



**Brighton & Hove  
City Council**

# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>23 September 2009</b>
Time:	<b>2.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<b>Councillors:</b> Hyde (Chairman), Wells (Deputy Chairman), Carden (Opposition Spokesperson), Caulfield, Mrs Cobb, Davey, Hamilton, Kennedy, McCaffery, Smart, Steedman and C Theobald.  <b>Co-opted Members:</b> Mr J Small (CAG Representative)
Contact:	<b>Penny Jennings</b> Senior Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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## AGENDA

### 100. 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.*

### 101. MINUTES OF THE PREVIOUS MEETING

1 - 18

Minutes of the meeting held on 2 September 2009 (copy attached).

### 102. CHAIRMAN'S COMMUNICATIONS

### 103. PETITIONS

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

### 104. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 17 September 2009)

No public questions received by date of publication.

### 105. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 17 September 2009)

No deputations received by date of publication.

## **PLANNING COMMITTEE**

### **106. WRITTEN QUESTIONS FROM COUNCILLORS**

No written questions have been received.

### **107. LETTERS FROM COUNCILLORS**

No letters have been received.

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

No Notices of Motion have been referred.

### **109. APPEAL DECISIONS**

**19 - 36**

(copy attached).

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

**37 - 40**

(copy attached).

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

**41 - 42**

(copy attached).

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

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

(copy circulated separately).

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

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

## **PART TWO**

### **116. NON-PUBLIC MINUTES**

**43 - 46**

Non-public Minutes of the meeting held on 2 September 2009 (copy attached).

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

Date of Publication - Tuesday, 15 September 2009



# PLANNING COMMITTEE

**Agenda Item 101**  
Brighton & Hove City Council

## BRIGHTON & HOVE CITY COUNCIL

### PLANNING COMMITTEE

2.00pm 2 SEPTEMBER 2009

### COUNCIL CHAMBER, HOVE TOWN HALL

#### MINUTES

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

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

**Officers in attendance:** Development Control Manager (J Walsh); Area Planning Manager (West) (S Walker); Solicitor (A Gatherer); Democratic Services Officer (J Clarke)

#### PART ONE

#### **82. PROCEDURAL BUSINESS**

##### **82a Declaration of Substitutes**

82.1 Councillor Kemble declared that he was substituting for Councillor Wells.

82.2 Councillor Allen declared that he was substituting for Councillor McCaffery.

##### **82b Declarations of Interest**

82.3 Councillor Caulfield stated that she was involved with the Local Delivery Vehicle. The applicant for application BH2009/01249, The Hyde, Rowan Avenue, Hove, is the Chairman of the LDV but Councillor Caulfield did not know the applicant in a personal capacity. She had sought legal advice on whether she had a personal interest in application and had been advised that this would not constitute a personal or prejudicial interest, and as such remained in the meeting and took full part in the discussion and voting thereon.

##### **82c Exclusion of the Press and Public**

82.4 In accordance with Section 100A of the Local Government Act 1972 ("The Act"), the Planning Committee considered whether the public should be excluded from the

meeting during consideration of any item of business on the grounds that it is likely, in the view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of (The Act).

82.5 **RESOLVED** – That the press and public be excluded from the meeting during consideration of item 99, Consideration of Legal Matters as this item is exempt under Paragraph 6 of Schedule 12A of the 1972 Act (information which reveals that which the authority proposes to do).

### 83. MINUTES OF THE PREVIOUS MEETING

83.1 **RESOLVED** – that the Chairman be authorised to sign the minutes of the meeting held on 12 August 2009 as a correct record with the following amendment:

D. Application BH2009/01384, Former Gospel Hall, 57 Falmer Road, Rottingdean

(11) A vote was taken and on a vote of 7 to 4 with 1 *abstention* planning permission was granted.

### 84. CHAIRMAN'S COMMUNICATIONS

#### Webcasting

84.1 The Chairman explained that afternoon's meeting of the Planning Committee was being web cast. Members were reminded to speak directly into the microphones and to switch them off when they had finished speaking in order to ensure that they could be heard clearly.

### 85. PETITIONS

85.1 There were none.

### 86. PUBLIC QUESTIONS

86.1 There were none.

### 87. DEPUTATIONS

87.1 There were none.

### 88. WRITTEN QUESTIONS FROM COUNCILLORS

88.1 There were none.

### 89. LETTERS FROM COUNCILLORS

89.1 There were none.



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

90.1 There were none.

**91. CLARIFICATION AND AMPLIFICATION OF REASONS FOR REFUSAL  
APPLICATION BH2007/03454, LAND AT BRIGHTON MARINA**

91.1 The Council's witness to the inquiry, Mr Kevin Goodwin, gave a presentation to explain the rationale for the clarification and amplification of reasons for refusal on the application, which had been refused at the Planning Committee meeting on 4 December 2008. He noted that a Public Inquiry was due to begin on 3 November 2009 and that a Statement of Case was required from the Council, which was due to be submitted on 4 September 2009. Mr Goodwin explained that the Structure Plan for East Sussex and Brighton & Hove, which had been referred to in the original reasons for refusal, had now been superseded by the Regional Spatial Strategy for the South East Plan, and the Committee Members were being asked to reconsider the policy basis for their reasons in light of this. He further noted that the applicants had contacted the Council to ask whether they wished to reconsider reasons four, five and six of the original refusal, and Committee Members were being presented with the opportunity to either remove those reasons, to modify them or to maintain them. Mr Goodwin added that reason six was recommended to be conditionally withdrawn as subsequent evidence had invalidated the reason.

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

- 91.2 Councillor Kemble asked for examples of where this approach to a refusal decision had been taken before, as he felt it was quite unusual for reasons to be amended by a third party. Mr Goodwin agreed that it was not common, but noted that there had been previous examples on an application at Kings Cross, London, application and a Welsh wind farm application. He stated that each case was individual but that the policies of the Council had recently changed and the refusal decision would need to reflect this at Public Inquiry to ensure the reasons were robust and relevant.
- 91.3 Councillor Hamilton understood that the applicant had requested that the Council reconsider reasons 4, 5 and 6, but asked why, in his opinion, major changes had been made to reasons 1, 2 and 3. He felt that several of the reasons had been substantially changed and he was unhappy that many of the Members of the current Committee meeting had not been present when the original decision was made. He was also concerned that changing the reasons for refusal might result in costs being awarded against the Council at the forthcoming appeal. Mr Goodwin agreed that some of the reasons had been changed to clarify them. In terms of reason 1 this was to include references to the new Regional Spatial Strategy. He noted that the Inquiry Team had taken the opportunity to look at all of the reasons for refusal, and felt it was their professional duty to present the Committee with the most robust case for refusal to take forward to the Public Inquiry stage.
- 91.4 Councillor Hamilton asked if the sections that were recommended to be withdrawn from the reasons for refusal were likely to result in the incursion of costs against the Council if taken to Public Inquiry stage as they were not robust enough. Mr Goodwin stated that, in

his view, these sections did not necessarily add to the case, or were included elsewhere in the decision, and therefore the decision would be more robust without them.

- 91.5 Councillor Mrs Theobald expressed concern about the removal of a sentence in reason 2 that referred to the nuisance and loss of amenity residents in the area would suffer if the application was approved and asked why this had been removed. Mr Goodwin felt that this aspect was adequately dealt with under reason 1 and therefore had been removed from reason 2. He recognised that the residents had not been referred to specifically in reason 1, but believed that the reason should refer to the harm that would be suffered by the area as a whole, including the Area of Outstanding Natural Beauty and the Conservation Area.
- 91.6 Councillor Steedman accepted the professional opinion of Officers but expressed concern that reason 6 had been withdrawn as he felt it was inappropriate to build new homes for vulnerable people in an area that was potentially open to a high flood risk. He suggested that we may need to look at our policy framework at a later stage.
- 91.7 Councillor Caulfield was very concerned that she was being asked to reconsider and possibly alter a decision that had been made by a Committee meeting that she had not sat on. She asked what the implications were if the current Committee did not agree to reconsider the decision. Mr Goodwin stated that the case at the Public Inquiry would be fought on the original reasons for refusal and this could present problems in terms of presenting and substantiating evidence.
- 91.8 Councillor Smart noted that reason 2 referred to both material nuisance and building quality and asked if this would be better separated into two distinct reasons for refusal. Mr Goodwin acknowledged that reason 2 dealt largely with the poor quality of the accommodation for residents of the new development, but that reason 1 now dealt with issues of harm arising from the scheme.

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

- 91.9 Councillor Cobb also expressed concern about the removal of a sentence in reason 2 that had referred to the local residents of the area, and proposed that this reason be altered to reinstate this sentence. Councillor Mrs Theobald seconded the proposal. Councillor Cobb hoped that Councillor Steedman would bring a similar proposal in relation to reason 6.
- 91.10 Councillor Hamilton was very concerned that a legal team had been appointed to alter a decision on the Council which they did not feel would be sustainable at Public Inquiry and felt this had been done to avoid costs awarded against the Council being incurred. He was also surprised that amendments to the recommendation were now being proposed and asked the Solicitor to the Committee if making this amendment could further weaken the Council's case. The Solicitor replied that if the elements of the decision that had been recommended for removal were retained, witnesses would have to be found to substantiate these claims. If they could not be found then there was a risk that costs against the Council could be incurred. Mr Goodwin responded that the recommendation before Councillors was, in his opinion, the most robust case to put before the Public Inquiry. The Development Control Manager addressed the Committee

and stated that if the amendment was agreed, Members would need to give reasons as to why this particular aspect was a necessary part of the decision.

- 91.11 Councillor Davey noted the concerns of residents and also felt that the harm they would suffer as a result of the application was an important aspect of the reason for refusal. However, he recognised that the Council had employed expert legal advice to ensure the decision was as strong as possible and he felt that the Committee should accept their advice in this instance.
- 91.12 Councillor Steedman agreed with Councillor Davey and although he held outstanding concerns over the flood risk at the site, he felt that the professional advice should be followed and that the Committee should make decisions in line with its own policy framework.
- 91.13 Councillor Kennedy felt that it would be unwise to overturn professional legal advice which the Council had employed specifically to form a robust case at Public Inquiry stage.
- 91.14 Councillor Cobb accepted the opinions of the Committee and withdrew the proposed amendment.
- 91.15 Councillor Hamilton stated that he was very concerned about what the Committee Members were being asked to do and had no knowledge of this process happening elsewhere. He noted that the original decision had been derived after several months of work and negotiation on both sides and a full debate at Committee. He understood that some of the policy references needed to be changed but felt that large parts of the decision were being altered and he was not confident that these additions had been fully discussed at the original meeting. Councillor Hamilton acknowledged that the Council wanted to avoid the risk of costs being awarded against them, but felt that changing the decision in this way could increase the likelihood of this and he did not want to take part in the voting on this decision.
- 91.16 Councillor Carden agreed with Councillor Hamilton and stated that he was very unhappy with the recommendation. He felt unable to take part in any part of the voting on this application and was concerned there was no input from members of the public, whereas there had been a full democratic debate for the original decision which had met all of the guidelines at the time. He did not want to justify a decision which, in his opinion, had been wrong in the first place.
- 91.17 A vote was taken and on a vote of 5 for, 1 against and 3 abstentions agreement to clarification and amplification of the reasons for refusal was given. Councillors Hamilton and Carden did not take part in the voting thereof.
- 91.18 **RESOLVED** – That the Committee has taken into consideration and agrees with the recommendation set out in the report and resolves to clarify and amplify the reasons for refusal nos. 1, 2, 3 and 4 and conditionally withdraw reason for refusal no. 6.

**Note:** Councillors Hamilton and Carden did not take any part in the voting and left the Chamber during the vote taking.

**92. APPEAL DECISIONS**

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

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

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

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

94.1 The Committee noted that list of planning appeals set out in the agenda relating to Information Hearings and Public Inquiries.

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

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

Application	Site Visit Requested By
BH2008/00792, Brighton General Hospital	Development Control Manager

**96. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST: 2 SEPTEMBER 2009**

**(i) TREES**

96.1 There were none.

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

**A. BH2009/01249, The Hyde, Rowan Avenue, Hove** – Proposed construction of two blocks of 2 and 3 storeys to provide a total of 27 new sheltered housing units with associated caretakers’ flat, support and recreation areas including private landscaped gardens and car and cycle parking facilities.

(1) The Area Planning Manager (West) gave a presentation detailing the constituent elements of the scheme, and referred to floor plans and elevation drawings. He stated that the application was on land that had not been previously developed and was therefore considered a greenfield site. It was also land that had not been allocated for development in The Development Plan. He believed that there was not sufficient reason to depart from policy and approve this application and noted that PPG 17 stated that existing open space should not be built on unless an assessment had been undertaken which showed that the open space was surplus to requirements. The development was

felt to be incongruous to its setting, and failed to meet the high levels of sustainability required on a Greenfield site.

- (2) Mr Collins spoke as a local neighbour objecting to the application and stated that this application was largely the same as the previous one which had been refused. Both applications had received considerable objection from the community as the development was too high and was inappropriate to the surroundings. He felt the proposal would create overlooking along the properties of Rowan Avenue and the removal of a security fence along the site would increase residents' loss of privacy. There was a parking shortfall identified on the site and any overspill onto nearby roads would be unacceptable as they were already congested and difficult to park along. He was concerned that the access road to the Lions' Gate development had not been completed properly and poor signage had been placed on a one-way street, causing further traffic problems. He felt that the existing problems on the site needed to be dealt with to ensure that the land was not classified as brownfield and to prevent further planning applications being submitted.
- (3) Councillor Theobald asked what Mr Collins would like to see the land used for and he replied that he would like it to remain open land for community use or football/sports facilities.
- (4) Mr Lewis from Birch Reconstruction Ltd spoke on behalf of the applicant and stated that this was a resubmission of a previous planning application which sought to take into account residents and Members comments from the previous refusal. He noted that the main issue was whether the land could be considered previously developed, and felt that the history of the site showed that it could be considered brownfield land. The Social Club which had previously been on the site was in fact a fully licensed private club with restaurant facilities and caretakers' flat included. It was not a community facility and was solely for the use of the private club members. The area was fully tarmaced from around 2000 and permanent structures had been built on it subsequently in 2004, which demonstrated it had been previously developed. Mr Lewis added that the scheme had been designed by one of the most prominent architects in the city and provided 40% of the units as affordable housing.
- (5) Councillor Caulfield asked if there was flexibility for use of the greenfield space on site and Mr Lewis noted that it had been identified for use as football pitches in the S106 Agreement. Local residents had been surveyed and 90% had requested that the land be retained as a landscaped park area.
- (6) Councillor Caulfield asked if this land would be open to the public, what the intention of the £75,000 was for and why a flat roof design was chosen for this proposal. Mr Lewis replied that the architects did not deem the surrounding architecture as a high enough quality to warrant mimicking the design in the proposals, which was why a flat roof had been used. The offer of £75,000 had resulted from discussions with Officers relating to the 2002 s106 Agreement regarding the cost of developing the green space into usable space, providing possible ancillary structures like changing rooms for football pitches, and for maintenance of the pitches. He noted that if a landscaped garden was to be implemented instead of football pitches, the money could be used elsewhere on site. Mr Lewis added that if gardens were created, they would likely be for the sole use of

residents in this development and Lions' Gate as there were issues of security as the development would likely house some vulnerable people.

- (7) Councillor Hamilton noted that the Social Club had been demolished and the Lions' Gate development built in its place. He did not see how this application related to either of those two developments and asked Mr Lewis to comment on this. Mr Lewis stated that the Social Club had been a substantial structure and its entire cartilage and associated parking could be considered brownfield land available for development. He noted that there was no intention to develop the greenfield land at this stage.
- (8) Councillor Mrs Theobald asked if the greenfield space could be designated for the use of the entire community. The Solicitor to the Committee reminded Members that questions should be asked about the specifics of the application, and not what may or may not be acceptable on site following planning permission.
- (9) Councillor Theobald asked why a green roof was not considered for the application. Mr Lewis replied that the architects for the development did not believe a green roof was suitable for a suburban situation, and added that solar thermal heating had been included instead.
- (10) Further questions were asked and the Development Control Manager asked for these to be considered in part two of the agenda. She stated for the record that there had been a Section 106 Agreement with the previous application, and that the requirements of this agreement had not been discharged by the applicant. The Committee Members had all the information before them however to determine the application in front of them on its merits.

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

- (11) Councillor Steedman noted that the Area Planning Manager (West) had referred to a shortfall in parking spaces provided with the application, but believed that the Council applied a maximum parking standard rather than a minimum, and asked if this was the case. The Area Planning Manager (West) agreed that this was technically correct, but felt that there could be a problem with providing fewer than the maximum number of spaces at a sheltered accommodation scheme.
- (12) Councillor Caulfield noted that there was a substantial amount of tarmac present on the site and questioned whether it could still be considered a greenfield site. She asked if there were less planning restrictions on a brownfield site. The Area Planning Manager (West) agreed that there were less restrictions on a brownfield site, but firmly felt that this site was greenfield land. The tarmac on site was only a recent development and was ancillary to the Lions' Gate development, which had expanded unlawfully in any case.
- (13) Councillor Caulfield asked if any of the previous approvals related to the greenfield site. The Area Planning Manager (West) agreed and detailed the applications which had previously been approved and had related to the greenfield site. The Development Control Manager noted that in 2006 a Certificate of Lawfulness had been applied for on part of the land, but it had not been granted.

- (14) Councillor Caulfield asked why the land was still considered to be greenfield when applications in the past had been approved on it. The Area Planning Manager (West) replied that all previous planning approvals on the land had been classed as either ancillary or enabling development. Because these developments did not change the nature or essence of the land as open space, or enabled the land to be retained and maintained as open space in the case of the football club, it was considered that the land remained greenfield and therefore undeveloped.
- (15) Councillor Smart asked if previously granted applications for car parking on site related to the western car park that was currently in situ. The Area Planning Manager (West) did not know if this was the case, but stated that any car parking that was approved as ancillary to the open space use would be acceptable on a greenfield site. He reiterated that development was not banned on a greenfield site as long as it did not change the primary use of the that site.
- (16) Councillor Smart asked a further question regarding the plans of the site, but this was subsequently withdrawn following legal advice from the Solicitor to the Committee.
- (17) Councillor Carden asked what the relevance was between the block of approved flats on the site and the original Social Club as it seemed that a complete change of use had been approved. The Area Planning Manager (West) replied that the block of flats would have been considered an enabling development which would help to fund maintenance and retention of the open space land. He noted that the primary intention of that approval had been to achieve an area of primarily open space of good and usable quality.
- (18) Councillor Davey asked if there was a ground floor Police Room listed on the plans, and asked what the purpose of this was. The Area Planning Manager (West) agreed that there was a room for this, but did not know its use. He stated that the Police had made no request to the Planning Authority for this room.
- (19) Councillor Davey asked if it was usual to have two bedroom flats available in sheltered accommodation and asked if there was anything in place to stop conversion of the lounge area into a flat. The Area Planning Manager (West) stated that they believed the mix of one and two bedrooms was appropriate for the development, and that if permission were approved a condition would need to be added to retain the facilities for the residents.
- (20) Councillor Caulfield noted that £75,000 had been offered by the application for use on the site and asked why this was not referred to in the report. The Area Planning Manager (West) stated that this had been offered unilaterally and had not been negotiated by Officers. The Development Control Manager asked that Member discuss this issue in a later part of the agenda.
- (21) Mr Small, CAG, asked if the landscaped gardens were intended to be gated and kept private. The Area Planning Manager (West) stated that the intended use would only be for residents of the new development or the Lions' Gate development.
- (22) Councillor Kennedy noted that the application was for sheltered housing, and asked how this development could be retained for this use in perpetuity. The Solicitor to the

Committee stated that the Section 106 Agreement would secure the development as sheltered housing only in the form of a covenant. If this covenant were breached the Council could pursue a breach of contract through the Courts of Law.

- (23) Councillor Cobb asked if the development was for both affordable and sheltered housing. The Area Planning Manager (West) stated that the use would be for sheltered housing, but some of this housing would be deemed “affordable”, i.e. below the market rate for that type of property.

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

- (24) Councillor Steedman stated that in his view it was clear that any previous development on the site was ancillary in nature to the greenfield space. He felt there was a defined need to protect the open space that was identified on this application and believed that any development on such land should be subject to the highest sustainability credentials in the first instance, which this application did not achieve. As such he felt unable to support the application.
- (25) Councillor Hamilton did not believe there was any cause to designate this land as brownfield as all previous development was clearly ancillary. He was concerned that the previous Section 106 Agreement obligations had not been fulfilled, and could not support the development.
- (26) Councillor Cobb was concerned about the mixture of uses proposed on the land, and agreed that the sustainability measures proposed with the application were not well addressed. She was also concerned about the architecture of the building which did not match its surroundings.
- (27) Councillor Carden felt that this type of community space was needed in the local area and felt that it should be preserved as such. Councillor Kennedy agreed and felt that many such sites were being built on across the city and that the Council needed to support its own policies by rejecting any development on this land.
- (28) Councillor Smart was concerned that if part of the land was not permitted to be developed then the community space, which he agreed was in great demand, would never be made available. He added that the proposed development would not create an adverse impact on neighbouring properties and met with existing policies.
- (29) Councillor Mrs Theobald felt that there was a need for sheltered housing in the city and was not against development on the site.
- (30) Councillor Caulfield expressed concern that many issues that Committee Members wanted to discuss as part of the application were restricted under part two of the agenda. She proposed that the application be deferred until the part two report had been considered. Councillor Theobald seconded the deferral.
- (31) The Solicitor to the Committee stated that Members had all of the information necessary to enable a determination of the application on its merits and noted that the two issues were entirely separate. She advised that a decision was possible on the information before them without referring to any other information that may or may not be restricted.



(32) A vote was taken and on a vote of 4 for, 7 against and 1 abstention deferral of the application was refused.

(33) A second vote was taken on the Officer's recommendation and on a vote of 7 for, 2 against and 3 abstentions planning permission was refused.

96.2 **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 to refuse planning permission for the reasons and informatives set out in the report.

(iii) **MINOR APPLICATIONS**

**B. Application BH2009/00696, 39 Salisbury Road, Hove** – Demolition of existing building and erection of a four storey private residential building containing nine mixed size units and community area on ground floor.

(1) The Area Planning Manager (West) gave a presentation detailing the constituent elements of the scheme, and referred to floor plans and elevation drawings. He stated that the application was sited on a known Bronze Age burial ground, although emphasised that the burial ground covered a large area and there was no suggestion that this application was being built over actual archaeological remains.

The Area Planning Manager (West) noted there were issues of overshadowing on the site, but this was not severe enough to constitute a reason for refusal. The standard of accommodation to be provided was acceptable and the retention of the community space within the building was desirable. He referred to two late responses from the Manager of Cornerstone Community Centre in support of the application, and a letter from a member of the public that did not support the application.

(2) Mr Tanner, a local objector to the scheme, addressed the Committee and stated that his main concern was in relation to loss of light. The BRE assessment originally conducted had taken measurements at incorrect angles and had resulted in an outcome that stated there was a satisfactory loss of light suffered by the residents. However, a new assessment taken at the correct angles had significantly increased the loss of light likely to be suffered by residents and Mr Tanner felt this was unacceptable. He also felt that the assessment took no account of interior light loss and did not consider the effect the development would have on the living room on 11 Palmeira Square, which would suffer the greatest impact. The local residents accepted the principle of development on this site and welcomed the community use, but asked that the issue of loss of light be resolved before the application was agreed.

(3) Councillor Caulfield asked if parking in the area was difficult and Mr Tanner agreed that it was but that the area was permitted.

(4) Mr Pickup, the applicant, addressed the Committee and stated that the building had been marketed up to 2007 but had fallen into disrepair and was currently unusable. It was a building of little architectural merit and attracted squatters despite several security measures. A new building was proposed to ensure a mix of use and be of benefit to the community. The building would have full disabled access and all of the units would

comply with lifetime homes standards. Mr Pickup felt that all elements of the scheme were now acceptable, including the loss of light that the neighbouring properties would suffer.

- (5) Councillor Davey asked how the community space would be managed once the development was built, and how many cycle parking spaces there were on site. Mr Pickup replied that the management would form part of the planning obligation and had been designed to be flexible in its use to ensure feasibility. Kitchens could be added to the development if there was a need for them. There were 24 cycle spaces provided at the front and back of the development.
- (6) Councillor Caulfield asked who would manage the community space on a day to day basis, and why it was not considered to put a 10<sup>th</sup> flat in the development instead of a community space. Mr Pickup stated that the management of the community space would be subject to agreement of the planning obligation and the Planning Inspector had rejected a previous appeal on the site because of the lack of community space offered.
- (7) Councillor Mrs Theobald asked if disabled toilets were provided as part of the development, whether there was any car parking available on site and where the obscured glazed windows were situated. Mr Pickup replied that all the toilets were DDA compliant, there was no car parking on site and the obscured glazed windows were part of some bathrooms, some bedrooms and some living accommodation of the units.
- (8) Councillor Smart asked why there were rear balconies if there was no access to them. Mr Pickup explained that part of the design was to step back the building, which created artificial balconies. However, these were not intended for use as such.
- (9) Councillor Smart recognised that the building had been marketed for two years but felt that it was unlikely to find a buyer in its current state and asked why it was allowed to get into disrepair. Mr Pickup agreed and stated that the building had squatters despite the security measures implemented which made it almost impossible to market.
- (10) Councillor Watkins addressed the Committee as Ward Councillor and stated that it was unacceptable that some of the residents would lose up to an hour of sunlight a day due to this development. He felt the facility was underused and had not been marketed properly and although the residents welcomed the community use for the building the current proposals were too high and too intrusive. He also raised concerns about the ongoing management of the community space and felt that these issues should be resolved before the application was approved.

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

- (11) Councillor Kennedy and Councillor Smart expressed concern that this was an archaeological site, and Councillor Kennedy asked if the recommended condition regarding archaeology was strong enough given the sensitivity of the possible remains. The Area Planning Manager (West) confirmed that this was a condition recommended by central government and as a consequence was very robust. The process was clearly defined and took the form of two stages. The development would be closely monitored and progress halted if remains were found on site.

- (12) Councillor Kemble noted that this was to be a car-free development and asked when this was agreed. The Area Planning Manager (West) replied that an agreement to this had been reached on 30 June 2009 and formed part of the policies of Brighton & Hove City Council.
- (13) Councillor Mrs Theobald asked if the general public would be able to use the community space provided with the application, whether any of the units were designated for disabled use and if there was a lift planned as part of the application. The Area Planning Manager (West) stated that a lift was provided, and although all of the units were wheelchair accessible, none were specifically designated for wheelchair disabled use. He was unable to say who would use the community space as this was a matter for the owners of the building, but stated there was an identified need in the area.
- (14) Councillor Mrs Theobald asked if there was any car parking provided on site and the Area Planning Manager (West) replied there was not.
- (15) Councillor Steedman asked where it was stated that the development would be car-free and the Area Planning Manager (West) replied that there was a unilateral agreement between the developers and the Council to this effect.
- (16) Councillor Davey noted the intention for community use of the facility and asked if a Community Facility Management Plan would be drawn up to guarantee this. The Area Planning Manager (West) stated that there could not be a guarantee that the community would use the facility, but the intention of this use could form part of the Section 106 Agreement.
- (17) Councillor Davey asked if the cycle parking area was covered and the Area Planning Manager (West) stated that an informative could be added to the decision to ensure this was the case.
- (18) Mr Small, CAG, asked what the dimensions of the community space would be under the new development. The Area Planning Manager (West) replied that the total community space would be 320 square meters in the new development, which would constitute a loss of 76 square meters from the existing building dimensions.
- (19) Councillor Caulfield asked if the community use could be stipulated as part of the decision to ensure it was not returned to residential use at any point. The Area Planning Manager (West) stated that this would be intrinsic to the decision, but added that if the community space was not being used a further application could be submitted to change the use back to residential.
- (20) Councillor Smart stated that he was worried about the intrusion of the use of the proposed garden on the nearby residential properties and asked what enforcement was available to the Council to ensure the amenity of the neighbours was protected. The Area Planning Manager (West) stated that a condition could be added to improve screening along the garden cartilage and noted that the Environmental Health Department would deal with any statutory nuisance created by the garden and could take enforcement action if necessary.

- (21) Councillor Steedman asked what items could be secured by a Section 106 Agreement and referred specifically to kitchens on the development. The Development Control Manager stated that the Head of Term could be expanded to include this and a management plan for the premises.

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

- (22) Councillor Mrs Theobald welcomed the proposed community space in the building but felt that the application required some car parking facility on site. She felt that the development would increase the number of cars on the street, which was already congested. She also felt that application was too high compared with other buildings on the street and was concerned about the issues of overshadowing that the neighbours would suffer.
- (23) Councillor Smart was also unhappy about the issues of lack of parking and overshadowing, which had not been resolved satisfactorily, and stated he could not support the development.
- (24) A vote was taken and on a vote of 6 for, 4 against and 2 abstentions Minded to Grant planning permission was granted.

96.3 **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 it is Minded to Grant planning permission subject to the conditions and informatives set out in the report and the following additional conditions and informatives:

- (a) A Section 106 obligation to secure the following:
- The provision of the community facility as a community benefit, and
  - A management plan for the community facility to ensure its use as such.
- (b) A condition for the details of the boundary treatment.
- (c) Informative: That the cycle parking area should be a covered area for the storage of cycles in all weathers.

**C. Application BH2009/014000, 32 Redhill Drive, Brighton** – Demolition of existing house and construction of a pair of semi-detached houses.

- (1) The Area Planning Manager (West) gave a presentation detailing the constituent elements of the scheme, and referred to floor plans and elevation drawings. He stated that the application had previously been refused, which was upheld at appeal. The Planning Inspector had agreed with the reasons for refusal regarding the roofscape but did not agree that the neighbours would suffer detrimental impact. The new application sought to resolve this with an increased roof pitch. The development was close to badger sets but a condition to ensure their successful relocation was included in the recommendation.
- (2) Mr Gibson, a local objector, addressed the Committee and stated that the development was inappropriate in terms of size and appearance. The demolition of the detached

residence for two semi-detached residences was out-of-keeping with the area and contravened Brighton & Hove's planning policies. He felt the development felt cramped in and the footprint had increased by 100 percent which would make the building appear bulky and over-dominant. Mr Gibson was concerned about the effect of the hard-standing at the front of the building, and felt that the problem of the badger sets was unresolved. He also felt that the development would create extra parking on the street.

- (3) Ms Cattell, Agent for the applicant, addressed the Committee and stated that the Planning Inspector's decision at appeal had been helpful in designing a more acceptable building. The principle of development on the site was accepted and only the issue of the flat roof had been upheld. Several meetings had taken place between Council Officers and the Design Team to resolve this issue, which she felt the current application did. There was an improved relationship with the frontline of the building and the impact on the neighbours was not significant. The hard-standing to the front of the building would be a permeable surface and the badger sets would be relocated to artificial sets. There were no outstanding statutory objections to the scheme and she urged the Committee Members to support the application.
- (4) Councillor Caulfield asked if development would take place on the site while the badgers were still in their current sets. Ms Cattell stated that the development would take place in accordance with national regulations regarding badger sets on development sites, and would adhere to the advice of the Ecological experts at the Council.

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

- (5) Councillor Caulfield believed it was unusual to move badger sets and asked what would happen if they did not relocate to the artificial sets. The Development Control Manager stated that the Council's Ecologist had not raised any objections to this application and believed it was likely the badgers could be relocated. She noted that there was separate legislation to protect badger sets and the developer would not be able to continue with the development until the badgers were satisfactorily relocated.
- (6) Councillor Smart expressed concerns over the overhang of the building, and the overshadowing this might create for number 30 Redhill Drive. The Area Planning Manager (West) agreed that some morning sun might be lost for this property, but the Planning Inspector had not upheld this as a reason for refusal.
- (7) Councillor Davey noted that the application had been previously refused as the front garden was covered with hard-standing. He asked if a condition could be added to prevent this occurring with the new application. The Development Control Manager stated that permitted development rights could be removed from this property to ensure hard-standing was not laid to the front garden.
- (8) Councillor Mrs Theobald asked if there were any other semi-detached buildings on the street and the Area Planning Manager (West) stated that they were mainly detached residents, but there were several changes in the style of properties along the street.

### Debate and Decision Making Process

(9) Councillor Mrs Theobald stated that she was concerned about the large footprint of the building and felt that it constituted overdevelopment. She felt the neighbours would be overshadowed, the semi-detached properties were out-of-keeping with the area and remained concerned about the successful relocation of the badger sets.

(10) A vote was taken and on a vote of 8 for, 2 against and 2 abstentions planning permission was granted in accordance with the conditions and informatives set out in the report.

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

**D. Application BH2008/01283, 1 Tivoli Crescent, Brighton** – Demolition of existing garages and non original extension, conversion of existing 1<sup>st</sup> and 2<sup>nd</sup> floor maisonette to form a two bed 1<sup>st</sup> floor flat and a one bed 2<sup>nd</sup> floor flat retaining the existing two bed ground floor flat together with the erection of a new three bed house with parking and gardens.

(1) The Area Planning Manager (West) gave a presentation detailing the constituent elements of the scheme, and referred to floor plans and elevation drawings. He stated that the application included sustainability measures and met lifetime homes standards. There was a reduction in car-parking spaces on site but the development was near good public transport and so this was considered acceptable.

### Questions/Matters on Which Clarification was Sought

(2) Mr Small, CAG, asked what material was planned for the roof of the house and the Area Planning Manager (West) stated that this would be a metal and sedum roof with solar panels on the back. Mr Small felt that a metal roof could be intrusive to neighbours and asked if a condition could be added to ensure that a matt finish was used.

(3) Councillor Allen was concerned about the lack of parking as the development was near the parking zone extension area, and asked if the design was appropriate given the uniformity of Edwardian properties on the street. The Area Planning Manager (West) felt that it was not unusual to have striking new developments in uniform areas and they could add to the distinctiveness of the area. The Traffic Manager stated that if the area joined the parking zone the residents of the development and of the area would be required to join a list for a parking permit. He noted that his comments in the report had been made in June 2009, before a new parking zone had been proposed.

(4) Councillor Mrs Theobald was concerned about the light levels for the lower ground floor and the Area Planning Manager (West) stated that light wells to the front and back of the building would provide light for this floor.

### Debate and Decision Making Process

(5) A vote was taken and on a vote of 8 for, 3 against and 1 abstention planning permission was granted in accordance with the conditions and informatives set out in the report.

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

**97. 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**

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

Application	Site Visit Requested By
BH2008/00792, Brighton General Hospital	Development Control Manager

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

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

**Note 1:** All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Director of Environment. The register complies with legislative requirements.

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

**99. CONSIDERATION OF LEGAL MATTERS**

99.1 The Committee considered legal advice received in respect of an outstanding matter and determined to take further action as appropriate.

The meeting concluded at 6.30pm

Signed

Chairman

Dated this

day of





**APPEAL DECISIONS**

	<b>Page</b>
<b>A. ROTTINGDEAN COASTAL WARD</b>	
Application BH2008/03403, St Edmunds, Steyning Road, Rottingdean. Appeal against refusal to grant planning permission for proposed two storey extension. (Delegated Decision) <b>APPEAL DISMISSED</b> (copy of the letter from the Planning Inspectorate attached).	<b>21</b>
<b>B. ROTTINGDEAN COASTAL WARD</b>	
Application BH2008/03450, 105 Tumulus Road, Saltdean. Appeal against refusal to grant planning permission to reinstate 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. (Delegated Decision) <b>APPEAL DISMISSED</b> (copy of the letter from the Planning Inspectorate attached).	<b>25</b>
<b>C. ROTTINGDEAN COASTAL WARD</b>	
Application BH2007/02616, Land at 31 Roedean Crescent, Brighton. Appeal against Enforcement Notice issued following failure to comply with Condition 5 of planning permission granted on 11 September 2007.(Committee Decision) <b>ENFORCEMENT APPEAL DISMISSED</b> (copy of the letter from the Planning Inspectorate attached).	<b>27</b>
<b>D. ST. PETER'S &amp; NORTH LAINE WARD</b>	
Application BH2008/03636, 19 Crescent Road, Brighton. Appeal against refusal to grant planning permission for replacement of 7 aluminium windows to front elevation with PVCU, wood laminate effect, sash windows and replacement of existing timber casement window to dormer with PVCU, wood laminate effect casement. (Delegated Decision) <b>APPEAL ALLOWED</b> (copy of the letter from the Planning Inspectorate attached).	<b>31</b>

## E. WITHDEAN WARD

Application BH2007/04469, 46 Dyke Road Avenue, Brighton. Appeal against refusal to grant planning permission for partial demolition and alterations to existing house and erection of new family home to the rear. (Delegated Decision) **APPEAL DISMISSED** (copy of the letter from the Planning Inspectorate attached).

**33**



# Appeal Decision

Site visit made on 6 July 2009

by **J B Pybus 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](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**7 August 2009**

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## Appeal Ref: APP/Q1445/A/09/2096371

### St Edmunds, Steyning Road, Rottingdean, Brighton, BN2 7GA

- 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 Paul and Mrs Sanoma Evans against the decision of Brighton & Hove City Council.
- The application Ref BH2008/03403, dated 23 October 2008, was refused by notice dated 29 December 2008.
- The development proposed is a two storey extension.

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## Decision

1. The appeal is dismissed.

## Procedural matter

2. The plans upon which the Council's decision is based are Nos 01 A, 02 A, 03 A, 04, 05 A and 06. It is these plans therefore which I consider for the purposes of this appeal. I appreciate that other plans were forwarded in connection with the appeal, namely Nos 01 B, 03 B, 04 A, and Sketches 7 and 7A, and that a planning application for a modified proposal has been submitted to the Council. However, these later plans are not within my jurisdiction, and I therefore confine my consideration to the proposal described by those aforementioned plans.

## Main issues

3. I consider that the main issues in this appeal are the effects of the proposal on:
  - (a) The living conditions of the occupants of neighbouring properties in terms of visual impact, privacy, and sunlight,
  - (b) The character and appearance of the area.

## Reasons

### *Issue (a) Effect on living conditions*

4. The appeal property is a detached dwelling on the north side of Steyning Road. The neighbouring properties on either side are also detached, but of different styles and designs. The part single storey part two storey extension proposed would be at the rear and would have a large 'L' shaped footprint.

An existing conservatory would be removed and the accommodation created would provide on the ground floor an annex for a relative, with a link to a new family room. At the first floor would be a new bedroom and a terrace formed by the flat roof over the family room. Over the single storey part of the annex would be a steep pitched roof.

5. A principal concern of the Council relates to the impact the extension would have on the neighbouring property to the east, Emsworth. The rear wall of Emsworth is set forward about 1m from the existing rear wall of the appeal property, and the side walls of the two properties are about 2.7m apart. The proposed extension would extend about 11m from the existing rear wall, the first 3.7m being two storey with a pitched roof and the remaining single storey section would be about 7.3m in depth, also with a pitched roof. I consider that the combination of the depth and height of the extension would result in an excessively overbearing impact for the occupants of Emsworth, from where I viewed the appeal property, both within the rear garden and from ground and first floor windows to habitable rooms.
6. I also viewed the appeal property from the rear garden and the windows of rear rooms at Rotherdown, the next property to Emsworth. This dwelling is chalet style with a large single storey living room rear extension on the ground floor, from which, due to its depth and position relative to the proposed extension, the view of it would be limited. There would be a clear view of much of the depth of the proposed extension from the rear windows of the upper floors, which are mostly to bedrooms, and from the rear garden. However, whilst the extension would be very apparent, given the overall distance from the extension, with the rear garden of Emsworth intervening, the impact would not be unacceptably overbearing as would be the case for the occupants of Emsworth.
7. Policy QD27 of the *Brighton & Hove Local Plan* states that permission will not be granted for proposals which cause material loss of amenity to adjacent occupiers. Policy QD14, relating to extensions and alterations, contains similar guidance with regard to the affect on neighbouring amenity. I consider that there is material conflict with both these policies in respect of the visual impact of the extension on the occupants of Emsworth.
8. On the matter of privacy, the Council acknowledges that none of the windows in the proposed extension would result in any loss of privacy to neighbouring residents, and subject to obscure glass in the ensuite bathroom on the east elevation, I agree with this position. The issue of privacy is in relation to the terrace over the family room, which would measure about 4.2m by 7m. Although there would be no view of rear windows of Emsworth or the part of the rear garden nearest the house because of the intervening pitched roofs, it would be about 6m from the common side boundary with The Vicarage, the adjacent property to the west.
9. I acknowledge that there is already a small existing terrace which is closer to the boundary of The Vicarage than that proposed, but the effect of a substantial increase in the size of the terrace and the clear view of the garden of that property would result in a materially adverse effect on the privacy

enjoyed by the occupants, notwithstanding the existing vegetation along the boundary. The resultant harm would conflict with policies QD14 and QD27.

10. The concern about loss of light is in relation to the sunlight received by the occupants of Emsworth. The extension in addition to being about 11m deep would be approximately 5m to the eaves of the two storey element and 7.5m to the ridge of the roof. The corresponding heights for the single storey element are 2.7m to the eaves and 5m to the ridge. The rear elevations of the properties are more or less north facing. Whilst the Council points to the loss of some late summer evening sunlight with regard to the rear windows of Emsworth, given the unobstructed sunlight available for much of the day, I do not consider that this amounts to a material loss of sunlight sufficient to conflict with policies QD14 or QD27.
11. I conclude therefore on issue a) that in respect of impact and effect on privacy, there is material conflict with the aforementioned Local Plan policies.

***Effect on character and appearance***

12. The front elevation of the appeal property has a chalet style appearance with somewhat disparate design elements and contrastingly proportioned fenestration. This differs substantially from the rear elevation which has not only a quite different appearance but a much greater sense of unity in its design.
13. Policies QD1 and QD2 of the Local Plan both aim to achieve a high quality of design in new development and QD2 specifically points to the need to take into account the height, scale, bulk and design of existing buildings. In respect of house extensions, this ethos is repeated in policy QD14. The Council's Supplementary Planning Guidance *Roof Extensions and Alterations* and
14. a Supplementary Planning Document *Construction and Demolition Waste* are referred to by the Council, but I am unclear from the written submissions how either of these documents have particular relevance to the appeal.
15. In terms of its detailed design, the extension would relate well to the main rear elevation. Consideration has clearly been given to the form of the roofs of both the single storey and two storey elements, which would be entirely sympathetic to the roof of the main dwelling as seen from the rear. New windows would also reflect the existing in terms of their proportions and timber frames, and the proposed external finish of white render and clay tiles would match the existing. However, the extension in terms of its bulk would be so large in my view that it would not only unacceptably dominate the rear elevation of the appeal property, but would be harmful to the character and appearance of the main dwelling and a discordant element from wherever it would be clearly seen.
16. I appreciate that the extension is not visible from Steyning Road. Furthermore, its view from elsewhere in the public domain, such as from Chailey Avenue which runs at right angles to Steyning Road, would be confined at the most to a very limited part of the structure. However, it

would be clearly seen from neighbouring properties on either side of St Edmunds, and its substantial depth and bulky form would be visually disturbing. In this respect, it would be harmful not only to the occupants of the immediately adjacent properties, but also from Rotherdown, where the full effect of the size and bulk of the extension would be evident from the rear garden. For these reasons I consider that there would be harm to the general character and appearance of the area and clear conflict with policies QD1, QD2 and QD14.

### **Conclusions**

17. I find against the appeal proposal in respect of both main issues. I appreciate the personal circumstances for requiring the annex part of the proposed extension, namely to provide accommodation for a dependant relative with an element of self containment. However, these circumstances do not outweigh the harm which I have identified. The appeal will therefore be dismissed.

*J B Pybus*

INSPECTOR



# Appeal Decision

Site visit made on 18 June 2009

by **Y Mwanza BA(Hons) 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](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**18 August 2009**

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## Appeal Ref: APP/Q1445/A/09/2099045

### 105 Tumulus Road, Saltdean, Brighton, BN2 8HG

- 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 Christopher Blay against the decision of Brighton and Hove City Council.
- The application Ref BH2008/03450, dated 28 October 2008, was refused by notice dated 15 January 2009.
- The development proposed is the reinstatement 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.

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## Decision

1. I dismiss the appeal.

## Main issues

2. I consider the main issues to be firstly the effect of the development on the supply of small family dwellings, and secondly whether the development would provide satisfactory living conditions for future occupiers.

## Reasons

### *Supply of small family dwellings*

3. Policy HO9 of the Brighton & Hove Local Plan (BHLP) relates to residential conversions and the retention of smaller dwellings. The Policy in part (b) states that conversion schemes should provide at least one unit suitable for family accommodation with a minimum of two bedrooms.
4. The proposal would retain a 2 bedroom unit and therefore complies with Policy HO9(b) of the BHLP. I conclude on the first main issue that the proposal would not have a detrimental impact upon the supply of small family dwellings.

### *Living conditions*

5. Policy HO9(a) of the BHLP states that conversions will be permitted where the original floor area is greater than 115sqm. From my analysis the original floor area without the attached annex would be about 69sqm and results in an area well below the threshold.
6. I am of the opinion that the building is not of sufficient size to be divided. The internal layout of the proposed 1 bed unit would be cramped and would fail to

provide satisfactory access to all rooms, with access to the lounge only possible via the kitchen. In my view the development would result in substandard accommodation for future occupiers.

7. I conclude on the second main issue that the conversion would result in an unsatisfactory living environment for future occupiers and the proposal would conflict with Policy HO9(a) of the BHLF.

**Conclusion**

8. Despite my conclusion on the first main issue, this is not sufficient to outweigh the harm I identified on the second main issue. I conclude the proposal would conflict with the provisions of the BHLF. Therefore, for the reasons given above and having regard to all other matters raised, I conclude the appeal should be dismissed.

*Y Mwanza*

INSPECTOR





# Appeal Decision

Site visit made on 7 August 2009

by

**Jane V Stiles** BSc(Hons)Arch DipArch RIBA DipLA MLI PhD 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](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**24 August 2009**

## Appeal Ref: APP/Q1445/C/08/2091874

### Land at 31 Roedean Crescent, BRIGHTON, BN2 5RG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mark Lloyd against an enforcement notice issued by Brighton & Hove City Council.
- The notice was issued on 6 November 2008.
- The breach of planning control alleged in the notice is failure to comply with condition No. 5 of a planning permission Ref BH2007/02616 granted on 11 September 2007.
- The development to which the permission relates is two storey pitched roof side extension and roof conversion (including 2 front dormers and 3 rear dormers). The condition in question is No. 5 which states that: The 3 no. dormers in the rear roof slope shall not be glazed otherwise than with obscured glass and the lower sections of all 3 dormers shall be fixed shut and thereafter permanently retained as such. The notice alleges that the condition has not been complied with in that there is clear glazing to three rear dormer windows which are conditioned to be obscure glazed with the lower portion fixed shut.
- The requirements of the notice are to:
  - a) Obscure glaze the central rear roof dormer.
  - b) Remove side hung, centrally opening, double glazed windows from the two rear roof dormers (either side of the central dormer) and replace with obscure glazed windows, either fixed shut or with the bottom section fixed shut and a top hung opening ventilation window.
- The period for compliance with the requirements is 4 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.

## Decision

1. I dismiss the appeal and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

## Procedural matters

2. The present owners purchased the appeal property in February 2008. At that time, planning permission Ref: BH2007/02616 had been granted for a two storey pitched roof side extension and roof conversion (including 2 front dormers and three rear dormers) subject to 9 conditions but it had not been implemented.

3. The appellant has developed the property, albeit not in accordance with the permission BH2007/02616 but it is only the construction and glazing of the windows in the 3 rear dormers which are the subject of the enforcement notice.

### **Main issue**

4. The main issue in this appeal is the effect of the roof conversion on the living conditions of adjoining residential occupiers by reason of overlooking and loss of privacy.

### **Reasons**

5. The deemed planning application (dpa) is to carry out the development without compliance with condition 5 from the date on which development was carried out (s73A(3)(a)).
  6. The reason given for imposing condition 5 states: *To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton and Hove Local Plan.*
  7. Policy QD14 will only permit rooms in the roof if the proposed development would not result in significant loss of privacy to neighbouring properties; while Policy QD27, amongst other things, endeavours to protect existing residents from loss of amenity. The supporting text to Policy QD27 makes it clear that residents and occupiers can be seriously affected by changes in overlooking and privacy.
  8. Although the appeal dwelling (No. 31) lies on a north-south axis, its garden lies on a north-north-east to south-south west axis. The appeal dormers face more or less due north. The land rises up from Roedean Crescent towards the rear of the property with the open countryside of the South Downs beyond the appellant's rear boundary. The ridge of No. 31 is higher than that of the adjoining properties at Nos. 29 and 33 and neither of the adjoining properties has dormer windows in their roofs.
  9. The approved plans show a larger central dormer window set between a matching pair of smaller dormers. All 3 windows were shown with a central vertical glazing bar and a horizontal glazing bar which divided each respective window with 1/3 above the bar and 2/3 below the bar.
  10. However, in this case, the appellant has glazed the central dormer with one clear sheet of glass and there is no provision for it to be opened. The 2 smaller dormers on either side each have a pair of clear glazed windows that are side hung and which are not divided with a horizontal glazing bar.
  11. I saw on site that the westernmost dormer serves a bedroom; the central dormer serves a staircase and the easternmost dormer serves a bathroom. From the westernmost dormer it is possible to see across almost the full width and depth of the rear garden to No. 29. From the easternmost dormer it is possible to see across almost the full width of the rear garden of No. 33 and the greater part of the depth of that garden. From the central dormer, there are similar but more limited views of the rear gardens of Nos. 29 and 33. In my conclusion, therefore, the appeal dormers, taken by themselves, have resulted in a high degree of overlooking and a significant loss of privacy in conflict with the aims of Policies QD14 and QD27.
-

12. First, I acknowledge that there is an existing east facing bedroom window in the flank wall of No. 31, at first floor level, from which the appellant could, if he so wished, overlook a part of the garden of No. 33. However, views of No. 33 from that window are oblique as that window is located towards the front of the property rather than the rear; and the direct view from that window is of the facing flank wall of No. 33. Secondly, I acknowledge that there is an existing west facing bedroom window at first floor level from which the appellant, if he so wished, could obtain a view of the garden of No. 29. Thirdly, I acknowledge that there is a degree of overlooking of both Nos. 29 and 33 from the first floor rear windows of No. 31, although this would appear to be largely obscured by vegetation in the summer months. By contrast, the dormer windows are too high up to be obscured by planting. Finally, I acknowledge that walkers and ramblers utilising the footpath in the open fields alongside No.33 could potentially look over the boundary fence into the rear garden of No. 33.
13. Nevertheless, in my view, it is not acceptable to insert 3 windows which result in a high degree of overlooking and loss of privacy simply because other opportunities for overlooking already exist. In any event, the introduction of 3 clear glazed dormer windows has changed the degree of overlooking in a negative way such that the level of privacy enjoyed by the adjoining neighbours has diminished. Therefore, these dormer windows are in conflict with Policies QD14 and QD27 of the Brighton and Hove Local Plan.
14. I have taken account of all other matters raised in this appeal. However, first there is no right to a view, in any event. Secondly, in this particular case, the fitting of obscured glass would deprive the appellant of a view that he was not entitled to in the first place by virtue of condition 5. Thirdly, it is a matter for the appellant if he chooses to utilise the bedroom in the roofspace as his 'main bedroom'. From the plans submitted there are 4 double bedrooms at first floor level with en suite bathrooms, one of which also has an en suite dressing room. In any event, the bedroom in the roof space has the benefit of a clear glazed dormer to the front. Finally, in my view, there is sufficient means of ventilating the rooms in the roof space.
15. The appeal on ground (a) therefore fails.

*Jane V Stiles*  
INSPECTOR





# Appeal Decision

Site visit made on 25 August 2009

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

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

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

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**4 September 2009**

## Appeal Ref: APP/Q1445/A/09/2100462 19 Crescent Road, Brighton, BN2 3RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr. and Mrs. Merlo against the decision of Brighton & Hove City Council.
- The application, ref. BH2008/03636, dated 17 November 2008, was refused by notice dated 28 January 2009.
- The development proposed is *Replace 7 aluminium windows to front elevation with PVCU, wood laminate effect, sash windows and replace existing timber casement window to dormer with PVCU, wood laminate effect casement.*

### Decision

1. I allow the appeal and grant permission for the replacement at 19 Crescent Road of seven aluminium framed windows on the front elevation with PVCU, wood laminate effect, sash windows and the replacement of a timber dormer window with a PVCU, wood laminate effect casement, in accordance with the terms of the application dated 17 November 2008, ref. BH 2008/03636, and the details submitted therewith, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development shall not be carried out otherwise than in strict accordance with the drawings and specifications submitted.

### Main issue

2. The main issue is the effect that the development would have on the appearance of the building and on the character and appearance of the Round Hill Conservation Area.

### Reasons

3. The appeal property is within a terrace of two storey houses on the east side of the street; it has a dormer addition on the front roof slope. It is proposed to replace the existing aluminium framed windows to the two storey front bay and the smaller first floor window with PVCU sliding sashes with wood effect laminate finish from the "Bygone" Collection by Masterframe Ltd. The dormer casement would be replaced by a wood laminate effect casement.
4. I saw that in the conservation area, characterised by terraces of Victorian dwellings, many of the original timber framed sash windows have been replaced by others that are not sympathetic to the originals in materials and/or

design, with PVCU being the most common replacement material. In the terrace of 30 properties on the east side of Crescent Road, well over half, including the appeal property, fall into this category.

5. I appreciate that most of the alterations were probably carried out before the making of an Article 4 Direction in 2001. I also recognise the importance of restoring, where possible, significant original features and therefore I understand the Council's preference for timber framed sash windows.
6. However, the appellant points out that the wood laminate effect finish to be used in this case much more closely resembles painted timber than the shiny PVCU that is often used in replica sashes. Reference is made to an appeal decision (APP/C0630/A/05/1188575) involving a terrace cottage in a conservation area, where the Inspector stated that the effect of the window, from the same Masterframe Bygone Collection, already installed, was so convincing that it was difficult to distinguish between it and a traditional sliding sash window, even at close quarters. The only detail that the Inspector found slightly contrived was the sash "horns" that appeared to be bolted on.
7. In the present case, the detail would very closely replicate traditional details, including butt joints between the lower rails and the side rails and continuous decorative horns rather than add-ons as seen elsewhere and referred to in the above appeal decision.
8. As for the dormer, the only one in the terrace and not an original feature, I consider that it would be appropriate for the finish to match that on the lower floors and for the window pattern to match the existing.
9. The proposed new windows would provide improved energy efficiency and comfort for the appellants. They would significantly enhance the present appearance of the building and the appearance of the conservation area. In contrast to the two appeal cases referred to by the Council (APP/Q1445/A/08/2072187) and (APP/Q1445/A/08/2089238), where the replacement windows would have perpetuated existing incongruous alterations to original terraces, the present proposal would involve removal of an existing incongruous feature and the installation of a very close replica of the original.
10. In my opinion the new windows, although not an exact replica, would accord with the objectives of policy QD14 (Extensions and alterations) and HE6 (Conservation Areas) in the Brighton and Hove Local Plan 2005 and in this particular case would be an appropriate replacement for the existing.
11. I do not consider that it is necessary to require further detailed drawings as suggested by the Council, but I do consider it necessary to require strict adherence to the submitted specifications.

*R.A.Hersey*

INSPECTOR



# Appeal Decision

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

by **Elizabeth Lawrence** BTP 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:**  
**14 August 2009**

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**Appeal Ref: APP/Q1445/A/09/2098676/NWF**  
**46 Dyke Road Avenue, Brighton, East Sussex, BN1 5LE.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs C Collins against the decision of Brighton and Hove City Council.
  - The application Ref BH2007/04469, dated 30 November 2007, was refused by notice dated 21 January 2009.
  - The development proposed is described as partial demolition and alterations to existing house and erection of new family home to the rear.
- 

## Preliminary Matters

1. Prior to the determination of the planning application by the Council various revised drawings were submitted. The Council's decision is based upon some of the revised drawings and some of those originally submitted with the application. The Council confirmed at the Hearing that it has no objections to all of the revised drawings being considered and that to do so would not cause prejudice to any party. I agree and accordingly my decision is based upon drawing Nos. TA 282/01 to /06, TA 282/10A to 14A and TA 282/SK10A to 14A.
2. There area number of discrepancies on drawings TA 282/SK10A to 14A, although in view of their minor nature they could be adequately dealt with through the imposition of a planning condition.

## Decision

3. I dismiss the appeal.

## Main issue

4. The main issue is the effect of the scheme on the character and appearance of the surrounding area, which is within the recently extended Tongdean Conservation Area.

## Reasons

5. This part of the Tongdean Conservation Area is characterised by large detached Edwardian dwellings occupying substantial mature landscaped plots. The original building on the Appeal site comprised a single dwelling, although it has since been extended and currently forms a pair of semi-detached dwellings. The northernmost dwelling has the appearance of an ancillary dwelling to the main house, with a commensurate comparatively small rear garden. As a result this garden area, which follows the prevailing east/west orientation of rear gardens in the immediate area, blends in satisfactorily with the character and appearance of the area, despite its limited size.
  6. The proposed dwelling would occupy a larger plot than the dwelling it would replace and would be comparable in size to the adjoining plots to the east and north. The
-

proposed garden area to serve the original dwelling would remain substantial in size and whilst smaller would not be out of keeping with the adjoining and nearby rear gardens of the houses fronting Dyke Road Avenue.

7. However a considerable proportion of the Appeal site would be developed for the proposed dwelling and associated access, parking and other hard surfacing. In addition, the site would be enclosed on 3 sides by tall mature planting and the dwelling, due to its size and central siting, would dominate the whole plot. As a result of these factors the development would appear cramped and out of keeping with its spacious and verdant surroundings.
8. By comparison the approved dwelling on the site to the east would be sited towards the northern end of its plot resulting in a rear garden area of over 13 metres in depth. At the same time it would relate closely to the more intensive development in Wayland Heights due to its siting, design and access arrangements.
9. Due to its contemporary design of the proposed dwelling would be particularly noticeable within the rear garden environment, where together with the cramped nature of the overall development it would form a discordant feature between the spaciouly sited, traditionally designed dwellings to west, north and east. In particular the proposed flat and low-pitched roofs would fail to respect or blend in with the surrounding development.
10. The proposed alterations to the existing dwelling would respect the character and appearance of the original building and would enhance its appearance in the street scene. Although a new access drive would be provided adjacent to the northern boundary of the site it would be largely screened from the street scene and the surrounding area by mature planting. As such this part of the scheme would enhance the character and appearance of the Conservation Area. Despite this in this instance such benefits would be outweighed by the significant harm that would be caused by the proposed dwelling and level of hard surfacing at the rear of the site. Overall the scheme would harm the character and appearance of the Conservation Area.
11. I fully appreciate that in accordance with policy QD3 of the Brighton and Hove Local Plan 2005 and the advice given in Planning Policy Statement 1 (PPS1) – *Delivering sustainable development* and PPS3 - *Housing*, where possible higher density housing should be accommodated and full and effective use of sites is advocated. However that is provided any development could be satisfactorily assimilated into its surroundings, in accordance with policies QD1, QD2, QD3 & HE6 of the Local Plan and the design advice given in PPS1 and Planning Policy Guidance Note 15 – Planning and the Historic Environment. Amongst other things the above policies require development to be designed to a high standard, take into account the local characteristics and preserve or enhance the character or appearance of conservation areas. In this instance the benefits of replacing the attached dwelling with a detached dwelling would be outweighed by the detrimental effect the scheme would have on the surrounding area.
12. I have also taken into account other “backland” developments approved in the locality and in particular that at 11 Tongdean Road. Whilst it was not possible to see the site clearly from the highway, from the drawings I was given it appears to have more space around the site and is located along a stretch of the road where building lines are more informal. Similarly none of the other sites I viewed were directly comparable to the appeal site.
13. For the reasons given above I conclude on the main issue that the proposal would fail to preserve or enhance the character or appearance of the Tongdean Conservation Area and would unacceptably harm the character and appearance of its surroundings. Accordingly it would conflict with the policies and advice referred to.



### **Other Matters**

14. In relation to living conditions the proposed driveway would be separated from the property to the north, "Baronsmead" by a substantial amount of planting. Although the use of the driveway would be noticeable by the occupants of that property, with the use of appropriate surfacing to minimise noise and any compaction to the roots of trees and shrubs, together with an acoustic fence and additional planting where required, the living conditions of the occupants of "Baronsmead" would not be materially affected. It would also satisfactorily address the concerns expressed about light pollution.
15. The proposed dwelling would be visible from nearby and adjacent properties, particularly during the winter months, where for the reasons given above the development would appear cramped and out of keeping with its surroundings. Notwithstanding this, in view of the distances involved and the orientation of the proposed dwelling it would not materially harm the living conditions of the occupants of those properties with regard to privacy or overbearing visual impact. I am also not convinced from the evidence before me that the proposal would have a materially adverse impact on the health of any trees in the immediate vicinity of the Appeal site.
16. The proposed dwelling would result in loss of privacy within the proposed rear garden to the host property. However in view of the distance between the existing and proposed dwellings and the ability to impose a condition, requiring screen fencing and planting, in itself this would not amount to a reason for dismissing this Appeal.

### **Conclusion**

17. Having regard to my conclusion on the main issue and all other matters raised, including the Tongdean Neighbourhood appraisal, I conclude that the Appeal should be dismissed.

*Elizabeth Lawrence*

INSPECTOR

DOCUMENTS

- 1 Hearing Notification Letter
- 2 Record of Attendance
- 3 Appeal decision relating the land east of the Appeal site
- 4 Tongdean Neighbourhood Appraisal

PLANS

- A TA 282/SK10A -14A

# PLANNING COMMITTEE

## Agenda Item 110 Brighton & Hove City Council

### WARD

APPLICATION NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION

APPEAL STATUS  
APPEAL RECEIVED DATE  
APPLICATION DECISION LEVEL

### **BRUNSWICK AND ADELAIDE**

BH2009/00915  
18B Salisbury Road, Hove  
Conversion of existing flat into two separate dwellings.  
APPEAL LODGED  
13/08/2009  
Delegated

### WARD

APPLICATION NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION

APPEAL STATUS  
APPEAL RECEIVED DATE  
APPLICATION DECISION LEVEL

### **WOODINGDEAN**

BH2009/00641  
146 Bexhill Road, Woodingdean, Brighton  
Erection of single storey front extension.  
APPEAL LODGED  
18/08/2009  
Delegated

### WARD

APPLICATION NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION

APPEAL STATUS  
APPEAL RECEIVED DATE  
APPLICATION DECISION LEVEL

### **EAST BRIGHTON**

BH2009/00521  
12 Princes Terrace, Brighton  
Demolition of existing detached garage and erection of a new two-storey side extension incorporating new garage.  
APPEAL LODGED  
18/08/2009  
Delegated

### WARD

APPLICATION NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION

APPEAL STATUS  
APPEAL RECEIVED DATE  
APPLICATION DECISION LEVEL

### **WITHDEAN**

BH2009/00413  
Regency Court, London Road, Brighton  
Three storey development above existing garage block to create a 4 storey block of 6 no. two bedroom flats with roof top garden, cycle and refuse stores and ground level parking.  
APPEAL LODGED  
19/08/2009  
Delegated

### WARD

APPLICATION NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION

### **REGENCY**

BH2009/00739  
30 Vernon Terrace, Brighton  
Certificate of lawfulness for an existing use of a roof terrace.

APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 19/08/2009  
APPLICATION DECISION LEVEL Delegated

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**WARD** **ST. PETER'S & NORTH LAINE**  
APPLICATION NUMBER BH2009/01195  
ADDRESS 12 Frederick Street, Brighton  
DEVELOPMENT DESCRIPTION Change of use from (B1) office to (C3) dwelling house.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 24/08/2009  
APPLICATION DECISION LEVEL Delegated

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**WARD** **WESTBOURNE**  
APPLICATION NUMBER BH2009/00526  
ADDRESS 14 Princes Square, Hove  
DEVELOPMENT DESCRIPTION Single storey rear extension and re-cladding to existing pool building.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 25/08/2009  
APPLICATION DECISION LEVEL Delegated

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**WARD** **PATCHAM**  
APPLICATION NUMBER BH2009/01170  
ADDRESS Plots 1 & 2 Land Adjoining Sidney Cottage, Braypool Lane, Brighton  
DEVELOPMENT DESCRIPTION Outline application for the erection of two detached chalet bungalow style dwellings (one storey with rooms in roof level over).  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 25/08/2009  
APPLICATION DECISION LEVEL Delegated

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**WARD** **STANFORD**  
APPLICATION NUMBER BH2008/03363  
ADDRESS 59 Cranmer Avenue, Hove  
DEVELOPMENT DESCRIPTION Extension and conversion of existing garage to form a self-contained residential unit.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 24/08/2009  
APPLICATION DECISION LEVEL Delegated

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**WARD** **STANFORD**  
APPLICATION NUMBER BH2009/00579  
ADDRESS Land Rear of 1 Orchard Avenue, Hove  
DEVELOPMENT DESCRIPTION Use of site as a car park. ( Retrospective ).  
APPEAL STATUS APPEAL LODGED

APPEAL RECEIVED DATE  
APPLICATION DECISION LEVEL

25/08/2009  
Environmental Services Planning Committee

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**WARD**

APPLICATION NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION  
APPEAL STATUS  
APPEAL RECEIVED DATE  
APPLICATION DECISION LEVEL

**WITHDEAN**

BH2008/03943  
195 Surrenden Road, Brighton  
Erection of detached garage.  
APPEAL LODGED  
24/08/2009  
Delegated

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**WARD**

APPLICATION NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION  
  
APPEAL STATUS  
APPEAL RECEIVED DATE  
APPLICATION DECISION LEVEL

**MOULSECOOMB & BEVENDEAN**

BH2008/03736  
Land adjacent to 12 Hornby Road, Brighton  
Construction of new two-storey, three bedroom  
detached dwelling.  
APPEAL LODGED  
01/09/2009  
Delegated

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**WARD**

APPLICATION NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION  
  
APPEAL STATUS  
APPEAL RECEIVED DATE  
APPLICATION DECISION LEVEL

**WESTBOURNE**

BH2008/02488  
121 Portland Road, Hove  
Installation of extract equipment to pass  
through adjacent shop, exiting at lightwell and  
termination above dormer roof level.  
APPEAL LODGED  
01/09/2009  
Delegated

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**Brighton & Hove  
City Council**

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES**  
**23<sup>rd</sup> September 2009**

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

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**Land rear of 140 – 146 Springfield Road, Brighton**

Planning application no: BH2008/03194  
Description: Erection of a terrace of 4 no. two bedroom dwellings.  
Decision: Committee  
Type of appeal: Public Inquiry  
Date: Tuesday 29<sup>th</sup> September – Thursday 1<sup>st</sup> October  
Location: Hove Town Hall

**53a New Church Road, Hove**

Planning application no: BH2009/00837  
Description: Demolition of existing dwelling and the erection of 3no. detached houses with ancillary landscaping works.  
Decision: Delegated  
Type of appeal: Informal Hearing  
Date: Tuesday 20<sup>th</sup> October  
Location: Hove Town Hall

**Land at Brighton Marina**

Planning application no: BH2007/03454  
Description: Demolition of Asda superstore to create 3 -10 storey building with enlarged store (3112 sqm increase) and 2,025 sqm of other Class A1-A5 (retail/restaurant/drinking) uses on ground floor with 779 residential units above and community hall and new pedestrian/cyclist bridge link from cliff to roof of building and associated engineering works. Demolition of petrol filling station to create 28 storey building with 182 sqm of Class A uses at ground floor and 148 residential units above. Demolition of McDonalds restaurant to create 5 - 16 storey building with enlarged drive-thru restaurant (285 sqm increase) and 131sqm of other Class A uses and 222 residential units above. Demolition of estates office to create 3-4 storey building of 35 residential units. Demolition of western end of multi-storey car park to create 6-11 storey building adjacent to western breakwater of 117 residential units with stair access from breakwater to Park Square. Demolition of part of the eastern end of multi-storey car park to create single storey petrol filling station, pedestrian footbridge and new lift and stair access. Total: 1301 residential units. Associated car parking spaces (805 residential, 666 commercial), cycle parking (1907 residential, 314 in public realm), servicing, plant, refuse, CHP unit, public and private amenity space, hard & soft landscaping and outdoor recreation areas. Change of use of

two A1 retail units (524 sqm) within Octagon to medical use (Class D1).  
Alterations to vehicular, pedestrian and cyclist access and circulation,  
including new roundabout and transport interchange behind Waterfront.

Decision: Committee  
Type of appeal: Public Inquiry  
Date: Tuesday 3<sup>rd</sup> November – Friday 6<sup>th</sup> November  
Tuesday 10<sup>th</sup> November – Friday 13<sup>th</sup> November  
Tuesday 17<sup>th</sup> November – Friday 20<sup>th</sup> November  
Tuesday 24<sup>th</sup> November – Wednesday 25<sup>th</sup> November  
Tuesday 1<sup>st</sup> December – Friday 4<sup>th</sup> December  
Tuesday 8<sup>th</sup> November – Wednesday 9<sup>th</sup> November  
Location: Brighton Centre – East Wing

### **30 Vernon Terrace, Brighton**

Planning application no: BH2009/00739  
Description: Certificate of lawfulness for an existing use of a roof terrace.  
Decision: Delegated  
Type of appeal: Public Inquiry  
Date:  
Location:

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

Planning application no: BH2008/03640  
Description: Demolition of former residential language school and erection of 5  
storey block of 72 flats.  
Decision: Committee  
Type of appeal: Informal Hearing  
Date:  
Location:



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