal on its planning merits.
8. I conclude in respect of the main issue that the proposal, the subject of this appeal, is an inappropriate form of development that would have a detrimental impact on the living conditions of neighbouring residential occupiers in terms of visual dominance, and the potential for overlooking leading to a loss of privacy. It would therefore not accord with the objectives of Brighton and Hove Local Plan Policies QD14 and QD27 as they relate to the quality of design and the amenity of residential occupiers.
9. For the reasons given above and having regard to all other matters raised, including the letters of support for the decking from some of the appellant's neighbours, I conclude that the appeal should be dismissed.

Philip Willmer
INSPECTOR

WARD

APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

WITHDEAN

BH2007/04469
46 Dyke Road Avenue, Brighton
Partial demolition and alterations to existing house and erection of a two storey detached house to the rear
APPEAL LODGED
26/02/2009
Delegated

WARD

APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

WISH

BH2008/02770
85 New Church Road, Hove
Ground and first floor rear extensions to create enlarged garage and annexe accommodation.
APPEAL LODGED
03/03/2009
Delegated

WARD

APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

BRUNSWICK AND ADELAIDE

BH2008/03214
38 Wilbury Road, Hove
Single storey rear extension.
APPEAL LODGED
03/03/2009
Delegated

WARD

APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

WESTBOURNE

BH2008/01422
110 Westbourne Street, Hove
Conversion of ground floor office to form part of a dwelling house including reinstatement of bay window, alterations to windows and doors, new garden wall and new rear gate. (Retrospective).
APPEAL LODGED
03/03/2009
Delegated

NEW APPEALS RECEIVED

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

ROTTINGDEAN COASTAL

BH2008/03626

44 Arundel Drive East, Brighton

Certificate of Lawfulness for proposed hip to gable roof conversion (part retrospective).

APPEAL LODGED

09/03/2009

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

ROTTINGDEAN COASTAL

BH2008/03450

105 Tumulus Road, Brighton

Re-instatement of bungalow to original 2 bedroom footprint as built, by separating main bungalow from adjoining granny annexe (added c.1976) to create two separate dwellings.

Demolition of detached garage to allow side access and extension of driveway to accommodate parking for both properties.

APPEAL LODGED

08/03/2009

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HOLLINGDEAN & STANMER

BH2008/03054

21 Nanson Road, Brighton

Construction of a two storey dwelling.

APPEAL LODGED

11/03/2009

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WITHDEAN

BH2008/03379

68 Tongdean Lane, Withdean, Brighton

Proposed first floor rear extension, partially extending over existing double garage.

(Resubmission of BH2008/06033)

APPEAL LODGED

11/03/2009

Delegated

NEW APPEALS RECEIVED

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

GOLDSMID

BH2008/03678

Flat 9 8 Eaton Gardens Hove

Erection of new balcony and double doors to first floor flat bay window.

APPEAL LODGED

11/03/2009

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WITHDEAN

BH2008/03078

7 Station Road Brighton

Demolition of existing dwelling and erection of 7 new houses.

APPEAL LODGED

12/03/2009

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HANOVER & ELM GROVE

BH2008/02977

128-129 Lewes Road, Brighton

Change of use of basement from retail storage to 2 no. studio flats. New pavement lights for flats below. Erection of bike store to rear and installation of railings to rear.

APPEAL LODGED

17/03/2009

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WITHDEAN

BH2008/02033

68 Tongdean Lane, Brighton

Proposed first floor rear extension with hipped roof over existing double garage.

APPEAL LODGED

16/03/2009

Delegated

NEW APPEALS RECEIVED

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WESTBOURNE

BH2008/03952

33 Sackville Road, Hove

Conversion of single dwelling into 1 x 2 bedroom flat, 2 x 1 bedroom flats and 1 x studio flat, including front rooflight and refuse/recycling store.

APPEAL LODGED

16/03/2009

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

QUEEN'S PARK

BH2008/03096

102 Marine Parade Brighton

Conversion of existing four-storey house into five self-contained flats.

APPEAL LODGED

16/03/2009

Environmental Services Planning Committee

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

QUEEN'S PARK

BH2008/03083

102 Marine Parade, Brighton

Internal and external alterations, to enable conversion of house into 5 flats. Construction of bin/cycle store on front amenity area.

APPEAL LODGED

16/03/2009

Environmental Services Planning Committee

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

PRESTON PARK

BH2008/03531

Land adjoining 353 Ditchling Road, Brighton

Erection of a two-storey detached dwelling and construction of a new vehicular access onto Ditchling Road.

APPEAL LODGED

16/03/2009

Delegated



**Brighton & Hove
City Council**

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES
8th April 2009**

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

Royal Alexandra Hospital, 57 Dyke Road, Brighton

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

Details of application: • Conservation Area Consent for demolition of existing buildings (former children's hospital) (resubmission of BH2007/02925).
 • Demolition of all existing buildings. Erection of 149 residential units comprising 40% affordable units and 807.20 square metres of commercial floor space for a GP surgery (including 102 square metres for a pharmacy) together with associated access, parking, amenity space (including a public garden) and landscaping.

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

14 Langdale Gardens, Hove

Planning application no: BH2008/02759
Description: Loft conversion to form self-contained flat to include hip to gable end and dormer extension.

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

PLANNING & ENFORCEMENT APPEAL 20-26 York Place, Brighton

Planning application no: BH2008/01562
Description: Regularisation of development as built (commercial on ground floor with residential above). Specifically regularisation of the roof and alteration to architectural adornments to parapet walls.
 Linked appeal against enforcement notice. The notice alleges "Various works were carried out without the grant of planning permission".

Decision: Delegated
Type of appeal: Public Inquiry
Date: 2nd – 3rd June 2009
Location: Jubilee Library

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

Planning application no: • BH2008/01039 47

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

ENFORCEMENT APPEAL 14 Richmond Place

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

MyHotel 17 Jubilee Street, Brighton

Planning application no: BH2008/02283
Description: Extension of ground floor restaurant, new mid floor terrace seating with glass balustrade and change of use for pair of adjoining mews houses to a hotel.
Decision: Delegated
Type of appeal: Informal Hearing
Date:
Location:

24 Albert Road, Brighton

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

23A & E Coleridge Street, Hove

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

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

Planning application no: BH2008/02586
Description: Demolition of existing building. Redevelopment of site to provide new GP surgery at part ground, part first floor, new D1/D2 unit at ground floor and 38 residential units above in part 3, part 4 and part 5 storey building, including 16 affordable units (40%). Surface car parking and landscaping at rear.⁴⁸ (Resubmission of withdrawn application

Decision: BH2008/00600).
Committee
Type of appeal: Informal Hearing
Date:
Location:

9 Benfield Close, Portslade

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

7 Station Road, Brighton

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

17-19 Duke Street, Brighton

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

