





Brighton & Hove
City Council

Planning Committee

Title:	Planning Committee
Date:	13 January 2010
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Hyde (Chairman), Wells (Deputy Chairman), Carden (Opposition Spokesperson), Caulfield, Cobb, Davey, Hamilton, Kennedy, McCaffery, Smart, Steedman and C Theobald Co-opted Members: Mr J Small (CAG Representative)
Contact:	Penny Jennings Senior Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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AGENDA

182. 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.

183. MINUTES OF THE PREVIOUS MEETING

1 - 16

Minutes of the meeting held on 16 December 2009 (copy attached).

184. CHAIRMAN'S COMMUNICATIONS

185. PETITIONS

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

186. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 7 January 2010)

No public questions received by date of publication.

187. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 7 January 2010)

No deputations received by date of publication.

PLANNING COMMITTEE

188. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

189. LETTERS FROM COUNCILLORS

No letters have been received.

190. NOTICES OF MOTION REFERRED FROM COUNCIL

No Notices of Motion have been referred.

191. APPEAL DECISIONS

17 - 40

(copy attached).

192. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

41 - 42

(copy attached).

193. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

43 - 44

(copy attached).

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

195. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST: 13 JANUARY 2010

(copy circulated separately).

196. 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

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

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

PLANNING COMMITTEE

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

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

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

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

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

Date of Publication - Tuesday, 5 January 2010

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 16 DECEMBER 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Wells (Deputy Chairman), Allen, Carden (Opposition Spokesperson), Cobb, Davey, Kemble, McCaffery, Smart, Steedman, Taylor and C Theobald

Co-opted Members Mr J Small (CAG Representative)

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

PART ONE

166. PROCEDURAL BUSINESS

166A. Declaration of Substitutes

166.1 Councillors Allen, Kemble and Taylor were in attendance as substitute Members for Councillors Hamilton, Caulfield and Kennedy respectively.

166B. Declarations of Interest

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

166C. Exclusion of the Press and Public

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

167. MINUTES OF THE PREVIOUS MEETING

167.1 **RESOLVED** - That the Chairman be authorised to sign the minutes of the meeting held on 25 November as a correct record.

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

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

169. PETITIONS**169A Petition: Application BH2009/01845, 9 Challoners Close, Rottingdean**

169.1 The Chairman agreed to accept the following petition received in relation to the above application which was due to be considered on that day's agenda

"We the undersigned, being residents of Rottingdean and occupiers of properties in the vicinity of the application suite, wish to register our strongest possible objection to the above planning application for the following reasons:

- The gross overdevelopment of a small compressed back garden site.
- The overbearing impact of the proposed house on the setting of "Challoners", a listed building of great historic importance to the village, adjoining the application site.
- The detrimental impact on the Rottingdean Conservation Area which adjoins the application site – particularly in terms of views into and out of the Conservation Area.
- The fact that the proposed house will be entirely out of keeping and scale with its neighbours in Challoners Close in terms of design, street frontage and size to the detriment of the streetscene of the Close.
- The unacceptable overlooking and loss of privacy the proposed house would cause to three immediate neighbouring properties - namely "Challoners", 14 Challoners Close and 8 Northgate Close." (160 signatures).

169.2 **RESOLVED** - That the contents of the petition be received and noted.

16
9B Petition from Friends of London Road Station Old Railway Allotments (FLORA)

169.3 The Chairman referred to the above petition containing 213 signatures which had formed the subject of a report circulated with the main agenda (for copy see minute book).

169.4 **RESOLVED** - That the contents of the petition be received and noted.

170. PUBLIC QUESTIONS

170.1 There were none.

171. DEPUTATIONS

171.1 Mrs Griffin presented a deputation on behalf of the Friends of London Road Station Old Railway Allotments (FLORA) (for copy see minute book).

171.2 The Chairman responded the submitted deputation in the following terms:

“The Development Control Team has a responsibility to ensure that conditions attached to all permissions are discharged and where appropriate enforcement action is taken. There has already been a considerable amount of shared information and correspondence with residents in relation to this site and others in the immediate vicinity. This contact has mainly been with FLORA. The Local Development Framework Team continues to work on the development policies which guide and inform decision making on individual planning applications. FLORA has already been making submissions to inform that emerging work.”

171.3 Mrs Griffin amplified on the wording contained in her submitted Deputation and raised additional points which the Development Control Manager agreed would be addressed in the response sent to her following the meeting.

171.4 **RESOLVED** - That the contents of the Deputation and of the response given be received and noted.

172. WRITTEN QUESTIONS FROM COUNCILLORS

172.1 There were none.

173. LETTERS FROM COUNCILLORS

173.1 There were none.

174. NOTICES OF MOTION REFERRED FROM COUNCIL

174.1 There were none.

175. APPEAL DECISIONS

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

176. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

177. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

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

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

Application:	Site Visit requested by:
BH2009/02331, Land East of West Pier, Esplanade, King’s Road (Brighton O Wheel)	Development Control Manager

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

(i) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY

A. Application BH2009/02276, Sussex County Cricket Club, Eaton Road, Hove – Redevelopment of the County Ground consisting of demolition of Gilligan Stand and replacement with new South Stand and demolition Wilbury and Southwest Stands and replacement with new Southwest Stand. Provision of new hospitality buildings, extension to indoor cricket school and refurbishment of Members’ Pavilion.

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

(2) The Interim Senior Team Planner, Mr Ellwood gave a detailed presentation setting out the constituent elements of the proposals. He informed the Committee that the applicants had requested that Condition 18 be amended to require details of the lighting/landscaping proposed to be submitted prior to commencement of the piazza, this was considered to be reasonable. It was also recommended that Condition 19 be amended in the terms set out in the circulated Late Representations List.

Questions/Matters on Which Clarification was Sought

- (3) Councillor Steedman enquired regarding the roofing materials proposed for the tension fabric peaked roof, some materials could weather very poorly. It was explained that a thick canvas material which had received a special surface treatment would be used.
- (4) Mr Small, CAG enquired regarding the statement that some of the materials used would be “semi-permanent” It was explained that the buildings would be of durable but not permanent materials e.g. brick/concrete.
- (5) Councillor C Theobald enquired whether there would be an increase in the level of seating/parking overall and it was confirmed that there would not, although the amount of permanent seating would be increased. Councillor Theobald also asked whether there would be any increase in the number of toilets available for the disabled. It was confirmed that the Cricket Club would need to meet Disability Discrimination Requirements.

Debate and Decision Making Process

- (6) Councillor C Theobald stated that she supported the scheme which she considered represented an improvement of that previously submitted.
- (7) Councillor Carden also expressed his support for the scheme.
- (8) Councillor Steedman expressed support for the scheme but requested that a condition be added requiring samples/details of proposed materials to be submitted and approved by the Council. Members of the Committee agreed that this would be appropriate.
- (9) A vote was taken and Members voted unanimously that planning permission be granted.

179.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report to the suggested amendments to Conditions 18 and 19 and to a condition requiring details of materials to be submitted as set out in paragraph (8) above and below.

Amended Conditions

18. Prior to the commencement of the construction of the south-west stand, full details of the surfacing, lighting and landscaping of the Piazza shall be submitted at a scale of 1:20 and agreed in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

19. Prior to their installation, full details of the solar panels and rainwater storage facilities to be incorporated in the Southwest stand shall be submitted at a scale of 1:20 and agreed in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

Additional Informative

7. In accordance with the requirements of condition 2 as attached to the permission, in the interests of the visual amenities of the area the Local Planning Authority would expect the roofing material to be used on the Hospitality, Players Club and Executive Suite buildings to be suitably hard-wearing and designed such that it will not easily deteriorate.

B. Application BH 2009/01811, 112 – 113 Lewes Road, Brighton - Erection of 4 storey building providing retail on ground and first floors and 12 self contained flats on ground and upper floors.

- (1) The Planning Officer, Mr Thatcher, gave a presentation detailing the changes between the submitted scheme and that refused in May 2009. It was considered that the previous grounds for refusal had been overcome and a minded to grant approval was recommended.

Questions/Matters on Which Clarification was Sought

- (2) Councillor Davey sought confirmation regarding the size of the proposed retail floor space and whether access to that located at first floor level would be accessed via a spiral staircase and it was confirmed that it would.
- (3) Councillor Taylor referred to that fact that the prevailing trend tended to be towards local supermarkets opened by large high street names enquiring whether that represented a material consideration when considering the application before Committee. It was confirmed that it did not.
- (4) Councillor Taylor also asked if the end retail user was known and where deliveries would take place from. In his view the type and frequency of deliveries and where they would take place from were relevant.
- (5) Councillor Taylor also enquired regarding potential increased levels of emissions associated with the development and whether account had been taken of the close proximity of the new dwellings to an air quality maintenance area. Whilst no specialist officer was present to address this matter the Chairman pointed out that the Environmental Health Officer had raised no objections to the proposed development on air quality grounds and that overall officers considered that the previous grounds for refusal had been overcome.

- (6) Councillor C Theobald asked to see elevational drawings indicating the differences in external appearance between the two schemes and regarding disabled access. The Principal Transport Planning Officer confirmed that there were no concerns relating to disabled access to the site.
- (7) Councillor Taylor enquired regarding any proposed noise mitigation measures to be imposed. He considered that in view of the inclusion of a retail element within the building and its location adjacent to a major road this could be a very noisy location for residential dwellings. The Planning Officer responded that conditions were proposed relating to sound insulation and other mitigation measures.

Debate and Decision Making Process

- (8) Councillor Taylor stated that he felt unable to support the application as he considered that the arrangements for deliveries were uncertain, he also considered that the lack of on site shared amenity provision was unacceptable.
- (9) Councillor Cobb also considered that the scheme was unacceptable considering that the density of the proposed development was too great and, although improvements were to be funded at Saunders Park as this had to be accessed by crossing a busy main road she did not consider it acceptable.
- (10) A vote was taken and on a vote of 10 to 2 minded to grant planning permission was approved.

179.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves that it is minded to grant planning permission subject to the applicant entering into a Section 106 Obligation and the conditions and informatives set out in the report.

Note: Councillors Cobb and Taylor voted that planning permission be refused.

(ii) MINOR APPLICATIONS

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

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) Councillor Wells the Deputy Chairman took the Chair during consideration of this application.
- (3) The Area Planning Manager (East), Mr Walke, gave a presentation setting out details of the proposed scheme by reference to photographs, elevational drawings and photomontages. He referred to additional letters of representation received and referred to the fact that the site had been viewed from several neighbouring properties during the course of the site visit the previous afternoon.

- (4) Photographs were shown taken from Challoners (which was a Listed Building), from other neighbouring locations and showing existing boundary treatments and the relationship between the application site and neighbouring properties.
- (5) Mr Wojelewski spoke on behalf of residents of the 3 immediately neighbouring properties. By reference to photographs he explained that besides compromising the neighbouring Listed Building the proposals were overbearing would have a negative impact and were unsuitable on such a constrained site and were at variance with the neighbouring street scene.
- (6) Mr Jackson, the applicant spoke in support of his application stating that he had worked hard to overcome the previous reasons for refusal and had sought to design a modest scheme which respected neighbouring amenity and would not result in overlooking.

Questions/Matters on Which Clarification was Sought

- (7) Councillors Cobb and C Theobald enquired regarding the distance from the respective neighbouring boundaries, also details of trees protected by TPO's and proposed boundary treatments.
- (8) Councillor C Theobald also sought assurances that none of the trees which were the subject of TPO's would be removed and it was confirmed that was the case.
- (9) Councillor Davey sought clarification of the differences between the previously refused scheme (26/03/09) and the current scheme. It was confirmed that Officers considered that all of the previous reasons for refusal had been addressed.
- (10) Mr Small, CAG referred to the objections made by the CAG set out in the report and noting that the proposed scheme would now be set further down into the site he enquired of the applicant whether he had concerns given the propensity of the area to flooding. The applicant stated that he was not.
- (11) Councillor Cobb sought to confirm the location of any windows looking towards neighbouring sites.
- (12) Councillor Steedman enquired regarding the materials to be used and it was confirmed that this would be flint with a brick dressing with powder coated aluminium window frames. Traditional clay roof tiles would be used.

Debate and Decision Making Process

- (13) Councillor Cobb stated that she considered the development could have a detrimental impact when viewed from some neighbouring locations and therefore felt unable to support it.
- (14) Councillor C Theobald referred to the significant number of letters of objection and was in agreement with Councillor Cobb that this development which would have a large footprint would be highly visible from some neighbouring properties.

- (15) Mr Small, CAG referred to the view of the CAG a development in such close proximity to a Listed Building was unacceptable.
- (16) Councillor Smart stated that he considered the application site was of similar dimensions to No 8 and could take the scale of development proposed. The developer had worked hard to overcome the previous reasons for refusal and he considered that the scheme was now acceptable.
- (17) Councillor Carden stated that given that taking account of the configuration of the site, the scheme was acceptable.
- (18) A vote was taken, 11 Members were present when the vote was taken. Therefore on a vote of 8 to 2 with 1 abstention minded to grant planning permission was given.

179.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in this report and resolves that it is minded to grant planning permission subject to the applicant entering into a Section 106 Obligation and to the conditions and informatives set out in the report.

Note 1: Having declared a personal and prejudicial interest in the above application the Chairman vacated the Chair during its consideration left the meeting room and took no part in the discussion or voting thereon. Councillor Wells the Deputy Chairman was in the Chair.

Note 2: Councillors C Theobald and Cobb voted that planning permission be refused. Councillor Kemble abstained.

D. Application BH2008/02170, 2 Ashdown Road, Brighton – Demolition of 11 garages and conversion of main dwelling to three flats (1x2 bedroom and 2x1 bedroom) and erection of 2x2 bedroom new build dwellings to the rear of the site.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager (East), Mr Walke, gave a presentation setting out the constituent elements of the scheme by reference to site plans, photographs showing the rear of the existing building, elevational drawings and proposed floor plans of the flat conversions within the existing dwelling and the two new houses. The location of the proposed on site parking, cycle parking and refuse storage were also shown.
- (3) Mr Morley spoke in his capacity as Chairman of the Roundhill Society and on behalf neighbouring objectors. The scheme was considered to be an overdevelopment by virtue of its close proximity to the existing houses which would result in overlooking and loss of amenity. The design of the proposed new houses was out of keeping with the character of the conservation area. Conversion of the existing house into flats ran contrary to the need for family homes.
- (4) Mr Turner spoke on behalf of the applicant in support of their application. He explained that the proposed properties would not overlook the neighbouring dwellings by virtue of the configuration and differences in levels across the site. In view of these changes in

level the new dwellings would be located at some distance from the existing residential properties. The proposals would improve the appearance of the site and would provide greening and landscaping to a site which was currently neglected and semi derelict.

Questions/Matters on Which Clarification was Sought

- (5) Councillor C Theobald sought clarification regarding how recently the garages had been in use. Mr Turner responded that the garages had been in the ownership of the same family for a number of years, but had been in (unauthorised) use more recently for the sale of used cars. Enforcement action had been taken to ensure that use ceased.
- (6) Mr Small, CAG sought clarification of the rationale for the location and positioning of the rear dormer and its juxtaposition to the adjacent properties.
- (7) Councillor Taylor referred to the increase in the number of households on the site and enquired whether any noise mitigation measures were proposed. It was explained that such conditions were not imposed in relation to residential developments.
- (8) Councillor Steedman referred to the proposed dormer asking whether it could set a precedent for similar developments in the area. He was informed that the dormer was considered to be small and well designed and that similar applications were likely to be considered acceptable.
- (9) Councillor Wells also sought confirmation regarding the position of the dormer in relation to neighbouring properties.
- (10) Councillor Smart sought confirmation regarding whether the dormer led onto a staircase and its configuration. It was explained that it had been designed to provide increased head height within the room and to give a better outlook.
- (11) Councillor Davey enquired regarding the proposed landscaping and it was explained that indicative details of planting had been received.

Debate and Decision Making Process

- (12) Councillor Cobb stated that she had concerns that noise emanating from such dense development in close proximity to existing housing could be problematic for existing residents. She also considered that the development would set a precedent for further backland development in the area and that the proposed scheme would be cramped and lacking in amenity space which would be detrimental for existing residents and those moving into the new development.
- (13) Councillor Taylor had concerns that the proposal would result in over development of the site. A single dwelling would be preferable.
- (14) Councillor C Theobald stated that as well as overdevelopment she had concerns regarding the level of parking to be provided on site bearing in mind that there was already great pressure on available on–street parking in the vicinity of the site.

- (15) Councillor Steedman expressed support for the scheme stating that he considered it made good use of a difficult site.
- (16) Councillor Carden supported the proposal but requested that a condition be added requesting that in view of the stated difficulties emergency vehicles would have in accessing the site, the applicant be required to provide a sprinkler system. The Development Control Manager stated that this could not be required as a condition as it was captured by Building Control Regulations, an informative could however be added and Members agreed that was their wish.
- (17) A vote was taken and on a vote of 8 to 2 with 2 abstentions minded to grant planning permission was given.

179.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the recommendation set out in paragraph 8 of the report and resolves that it is minded to grant planning permission subject to the completion of a Section 106 Obligation to secure contributions as set out in the report and subject to the conditions and informatives set out in the report. A further informative to be added requesting that the applicant give consideration to whether a sprinkler system would be appropriate for this development.

Note: Councillors Cobb and C Theobald voted that planning permission be refused. Councillors McCaffery and Taylor abstained.

E. Application BH2008/02172, 2 Ashdown Road, Brighton - Demolition of 11 garages.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) A vote was taken and on a vote of 8 to 2 with 2 abstentions planning permission was granted.

179.5 **RESOLVED** - That the Committee has taken into consideration and agrees with the recommendation set out in paragraph 8 of the report and resolves to grant conservation area consent subject to the conditions and informatives set out in the report.

Note: Councillors Cobb and C Theobald voted that planning permission be refused. Councillors McCaffery and Taylor abstained.

F. Application BH2009/01790, 24 Walpole Terrace, Brighton – Replacement UPVC windows to front elevation (retrospective)

- (1) The Area Planning Manager (East), Mr Walke, gave a presentation detailing the windows as installed by reference to photographs showing the application address in relation to neighbouring properties in the terrace. He also set out the rationale as to why the application was recommended for refusal. He also referred to a late letter of support received from Councillor Duncan in his capacity as a Local Ward Councillor stating that he did not regard potential removal of the windows as proportionate action.

- (2) Mr Wojelewski spoke on behalf of the applicant in support of their application stating that his client had been unaware of the need to obtain planning permission. The windows had been installed in order to address problems of damp penetration, condensation and drafts experienced by his tenants, this had shown a marked improvement since installation of the new windows. There had been no local letters of objection only of support. The windows were similar to others in the immediate vicinity and had been chosen by the applicant and fitted at considerable expense on that basis.

Questions/Matters on Which Clarification was Sought

- (3) Councillor Kemble enquired when the windows had been installed and it was confirmed that this had been in April 2009.
- (4) Councillor Wells enquired when Walpole Terrace had been included in the Conservation Area had been made and the Area Planning Manager responded that this had been some time previously during the 1980's/90's.
- (5) Councillor C Theobald enquired when the windows referred to at other properties in the area had been installed. The Area Planning Manager stated that was not a relevant planning consideration as any properties in the conservation area seeking to have such works carried out now would require planning permission.
- (6) Councillor Carden enquired whether planning permission would still be required if the property was a single dwelling rather than having been converted into flats. The Area Planning Manager explained that although reference had been made in the applicant's submission to the absence of an Article 4 Direction, as the majority of properties in the area were in use as flats, maisonettes or were in multiple occupation they would not have any permitted development rights. It would appear that those UPVC windows which had been installed were generally unauthorised. These windows had been installed contrary to policy and there were no mitigating factors which led to an exception to policy being recommended.
- (7) Councillors Davey and Smart enquired as to why the applicant had not sought advice as to whether or not planning permission was needed. Mr Wojelewski explained that the applicant had been unaware of the need to apply for planning permission until he had received letters relating to enforcement action.
- (8) Councillor Kemble enquired why it had taken so long to process the application and Mr Wojelewski explained that this had been due to his client seeking to provide additional information in support of his application.
- (9) Councillor Taylor asked, what advice would have been given to the applicant as to the style and materials which would be considered acceptable. The Area Planning Manager explained that timber sliding sash windows (which could be double glazed) would not break the line of the terrace by opening outwards would be considered acceptable. It was also considered that they would have addressed the problems of condensation and damp which had been referred to.

Debate and Decision Making Process

- (10) Councillor Davey stated that although sympathetic towards the applicant he was well aware that buildings, particularly those within conservation areas could be ruined as a result of being fitted with mis-matched windows. It was important to uphold policy.
- (11) Councillor Allen referred to the support of the local Green Ward Councillor for the window treatment used. He considered it would be appropriate to relax conditions in this instance. The arguments for use of timber framed windows were in his view exaggerated as much depended upon how they were maintained. In his view timber was more expensive to maintain He did not consider that top opening windows which opened outwards were ugly or compromised the unbroken line of the terrace.
- (12) Councillor Wells considered that the proposal was acceptable, 6 other properties in the terrace appeared to have similar windows whether planning permission had been granted for them or not. Toxins were produced when manufacturing UPVC windows, however, in his view this was off set by the fact that on-going maintenance was not required.
- (13) Councillor McCaffery considered that the assertion that timber framed windows has a longer life span than UPVC was flawed, especially as regular maintenance of timber framed to the upper the floors of buildings such as those in Walpole Terrace would require the use of scaffolding.
- (14) Councillors Cobb and C Theobald whilst considering UPVC windows were appropriate in some instances, they did not consider top opening UPVC windows were appropriate in this location. Whilst she had some sympathy for the applicant, Councillor Cobb was of the view that he should have checked whether planning permission as needed prior to the windows being installed.
- (16) Councillor Steedman considered that it was important to be consistent when determining applications in conservation areas, this was a separate matter from whether and what enforcement action might be taken. The Development Control Manager confirmed that if planning permission was refused consideration would be given to taking enforcement action. The potential cost to the applicant of any remedial works was not a relevant planning consideration.
- (17) A vote was taken and on a vote of 7 to 3 with 2 abstentions planning permission was refused.

179.6 **RESOLVED** - The Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to refuse planning permission for the reasons and subject to the informative set out in the report.

Note: Councillors Allen, Kemble and Wells voted that planning permission be granted. Councillors Carden and McCaffery abstained.

G. Application BH2009/02543, Sussex House, 130 Western Road, Hove - Replacement of existing 6 metre high roof top flagpole to accommodate 3 tri band antennas and installation of additional roof top equipment cabinet.

- (1) The Interim Senior Team Planner, Mr Ellwood, gave a presentation and explained that the scheme related to an existing telecommunications site located on the roof on the east side of the building. He further explained that the proposal which would result in mast sharing (which was encouraged) would improve coverage in response to an identified need in that area of the city had been accompanied by a valid ICNIRP certificate indicating that the level of emissions and fell well within recognised safety guidelines and satisfied the precautionary approach recommended in Government guidelines issued following publication of the "Stewart Report".
- (2) Mrs Coppard spoke on behalf of neighbouring objectors stating that they had been horrified to find that a mast already existed on the building. They had grave concerns regarding the potential health risk as both a children's nursery and residential accommodation were located in the building. They did not consider that the health implications had been proven either way.
- (3) Councillor Watkins spoke in his capacity as a Local Ward Councillor. He considered that the proposal would (by virtue of the addition of a further box cabinet) lead to a proliferation of obtrusive "clutter" which was unacceptable and would be visually intrusive in a conservation area. He considered that the applicants should be advised to seek an alternative location. The potential health "risks" should be considered carefully in relation to a building which housed a nursery and residential accommodation.

Questions/Matters on Which Clarification was Sought

- (4) In answer to questions it was confirmed that the nursery was located at ground and first floor levels within the building and that the flats, primarily student accommodation were

located on the upper floors. The Interim Senior Team Planner also sought to indicate the difference in height/width of the proposed flagpole when compared with the existing mast.

- (5) Councillor McCaffery sought confirmation regarding whether emissions would be higher than currently. The Interim Senior Team Planner stated that this did not constitute a relevant planning consideration as the applicant had submitted a valid ICNIRP certificate which meant that the combined levels of emissions would remain within the levels recommended by government guidelines. Councillor McCaffery considered that if the level of emissions would be increased this was a factor which she would wish to take account of.

Debate and Decision Making Process

- (6) Councillor Taylor stated that he was very concerned regarding the proposal particularly as he believed that the Council as a local authority was not permitting aerials/masts on its own buildings. He felt it was important to apply a consistent approach to privately owned buildings too.

- (7) The Development Control Manager referred to the matter raised by Councillor Taylor stating that this constituted a decision taken by the Council in its capacity as a land owner/landlord and was not a material planning consideration and therefore not relevant to consideration of the application before the Committee.
- (8) Councillor Davey echoed Councillor Taylor's concerns. Whilst the Council's hands appeared to be tied in planning terms, as a valid ICNIRP certificate had been submitted, he was very concerned that permission had been given permitting a mast to be erected on a building which housed a nursery in the first place.
- (9) The Solicitor to the Committee stated that she could only advise the Committee based on current government guidance, case law and appeal decisions. If an application was refused there had to be robust grounds for doing so. If the application were to be refused on health grounds bearing in mind that there was an existing mast on the building and that it had been accompanied by a valid ICNIRP certificate, permission was likely to be granted by the Planning Inspectorate.
- (10) A vote was taken and on a vote of 3 to 2 with 7 abstentions planning permission was granted on the simple majority of votes cast in favour of the application.

179.7 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves that it is minded to grant planning permission subject to receipt of no new representations which raise material planning considerations before publicity expires on 24 December 2009 and to the conditions and informatives set out in the report.

Note: Councillors Taylor and Davey voted that the application be refused. Councillors Allen, Carden, Hyde (Chairman), Kemble, Smart, Steedman and Wells abstained.

H. Application BH2009/02105, Garages Opposite 6–10 St John's Road, Hove – Construction of two–storey B1 office following demolition of existing garage.

- (1) The Interim Senior Team Planner, Mr Ellwood gave a presentation detailing the scheme by reference to plans showing the existing and proposed schemes. He explained in answer to questions that the application was recommended "minded to grant" because of the need to amend the existing legal agreement.
- (2) A vote was taken and Members voted unanimously to grant minded to grant planning permission.

179.8 **RESOLVED** - That the Committee has taken in to consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and are minded to grant planning permission subject to the applicant entering into a satisfactory agreement under Section 106 of the Town & Country Planning Act 1990, as amended, and subject to the conditions and informatives set out in the report.

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

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

Application:	Site Visit Requested by:
BH2009/02331, Land East of West Pier, Esplanade, King's Road, Brighton (Brighton O Wheel)	Development Control Manager

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

181.1 **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 by Members on the Friday preceding the meeting (for copy see minute book) Where representations are received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether these should in exceptional cases be reported to the Committee. This is in accordance with resolution 147.2 of the then Sub Committee on 23 February 2006.

The meeting concluded at 5.55pm

Signed

Chair

Dated this

day of

APPEAL DECISIONS

	Page
A. BRUNSWICK AND ADELLAIDE WARD	
Application BH2008/03885, Amber Court, 38 Salisbury Road, Hove. Appeal against refusal to grant planning permission for erection of an additional storey to create two 2 bedroom flats (Delegated Decision) APPEAL DISMISSED (copy of the letter from the Planning Inspectorate attached).	19
B. STANFORD WARD	
Application BH2009/00501, 30 Goldstone Way, Hove. Appeal against refusal to grant planning permission for front extension to match existing elevation and porch infill; new external access stairs, landing and approach (Delegated Decision) APPEAL DISMISSED (copy of the letter from the Planning Inspectorate attached).	23
C. ST PETER'S & NORTH LAINE WARD	
Application BH2009/00429, Smart News, 33 Sydney Street, Brighton. Appeal against refusal to grant planning permission for installation of an ATM machine (Delegated Decision) APPEAL DISMISSED (copy of the letter from the Planning Inspectorate attached).	25
D. PRESTON PARK WARD	
Application BH2009/00469, 7 York Villas, Brighton Appeal against refusal to grant planning permission for demolition of garage and erection of two-storey side extension (re-submission of BH2007/04356). (Delegated Decision) APPEAL DISMISSED (copy of letter from the Planning Inspectorate attached).	27
E. ROTTINGDEAN COASTAL WARD	
Application BH2009/001582, Wayfaring Down, 9 Longhill Road, Ovingdean, Brighton. Appeal against refusal to grant planning permission for (i) (a) erection at rear of property of new detached garage with room in the roof; (b) associated alterations to existing boundary wall facing Ainsworth Avenue; and (2) replacement of boundary wall facing Longhill Road and installation of new gates (Delegated Decision) APPEAL ALLOWED (copy of the letter from the Planning Inspectorate attached).	29

F. ROTTINGDEAN COASTAL WARD

Application BH2008/03611, 41 The Cliff, Brighton. Appeal against refusal to grant planning permission for erection of an extension to create two additional storeys with flat roof over including roof lights, solar panels and roof terrace (Delegated Decision) **APPEAL ALLOWED** (copy of the letter received from the Planning Inspectorate attached). **31**

G. ROTTINGDEAN COASTAL WARD

Application BH2008/03193, 39 Roedean Road, Brighton. Appeal against refusal to grant planning permission for demolition of existing house on 4 levels; erection of 7 flats on 4 levels, 5X2 bedroom and 2x1 bedroom (Delegated Decision) **APPEAL DISMISSED** (copy of the letter received from the Planning Inspectorate attached). **35**

H. ROTTINGDEAN COASTAL WARD

Application BH2008/01164, 25 Roedean Crescent, Brighton. Appeal against refusal to grant planning permission for demolition of existing dwelling and replacement with new contemporary house (Committee Decision) **APPEAL DISMISSED** (copy of the letter from the Planning Inspectorate attached). **39**



Appeal Decision

Site visit made on 23 October 2009

by **Y Mwanza BA(Hons) MRTPI**

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

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**Decision date:
10 December 2009**

Appeal Ref: APP/Q1445/A/09/2105147

Amber Court, 38 Salisbury Road, Hove, East Sussex BN3 3AA

- 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 Vic Marchant against the decision of Brighton and Hove City Council.
- The application Ref BH2008/03885, dated 12 December 2008, was refused by notice dated 26 February 2009.
- The development proposed is the formation of an additional storey to create 2 no. 2 bed flats.

Procedural Matter

1. The appellant has submitted revised drawings after the Council's decision with different window detailing. I consider the alterations to be significant in that they change the window design and make them larger. I am satisfied that the legitimate interests of the Council and interested parties in this proposal would be unduly prejudiced were I to base my decision on them so my decision will be based upon the drawings submitted with the planning application.

Decision

2. I dismiss the appeal.

Main issues

3. I consider the main issue to be the effect of the development on (i) the character and appearance of the building and the area and (ii) the effect of the development on the living conditions of neighbouring occupiers with particular reference to daylight and sunlight.

Reasons

Character and Appearance

4. The Council does not object in principle to the additional storey, but does, however, object to the front stairwell and fenestration. Policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan indicates that development should respond positively to the scale, proportions and style of their local surroundings. Furthermore buildings should be compatible in terms of scale, massing, height and design of existing buildings.
5. When I visited the appeal site and the surrounding area I saw a number of flatted developments of different designs and similar in height to the appeal

proposal. The proposed additional storey would in the main be setback about 1.5m from the front elevation of the building, however, in order to accommodate the stairwell there would be a step forward that would be flush with the front elevation of the lower floors. In my opinion this forward projection would not be unduly prominent in the streetscene and would not be harmful to the character and appearance of the building or the area, particularly given what I saw to be the varied character of the area and building.

6. Turning to the fenestration, Policy QD14 of Brighton and Hove Local plan requires development that is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. I am of the opinion that the fenestration, particularly on the front elevation of the proposed extension relates poorly to the proportions, alignment and rhythm of the windows on the lower floors. Although the windows have been aligned vertically on one side or the other of the windows below in my view the lack of complete alignment would be harmful to the character and appearance of the building and the area.
7. Although I have found the stairwell to be acceptable, overall, on the first main issue, I conclude on this issue that the proposal would be unacceptable because of the harm caused by the window design. The proposal would not comply with Local Plan Policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan.

Living Conditions

8. A number of interested parties from Palmeira Avenue have expressed concern about overshadowing, privacy and a loss of light, indeed I viewed the appeal site from a number of flats in Palmeira Avenue. Policy QD14 of the Brighton and Hove Local plan requires account to be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships and how overbearing the proposal would be.
 9. While I note that the levels shown on the drawings are not representative of the actual levels, I was able to visit a number of the adjacent properties and was able to make a full assessment of the proposal taking into consideration the actual ground levels. I saw that garden levels in Palmeira Avenue were significantly higher than those at the appeal site and at the time of my visit I saw that properties in Palmeira Avenue were not being overshadowed by Amber Court.
 10. Although the appeal building is visible from the rear gardens and rooms of properties in Palmeira Avenue I am satisfied that the roof level addition and privacy screen with their respective setbacks from the rear elevation would not significantly affect the daylight and sunlight of neighbouring residents to the extent that would warrant refusal of permission. The appeal proposal would be setback by about 3m from the rear elevation of the building. A privacy screen would be erected at roof level and would be approximately 1.5m high and setback from the rear elevation by about 0.8m. In my opinion this configuration would be sufficient to ensure minimal harm with regard to daylight and sunlight to the properties that back onto the appeal site in Palmeira Avenue.
-

11. With regard to privacy I am satisfied that the proposed privacy screen would be sufficiently high to avoid overlooking and a loss of privacy.
12. I conclude on this issue that the proposal would comply with Local Plan Policies QD14 and QD27 of the Brighton and Hove Local Plan.

Conclusion

13. Notwithstanding my conclusion on living conditions, this is outweighed by my conclusion that the development would unacceptably harm the character and appearance of the building and the surrounding area. For the reasons given and having had regard to all other matters raised I therefore conclude that the appeal should fail.

Y Mwanza

INSPECTOR



Appeal Decision

Site visit made on 12 November 2009

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

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Decision date:
7 December 2009

Appeal Ref: APP/Q1445/A/09/2108159 30 Goldstone Way, Hove, East Sussex BN3 7PB

- 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 Ignacy Lechowicz against the decision of Brighton & Hove City Council.
- The application Ref BH2009/00501, dated 2 March 2009, was refused by notice dated 11 May 2009.
- The development proposed is front extension to match existing elevation and porch infill; new external access stairs, landing and approach.

Decision

1. I dismiss the appeal.

Procedural Matter

2. The above description differs from that on the original application form but corresponds to that on the Council's decision notice and the appeal form. The original description is not entirely consistent with the submitted drawings in that the proposed front extension would not represent a true mirror image of the existing front gable, albeit that it would be very similar. For clarity and consistency I have therefore deployed the more recent description for the purposes of this appeal decision.

Main issues

3. The primary issue is the effect of the proposed development on the character and appearance of the area with particular regard to the street scene. A secondary but nonetheless important issue is the alleged lack of detail in the application drawings concerning the manner in which the proposed enclosed porch area to accommodate a wheelchair would integrate with the proposed alterations to the front of the dwelling.

Reasons

4. The appeal site is a detached bungalow elevated above Goldstone Way with an integral garage at street level, above which there is a single front facing gable subordinate to the main roof of the dwelling. To the east there are 2 pairs of semi-detached bungalows that appear to have been built at the same time as No 30. Their original wholly symmetrical design and appearance, which includes matching front facing gables, has been diluted, but to only a limited extent, by individual small alterations to their front elevations. To the west there is a further detached dwelling of similar age but individual appearance.

5. Although No 30 as designed is asymmetric by virtue of the single front facing gable above the garage, I see no reason in principle why a further front facing gable could not be successfully assimilated in the design of the house and the overall street scene, even if not subordinate in size to the original gable, to create a double-fronted appearance. Although it would not replicate the rhythm of the more widely spaced gables on the neighbouring semi-detached bungalows, the building is in any event different from those neighbouring dwellings and from its detached neighbour to the west. Moreover, the existence of the low level integral garage and the stepped garden to the side of the driveway renders overall symmetry within the street scene practically unachievable. Within that context and, bearing in mind that small changes to the appearance of neighbouring dwellings pairs of dwellings intended to be wholly symmetrical have occurred, I am not persuaded that either the lack of total symmetry implicit in the proposal or the lack of distinctly discernible subordination of the proposed second gable would, of themselves, be changes sufficiently harmful to the building or the street scene to conflict unacceptably with the intentions of the saved local plan policies cited by the Council, namely QD1, QD2 and QD14.
6. That said, it is incumbent on applicants for planning permission to put forward drawings that are both workable and complete and in this instance it has not been demonstrated that the plain glass infill, which is integral to the proposal (and, as the Council maintains, not permitted development) can be accommodated in terms of the necessary junctions between its roof, the main roof slope and the sloping roofs of the twin gables envisaged. The ramifications of that apparent discrepancy and the appearance of any necessary support structures or door mechanisms within the glazing could be visually harmful in a significant way given the elevated and central position of the proposed lobby area. Although it is open to local planning authorities to request further information or amendments prior to determining an application, the Council in this case appears not to have done so and that is not a course open to me. Nor am I satisfied in the circumstances that the potential harm to the appearance of the building could be acceptably overcome by the imposition of a condition to secure appropriate amendments. On that basis, I conclude that the proposal as it stands would not accord with the intentions of the local plan policies cited, as they are essentially concerned with the achievement of acceptable designs.
7. It appears from the representations that the appellant has a number of issues with the Council concerning the handling of this application and other proceedings, but those are not matters for me. I have taken into account all the other matters raised including the personal circumstances of the appellant and his wife and the matter of Human Rights, the observance of which is implicit in the right of appeal. However, none are sufficient to outweigh my overall conclusion that, for the above reason, the appeal should be dismissed.

Keith Manning

Inspector



Appeal Decision

Site visit made on 7 December 2009

by **David Prentis BA BPI MRTPI**

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Decision date:
16 December 2009

Appeal Ref: APP/Q1445/A/09/2107574

Smart News, 33 Sydney Street, Brighton, Sussex BN1 4EP

- 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 Tariq Gamil against the decision of Brighton & Hove City Council.
- The application Ref BH2009/00429, dated 21 February 2009, was refused by notice dated 7 May 2009.
- The development proposed is installation of ATM cash machine.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the proposal on the character and appearance of the North Laine Conservation Area.

Reasons

3. The conservation area is characterised by an irregular grid of closely spaced streets lined with terraced buildings. Many of the streets contain a mix of shops and other businesses resulting in a busy and lively atmosphere. Sydney Street, which is predominantly a shopping street, is typical of this character. There are numerous examples of traditional shop fronts which are an attractive element of the street scene. Moreover, by providing views into the various shop units they maintain an active frontage thereby contributing to the vibrant character of the conservation area.
4. The appeal property is a shop unit and planning permission was granted for a replacement shop front in 1995. Although the shop front is not a particularly good example, it nevertheless has the essential elements of a traditional shop front including a stall riser, recessed doorway and corbel brackets at either end of the fascia. The unit has a relatively narrow frontage and, prior to the installation of the cash machine, the main shop window was a single pane about 2.5m in width.
5. The cash machine had been installed at the time of my visit, occupying approximately one third of the width of the main shop window adjacent to the recessed doorway. In my opinion it is out of scale and dominates the shop front to an unacceptable degree. Moreover, it significantly reduces views into the retail space from the street thereby eroding the active frontage which is characteristic of the street scene.

6. The appellant argues that the cash machine provides a useful community service which supports other businesses in the locality. However, the North Laine Community Association points out that there are several alternative facilities nearby. I therefore attach little weight to this factor. The appellant suggests that the shop front could be redesigned but I shall consider the appeal on the basis of the plans which are before me.
7. I consider that the proposal introduces an uncharacteristic and unduly dominant feature into the street scene and I conclude that it fails to preserve or enhance the character or the appearance of the conservation area. The proposal is therefore contrary to Brighton and Hove Local Plan 2005 Policy QD10, which states that alterations to shop fronts should respect the style and proportions of the parent building and surrounding shop fronts, and to Policy HE6 which seeks to preserve or enhance the character or appearance of conservation areas.

David Prentis

Inspector



Appeal Decision

Site visit made on 12 November 2009

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

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Decision date:
7 December 2009

Appeal Ref: APP/Q1445/A/09/2107891

7 York Villas, Brighton, East Sussex BN1 3TS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J Lynn-Evans against the decision of Brighton & Hove City Council.
- The application Ref BH2009/00469, dated 23 February, was refused by notice dated 7 May 2009.
- The development proposed is demolition of garage and erection of two-storey side extension (re-submission of BH2007/04356).

Decision

1. I dismiss the appeal.

Main issue

2. The primary issue is the effect of the proposed development on the character and appearance of the area with particular regard to the street scene.

Reasons

3. The appeal site is one of a group of substantial semi-detached residences of originally uniform design and appearance on the south side of York Villas, complemented by a terrace of smaller dwellings to the east. Despite changes over time, the underlying unity of the group has been retained to positive effect. The semi-detached houses opposite are of a different design but similarly cohesive as a group. The road slopes down markedly from west to east.
4. A small garage has at some time been attached to one side and although it is set back only a small distance from the main front elevation of the house, the slope of the land has the effect of effectively subordinating it to the host dwelling so that it is relatively inconspicuously in the overall street scene.
5. The existing house has an imposing front door and entrance with steps, whereas the proposed extension would be fronted by a separate entrance door for convenience of access to the ground floor office/playroom and the stairs to the bedroom and bathroom above, all of which would replace the single storey structure that currently exists to create a two storey side extension that would have a flat roof at around 2 metres below the eaves of the main house. Although the extension would have the appearance of an attached residential annexe, the plans show that internally it is connected as an extension and that is what I take it to be, as the application states. Future subdivision would require planning permission in any event.

6. A number of the residences within the group of which No 7 forms part have side extensions but these are generally set well back so as not to distract attention away from the distinctive and well proportioned front elevations and they are therefore subordinate in depth as well as height to the original structures. The proposed extension at issue would appear markedly at odds with that approach. Moreover, its position at the end of the group, where there is space between it and the end of terrace dwelling at No 5, would render it more conspicuous within the street scene than might otherwise be the case, demanding a design sensitive to the visible side elevation of the host building.
7. Below the existing side dormer and eaves line, the existing pair of sash windows would be incongruously truncated by the roof of the proposed extension. Moreover, its side wall would present to public view a blank and utilitarian elevation that would harmfully diminish the visual qualities and generally pleasing proportions of the house as viewed from the opposite side of the street to the north east.
8. Saved policies QD2 and QD14 of the Brighton and Hove respectively concern design principles for all new developments and extensions and alterations specifically. The former of the two policies highlights, amongst other things, the need to take account of the height, scale, bulk and design of existing buildings and the latter requires extensions to be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. For the reasons I have given, I do not consider those requirements would be met by the proposed development and consequently it would cause harm to the good quality street scene and the character and appearance of the area, conflicting with the intentions of the development plan. Moreover, PPS1 *Delivering Sustainable Development* emphasises the importance of design in context and that inappropriate design should not be accepted.
9. I note that there were discussions with a planning officer prior to submission of the application, that there has been a previous permission for a two storey extension (the full details of which are not before me) and that the personal circumstances of the appellant might render it convenient to utilise a separate entrance to the proposed extension. However, neither these nor the various other considerations raised are sufficient to outweigh the harmful conflict with the intentions of relevant policy that I have identified.
10. For the reasons given above I conclude that the appeal should be dismissed.

Keith Manning

Inspector



Appeal Decision

Site visit made on 7 December 2009

by **David Prentis BA BPI MRTPI**

an Inspector appointed by the Secretary of State
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Decision date:
15 December 2009

Appeal Ref: APP/Q1445/D/09/2115379

Wayfaring Down, 9 Longhill Road, Ovingdean, Brighton BN2 7BF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Louise Phillips against the decision of Brighton & Hove City Council.
- The application Ref BH2009/01582, dated 1 July 2009, was refused by notice dated 27 August 2009.
- The development proposed is described as: (1) (a) erection at rear of property of new detached garage with room in roof; (b) associated alterations to existing boundary wall facing Ainsworth Avenue; and (2) replacement of boundary wall facing Longhill Road and installation of new gates.

Decision

1. I allow the appeal, and grant planning permission for (1) (a) erection at rear of property of new detached garage with room in roof; (b) associated alterations to existing boundary wall facing Ainsworth Avenue; and (2) replacement of boundary wall facing Longhill Road and installation of new gates at Wayfaring Down, 9 Longhill Road, Ovingdean, Brighton BN2 7BF in accordance with the terms of the application, Ref BH2009/01582, dated 1 July 2009, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main issues

2. The Council has no objections to the proposed alterations to the boundary walls and installation of new gates and I see no reason to disagree. The main issue is the effect of the proposed garage on the character and appearance of the area.

Reasons

3. The appeal site is located in a residential area characterised by detached dwellings of varied architectural styles. Whilst the front of the appeal property faces Longhill Road, the plot also has a boundary with Ainsworth Avenue at the

rear. The land falls steeply from front to back so that the house is set well above the level of Ainsworth Avenue. Part of the rear garden, adjoining the house, is at a similar level and is supported by a substantial retaining wall. The garage would be constructed within an existing parking area at a lower level with an access from Ainsworth Avenue. It would have a half-hipped pitched roof. Dormer windows facing the front would add some visual interest. Subject to appropriate facing materials, which could be controlled by a condition, I find this design to be entirely appropriate for an ancillary domestic building.

4. As seen from Ainsworth Avenue, the main house would remain as the dominant feature due to its scale and elevated position. The submitted section drawing shows that the garage would be sited at a level a little below the footway to Ainsworth Avenue. Its eaves would be approximately level with the top of an existing boundary wall, below the level of the garden retaining wall. It would be set some 6m back from the site boundary close to the garden retaining wall. Consequently, whilst the upper level would be clearly visible from the street, I do not consider that it would appear unduly prominent or that it would harm the open character of Ainsworth Avenue. I conclude that the proposed garage would not result in any harm to the character and appearance of the area. I find no conflict with Brighton and Hove Local Plan 2005 Policies QD1 and QD2 which together seek good design, having regard to the height and scale of existing buildings and to topography.

Other matters

5. A neighbour is concerned that the scheme is intended to achieve a small house on the plot. However, any such proposal would require planning permission in its own right.
6. I have considered all other matters raised but find nothing to alter my conclusions. For the reasons given above, the appeal should succeed.

David Prentis

Inspector



Appeal Decision

Site visit made on 23 October 2009

by **Y Mwanza BA(Hons) MRTPI**

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

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**Decision date:
14 December 2009**

Appeal Ref: APP/Q1445/A/09/2107321

41 The Cliff, Brighton, East Sussex BN2 5RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Rebecca March-Taylor against the decision of Brighton and Hove City Council.
- The application Ref BH2008/03611, dated 17 November 2008, was refused by notice dated 15 January 2009.
- The development proposed is extension to create 2 additional storeys with flat roof over including rooflights, solar panels and roof terrace.

Procedural Matter

1. The appellant indicated on the appeal application form that the description has changed to that used by the council, I have therefore used this description for the purposes of the appeal.

Decision

2. I allow the appeal, and grant planning permission for an extension to create 2 additional storeys with flat roof over including rooflights, solar panels and roof terrace at 41 The Cliff, Brighton, East Sussex BN2 5RF in accordance with the terms of the application, Ref BH2008/03611, dated 17 November 2008, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out.
 - 3) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved samples.
 - 4) The development hereby permitted shall not be commenced until details of sustainability measures including details of a green or biodiverse roof have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development will be

efficient in the use of energy, water and materials. The development shall be carried out in strict accordance with the approved details.

- 5) The side facing (west) windows at first floor level and side facing (west and east) windows at second floor level shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such.
- 6) Notwithstanding the details shown on the approved plans, screening to the sides (east and west) of the first and second floor terraces balconies shall be provided. No development shall commence until full details of the proposed screening have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details and maintained as such thereafter.
- 7) The development shall be implemented in strict accordance with the Waste Minimisation Statement submitted as part of this application.

Main issue

3. I consider the main issue in this appeal to be the effect of the development on the character and appearance of the surrounding area.

Reasons

4. Policies QD1, QD2 and QD3 of the Brighton and Hove Local Plan (LP) relate to the design of the proposed development. Policy QD1 requires proposals to demonstrate a high standard of design and to make a positive contribution to the visual quality of the environment. Policy QD2 indicates the development should emphasise and enhance the positive qualities of the neighbourhood and QD3 seeks efficient and effective use of sites.
5. The appeal proposal seeks to amend a similar development approved by the Council under Ref: BH2009/00679 dated 20 May 2009. The main difference between the approved scheme and the appeal proposal is the footprint of the second floor. The approved scheme included a setback on the rear elevation at second floor level while the appeal proposal would be flush with the lower rear first floor level fronting Roedean Road. The Council argue that this additional bulk and massing would be harmful to the character and appearance of the area.
6. The appeal property has two frontages, one on The Cliff and one on Roedean Road. I saw a wide variety of architectural styles differing in both scale and massing. The development would be three storeys high and would be generally lower than both the neighbouring properties that flank the appeal site.
7. The appellant has produced a photographic survey and contends Roedean Road is varied in terms of its streetscene, regularity of building line, ridge height and that the upper floors of the appeal proposal would be set behind No.39 Roedean Road thereby reducing its impact. In my opinion the additional roof mass created by the increased second floor footprint would be broken up by the development being set back from the neighbouring property No.39 Roedean Road. Furthermore, the proposal would be set in by over 10m from

Rodean Road and therefore, in my view, it would not appear bulky or dominating when approached from the east.

8. I note the concerns raised by the Roedean Residents' Association but I am satisfied that the overall height and massing would not dominate the neighbouring properties and would appear in keeping with the general scale and pattern of development in the area. I thus find that the proposal would not be harmful to the character and appearance of the streetscene and the surrounding area. In my opinion the modern design including the flat roof as proposed, would not be unacceptable in principle.
9. I conclude that the proposed development responds positively to its environment and would not have a harmful effect on the character and appearance of the surrounding area. It would not conflict with the aims and objectives of Policies QD1, QD2 and QD3 of the Brighton and Hove Local Plan.

Conditions

10. I have reviewed the Council's suggested conditions and consider it necessary, given the limited plot depth, to restrict permitted development rights relating to extensions and enlargements in order to safeguard the character of the area and living conditions of neighbouring occupiers.
 11. The Council has requested the submission and approval of sustainability measures including details of a proposed green roof. I consider this necessary to ensure the efficient use of energy, water and materials. In order to ensure that the development complies with Policy SU13 of the LP, I consider it necessary for the development to be carried out in accordance with the waste minimisation statement submitted with the appeal proposal. In the interests of safeguarding the living conditions of neighbouring occupiers I consider it necessary to impose conditions relating to obscure glazing on flank windows at first and second floor levels and provision of screening on the first floor terrace.
 12. While the site may have historic interest, a condition requiring an archaeological investigation in my view is excessive and not necessary in this instance given that the development seeks to add additional storeys to the existing building as opposed to a complete demolition and redevelopment. In my view the proposed work involving limited excavation would not warrant the condition. A suitably worded condition requiring the submission and approval of materials would ensure that character and appearance of the area is safeguarded.
 13. The proposal does not involve the replacement of the existing boundary structures and I therefore consider it unnecessary to have a condition relating to these and in the context of the development proposed it would be unreasonable to add a condition relating to their retention. I consider that the existing fences are sufficient for privacy and in the unlikely event of them being removed the neighbour can erect a fence of 2m.
 14. Drawing Nos. RN01 07A & RN01 06A show a roof terrace and screen fronting Roedean Road. In my view it would be unreasonable to prohibit these features as they would appear in keeping with the property and would not harm the living conditions of the neighbouring occupiers.
-

15. Given the minimal change in site coverage and that the majority of changes will take place at the upper levels, I do not consider it necessary to impose a condition relating to the use of porous materials.

Conclusion

16. I conclude having regard to all other matters raised that the appeal should be allowed.

Y Mwanza

INSPECTOR



Appeal Decision

Site visit made on 12 November 2009

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

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

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Decision date:
17 December 2009

Appeal Ref: APP/Q1445/A/09/2106668

39 Roedean Road, Brighton, East Sussex BN2 5RA

- 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 Nicholas Chesney against the decision of Brighton & Hove City Council.
- The application Ref BH2008/03193, dated 21 September 2008, was refused by notice dated 11 December 2008.
- The development proposed is demolition of existing house on 4 levels; erection of 7 flats on 4 levels, 5 X 2 bedroom, 2 X 1 bedroom.

Decision

1. I dismiss the appeal.

Main issues

2. I consider the main issues to be as follows:
 - The effect of the proposed development on the character and appearance of the area with regard to the street scene;
 - The effect of the proposed development on the living conditions of neighbouring occupiers with regard to privacy and outlook;
 - The adequacy of the proposed amenity space for certain of the proposed flats;
 - The effect of the proposed development on travel demand; and
 - The adequacy of the proposed arrangements for minimising construction waste in furtherance of sustainable development objectives.

Reasons

3. The appeal site is a large detached house designed and constructed in the 1960s as a highly individualistic property that stands out from its neighbours on Roedean Road and The Cliff, which are generally detached but close spaced properties of more traditional design and appearance with pitched roofs. Properties to the north, which include the club house for the nearby golf course, are in larger grounds and the individual detached houses are set well back from the road, albeit elevated by the topography. The character of the north side of Roedean Road is therefore markedly different. Ocean Heights, diagonally opposite the appeal site, is at an advanced stage of redevelopment for flats of strikingly modern appearance.

4. Amidst its close neighbours, No 39 appears so incongruous in terms of design, massing and, to some extent, materials that it is visually jarring, a characteristic heightened by its relative proximity to the road. It shouts for attention amidst a group of houses which, although individual and by no means unassuming, generally conform to a type which lends cohesiveness to the street scene that it harmfully disrupts. I do not consider that the passage of time has caused it to become an accepted or acceptable part of the street scene and, in principle, its redevelopment would be an opportunity to significantly improve upon the legacy of an era in which sensitivity to context was not always evident, and in any event was not displayed in this instance.
5. The proposed redevelopment, although marginally lower, would present a frontage to the street and massing of profile in oblique view that is not fundamentally dissimilar to that which currently exists. Saved policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan are variously concerned with design and density of development, albeit that elements of QD1 might be taken as encouraging individual and contrasting designs in certain situations, whereas QD2 specifically requires, inter alia, that local characteristics should be taken into account and QD3 promotes efficient and effective use of sites. These policies, when grouped in the way that the Council has deployed them in its decision notice, arguably pull in different directions. However, the Council's statement is more specific in relating the relevant aspects of these policies to the desirability of achieving design that is appropriate to its context in the manner that is in any event promoted by PPS1 *Delivering Sustainable Development*. This emphasises, amongst other things, that design which is inappropriate in context, or which fails to take the opportunities available for improving the character and quality of an area, should not be accepted.
6. In view of my assessment of the comparative merits of the existing and proposed development on the appeal site in the context of the street scene, it follows that the latter is both inappropriate in context and fails to capitalise on the available opportunity to make a positive contribution to the character and quality of the area. It would therefore conflict harmfully with the relevant intentions of the development plan in this regard and those of PPS1.
7. I acknowledge that the force of such an argument may have been diluted to some extent by the approval being implemented on the adjacent site to the east¹ as this will introduce a further element that differs significantly in style and appearance from neighbouring dwellings. However, I note that in profile, the altered house, which is generally a little further back from the street, will be markedly stepped back as its height increases, thereby avoiding the rather brutal over-dominance of neighbouring property in Roedean Road that both the existing and proposed buildings on the appeal site display, some intentional softening by design detailing in the case of the latter notwithstanding. I also acknowledge that the redevelopment of Ocean Heights introduces a conspicuously contemporary style. However, the differing context on the north side of the road, and the more spacious setting, serve to differentiate the scheme sufficiently from the appeal scheme for it not to be an influential factor in my overall conclusion that, on balance, the proposed development at issue would not be acceptable in terms of its effect on the character and appearance of the area with regard to the street scene of Roedean Road.

¹ Ref BH2009/00679

8. Turning to the second issue, I note that the area is typified by balconies and windows designed to take advantage of the commanding sea views to the south, with a consequent potential reduction of privacy in many of the rear gardens with a southerly aspect. Balconies on the existing property are no exception to this characteristic and in this instance I consider that, by virtue of the way in which the balconies are proposed to be configured and located towards the centre of the rear elevation of the proposed development, there would be a tangible improvement in this respect notwithstanding the more intensive occupation of the site implicit in flatted development. Moreover, given the propensity of views from the rear of the property to be seaward and the observance of the so-called "45° rule" frequently cited in this regard, I do not consider that the outlook of neighbouring occupiers would be unacceptably dominated by the proposed development, a matter that would be assisted by the lesser mass of its rearward projection relative to the main bulk of the building.
9. For these reasons, I do not consider that the living conditions of neighbouring occupiers would be significantly harmed by reason of loss of privacy or outlook. Therefore there would be no unacceptable conflict with the intentions of saved local plan policy QD27, which is concerned with amenity.
10. Although QD27 is concerned in a general sense with amenity, saved policy HO5 is specifically concerned with the provision of private useable amenity space "appropriate to the scale and character of the development." However, the Council makes no reference to adopted standards or guidelines. In this case, the development at issue is comprised of one and two bedroom flats, a form of dwelling routinely provided with no dedicated outside amenity space or with a communal garden, such as that proposed. Many flat dwellers choose not to have the responsibility of maintaining private outdoor space and I have no evidence of significantly harmful conflict with the intentions of either policy in this respect. Bearing in mind the proposed communal outdoor space, I do not therefore consider the provision of amenity space for any of the proposed flats to be so inadequate as to necessitate refusal on the basis of the third issue I have identified.
11. As far as the fourth issue is concerned, it is acknowledged by the Council that the proposed car parking would be within the maximum provision allowable and that the provision for cycle parking would exceed the minimum requirement. Nevertheless, the Council says it expects a financial contribution towards improving sustainable transport and offering alternatives to the private car. That may well be so and it may well be established practice. However, saved policy TR1 makes no reference to the circumstances in which a financial contribution would be due or indeed any clear and direct reference at all to planning obligations, save for a cross-reference in the explanatory text to policy QD28, and conflict with that policy is not cited as a reason for refusal. Policy QD28 does refer to the need for planning obligations to be amongst other things, necessary, proportionate and reasonable but the Council in this instance provides no specific justification of the sum of money sought, either in terms of the principle or the amount by reference to the anticipated impact of the development, or by reference to published supplementary guidance,

formulae or standard charges, notwithstanding an exposition as to what is reasonable and the basis for calculation set out in an internal memorandum².

12. Circular 05/2005 *Planning Obligations* emphasises the necessity for transparency and predictability concerning such matters in the context of a plan-led system. Effectively requiring a contribution through the imposition of a planning condition, as suggested³, is not an acceptable practice. Moreover, bearing in mind the acknowledged compliance with relevant standards for parking and cycling, and the appellant's most recent evidence in respect of bus routes⁴, I have no firm evidence in any event to suggest that there is a specific conflict with TR1 in respect of travel demand such that refusal of permission would be justified solely on the basis that such a contribution had not been proffered.
13. The final main issue concerns the need for a waste minimisation statement, a requirement that is firmly based in adopted development plan policy including saved policy SU13 of the Council's local plan as amplified by the Supplementary Planning Document *Construction and Demolition Waste* jointly prepared with the County Council. Bearing in mind the need for a degree of specificity not necessarily achievable in the absence of the certainty of a planning consent, I see no reason why, in principle, or in this instance, the intentions of relevant policy in this respect could not be achieved by the imposition of a condition such as that proposed by the appellant in his grounds of appeal and, latterly, by the Council itself⁵. On that basis, I am satisfied that the issue of waste minimisation and potential conflict with policy intentions in that regard could be adequately addressed and need not be a reason for refusal of the proposed development.
14. A number of other matters have been raised in respect of the proposed development, all of which I have taken into account. Although a number of third parties question the principle of flatted development, and some refer to an appeal decision at Linwood House in 2005⁶, this is not an objection raised by the Council in this instance. In any event, my determination of this appeal is on the basis of the specific main issues I have identified. Not all are determinative or, in my view, a sufficient basis upon which to reject the scheme. Nevertheless, for the reasons given above in respect of the effect of the proposed development on the character and appearance of the area, I conclude that the appeal should be dismissed.

Keith Manning

Inspector

² Internal memorandum from Transport Planning to case officer dated 14 November 2008.

³ Council's suggested condition No 7.

⁴ Letter from Beecham Moore Partnership to PINS dated 17 July 2009, copied to and commented upon by Council.

⁵ Email dated 21 July 2009 09.40 from Council to PINS copied to Beecham Moore Partnership.

⁶ Ref APP/Q1446/A/04/1153690



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

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Decision date:
7 September 2009

Appeal Ref: APP/Q1445/A/09/2104463 25 Roedean Crescent, Brighton BN2 5RG

- 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. Errol and Joanne Barrett against the decision of Brighton & Hove City Council.
- The application, ref. BH2008/01164, dated 26 March 2008, was refused by notice dated 14 November 2008.
- The development proposed is *Demolition of existing dwelling and replacement with new contemporary house.*

Decision

1. I dismiss the appeal.

Main issues

2. There are two main issues. One issue is the effect of the development on the street scene and the character of the area. The other issue is the effect on the living conditions of neighbouring residents, having regard in particular to overlooking and outlook.

Reasons

3. It is proposed to demolish the existing two storey chalet-style detached house on the north side of the crescent and to replace it with a house of contemporary design on four levels.
4. With regard to the first issue, I saw that Roedean Crescent is characterised by substantial detached houses in a variety of styles. However, despite the staggered building line and the steeply rising ground from south to north, the predominance of houses of similar heights with pitched tiled roofs means that there is a generally cohesive character to the street. There is no particularly prominent building, apart from one property to the west that occupies a much larger plot; however the appeal site, because of its position in relation to the curving building line, the bend in the road and the rising ground, is very clearly visible in long views from the west.
5. I agree that the site is in principle suitable for a good contemporary building. However I share the view of the Council about the impact of the increased size of the proposed building. Even though the overall height would not exceed the ridge height of the existing building and a shallow pitched roof would be constructed, the bulk of the building at the level of the existing pitched roof would be very much increased. There would be a substantial projecting wing

on the east side and the additional floor levels would be created through extensive excavation of the sloping site.

6. I consider that the overall effect arising from the increased number of floors and the additional accommodation at roof level and at the front would be that the house would appear to be out of scale with the pattern of development in the area. It would be unduly prominent in the street scene. As such, it would conflict with policies QD1 and QD2 (Design) in the Brighton and Hove Local Plan 2005.
7. With regard to the effect on neighbouring properties, I acknowledge the appellants' effort to minimise potential overlooking through retention of existing hedges, the angling of side windows, provision of frosted glass screens and the provision of planters on the edges of the balconies and the penthouse terrace. However, I share the concern expressed by the Council and by the owners of 27 Roedean Crescent about the effectiveness of some of these measures.
8. Although a degree of mutual overlooking is inevitable, and the desire of the appellants to maximise the view of open land to the north is understandable, I consider that the size of the rear balconies and penthouse terrace and their proximity to the side boundaries would be likely to result in an unreasonable degree of overlooking and loss of privacy to the rear gardens of the two adjoining properties. This would be particularly noticeable when compared with the minimal level of overlooking that is possible from the first floor rear windows of the existing house. Furthermore, I consider that the substantially increased depth of building and additional bulk at roof level would be unreasonably intrusive in the outlook from the rear of the neighbouring houses and their gardens.
9. I have had regard to the concern expressed by the owners of no. 27 about additional overshadowing of their property during the afternoon. As that property is now being demolished prior to redevelopment, the potential effect on the house to be built at no. 27 is not clear to me but, from the information available, I do not consider that additional overshadowing of part of the large garden would be serious enough to justify refusal for this reason.
10. On this issue I conclude that the development would have a harmful effect on the living conditions of neighbouring residents, in conflict with policy QD27 (Protection of amenity) of the Local Plan.

R.A.Hersey

INSPECTOR

PLANNING COMMITTEE

Agenda Item 192 Brighton & Hove City Council

NEW APPEALS RECEIVED

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

ROTTINGDEAN COASTAL

BH2009/00948

1 Meadow Close, Rottingdean

Demolition of existing bungalow and construction of 2 semi-detached three bedroom chalet bungalows with rooflights, bin and cycle stores.

APPEAL LODGED

03/12/2009

Environmental Services Planning Committee

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

CENTRAL HOVE

BH2009/00961

Flat 6, 20 Ventnor Villas, Hove

Loft conversion incorporating roof projection to accommodate french doors with access to new balcony and 1 no rooflight.

APPEAL LODGED

03/12/2009

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

QUEEN'S PARK

BH2009/02120

31 Upper St James's Street, Brighton

Conversion of existing 3 bed. maisonette to 1no. 1 bed. S/C flat and 1no. 2 bed. S/C maisonette.

APPEAL LODGED

09/12/2009

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HOLLINGDEAN & STANMER

BH2009/01569

120 Hawkhurst Road, Coldean, Brighton

Construction of raised hard standing to front of property (part retrospective).

APPEAL LODGED

04/12/2009

Delegated

WARD

APPLICATION NUMBER

ADDRESS

STANFORD

BH2009/01464

Park House, Old Shoreham Road, Hove

<u>DEVELOPMENT DESCRIPTION</u>	Demolition of former residential language school and erection of part 4 storey and part 5 storey block of 72 flats.
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	07/12/2009
<u>APPLICATION DECISION LEVEL</u>	Environmental Services Planning Committee

<u>WARD</u>	HOLLINGDEAN & STANMER
<u>APPLICATION NUMBER</u>	BH2009/01910
<u>ADDRESS</u>	2 Forest Road, Brighton
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a single detached two storey dwelling house.
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	07/12/2009
<u>APPLICATION DECISION LEVEL</u>	Delegated



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES
13th January 2010

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

Park House, Old Shoreham Road, Hove

Planning application nos: • BH2008/03640
• BH2009/01464

Description: • Demolition of former residential language school and erection of 5 storey block of 72 flats.
• Demolition of former residential language school and erection of part 4 storey and part 5 storey block of 72 flats.

Decision: Committee
Type of appeal: Public Inquiry
Date: 2nd – 4th March 2010
Location: Hove Town Hall

ENFORCEMENT HEARING: 18 Hampton Place

Enforcement nos: • 2003/0319
• 2006/0428

Description: • Metal Flue Erected at the rear of the property without listed building consent.
• Various unauthorised works to a listed building.

Decision: N/A
Type of appeal: Informal Hearing
Date: 21st April 2010
Location: Council Chamber, Brighton Town Hall

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

Planning application no: • BH2009/01249

Enforcement no: • BH2009/0450

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

Decision: Committee
Type of appeal: Public Inquiry
Date: 25th May 2010
Location: Hove Town Hall

