



**Brighton & Hove
City Council**

Planning Committee

Title:	Planning Committee
Date:	1 September 2010
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	<p>Councillors: Hyde (Chairman), C Theobald (Deputy Chairman), Carden (Opposition Spokesperson), Alford, Cobb, Davey, Hamilton, Kennedy, McCaffery, Simson, Smart and Steedman</p> <p>Co-opted Members: Philip Andrews ((Chairman) Conservation Advisory Group) or Mr Roger Amerena (Conservation Advisory Group)</p>
Contact:	<p>Jane Clarke Senior Democratic Services Officer 01273 291064 jane.clarke@brighton-hove.gov.uk</p>

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AGENDA

83. 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.

84. MINUTES OF THE PREVIOUS MEETING

1 - 16

Minutes of the meeting held on 11 August 2010 (copy attached).

85. CHAIRMAN'S COMMUNICATIONS

86. PETITIONS

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

87. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 25 August 2010).

No public questions received by date of publication.

88. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 25 August 2010).

No deputations received by date of publication.

PLANNING COMMITTEE

89. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

90. LETTERS FROM COUNCILLORS

No letters have been received.

91. NOTICES OF MOTION REFERRED FROM COUNCIL

No Notices of Motion have been referred.

92. APPEAL DECISIONS

17 - 32

(copy attached).

93. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

33 - 34

(copy attached).

94. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

35 - 36

(copy attached).

95. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

37 - 40

(Copy attached).

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

97. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST

(copy circulated separately).

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

99. 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

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.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

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 Jane Clarke, (01273 291064, email jane.clarke@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Monday, 23 August 2010

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 11 AUGUST 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Carden (Opposition Spokesperson), Cobb, Davey, Fryer, Hamilton, Kemble, McCaffery, Pidgeon, Simson, Smart and Steedman

Co-opted Members Philip Andrews ((Chairman) Conservation Advisory Group)

Officers in attendance: Jeanette Walsh (Head of Development Control), Nicola Hurley (Area Planning Manager (West)), Claire Burnett (Area Planning Manager (East)), Gerard McCormack (Investigation and Enforcement Manager), Steve Reeves (Principal Transport Planner), Hilary Woodward (Senior Lawyer) and Jane Clarke (Senior Democratic Services Officer)

PART ONE

66. PROCEDURAL BUSINESS

66a Declarations of Substitutes

- 66.1 Councillor Kemble declared that he was substituting for Councillor Alford.
- 66.2 Councillor Fryer declared that she was substituting for Councillor Kennedy.
- 66.3 Councillor Pidgeon declared that he was substituting for Councillor Mrs Theobald.

66b Declarations of Interests

- 66.4 Councillor Simson declared an interest relating to bias on application BH2010/01454, Woodingdean Business Park, Bexhill Road, Brighton, as the application was in her ward and she had publicly supported development on the site. She withdrew from the meeting during discussion of and voting on the item and did not take part therein.
- 66.5 Councillor Kemble declared an interest relating to bias on application BH2010/01382, Westdene Primary School, Bankside, Brighton, as he had publicly supported the application. He withdrew from the meeting during discussion of and voting on the item and did not take part therein.

- 66.6 Councillor Fryer declared an interest relating to bias on application BH2010/01382, Westdene Primary School, Bankside, Brighton, as she sat on the Children’s and Young People’s Trust Board. She withdrew from the meeting during discussion and voting of the item and did not take part thereon.

Note: [Officer declaration] The Senior Solicitor, Ms Woodward, advised Members of the Committee that she had a connection with application BH2010/01382, Westdene Primary School, but that connection would not affect her advice on the application.

66c Exclusion of the Press and Public

- 66.7 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.

- 66.8 **RESOLVED** - That the public be not excluded from the meeting during consideration of any item appearing on the agenda.

67. MINUTES OF THE PREVIOUS MEETING

- 67.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 21 July 2010 as a correct record of the meeting.

68. CHAIRMAN'S COMMUNICATIONS

- 68.1 The Chairman addressed the Committee and noted that the six monthly training schedule for Planning Members had been approved at the recent Full Council meeting and dates for this would be sent to Members in due course. She highlighted that there was a Draft Enforcement Policy report included on this meeting’s agenda.

69. PETITIONS

- 69.1 There were none.

70. PUBLIC QUESTIONS

- 70.1 There were none.

71. DEPUTATIONS

- 71.1 There were none.

72. WRITTEN QUESTIONS FROM COUNCILLORS

- 72.1 There were none.

73. LETTERS FROM COUNCILLORS

73.1 There were none.

74. NOTICES OF MOTION REFERRED FROM COUNCIL

74.1 There were none.

75. APPEAL DECISIONS

75.1 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.

76. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

76.1 The Committee noted the new planning appeals that had been lodged as set out in the agenda.

77. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

77.1 The Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.

78. PLANNING ENFORCEMENT POLICY DOCUMENT

78.1 The Committee considered a report from the Director of Environment regarding the Planning Enforcement Policy Document.

78.2 The Planning Enforcement Manager, Mr McCormack, introduced the report and stated that a wide process of consultation had taken place with officers of the Council, users of the enforcement service, the Planning Service's Agent's Forum, Council Members, members of the public, the Conservation Advisory Team and Rottingdean Parish Council.

The policy set out a framework for the aims of the Planning Enforcement Team and highlighted priorities in terms of responding to complaints and outlining expectations of the Team. A standardised complaint form was now in use to gain as much information as possible about the complaint and a written acknowledgement was sent within five working days. The acknowledgement stated that if contact had not been made within 4-6 weeks of the complaint being made, then the complainant was encouraged to contact the department for an update. All cases would remain open until the Team had corresponded with the complainant as to why they were being closed.

It was noted that 45% of breaches were dealt with without legal action and would take around 2-3 weeks to resolve and this target would be maintained. The policy recommended that should complainants become unreasonable or bullying behaviour was identified, their complaint would be dealt with in writing only.

Mr McCormack recognised that the service was under-publicised and attempts had been made to rectify this. Cases would be advertised on the Council website and information regarding the policy would be included in City News. It was hoped that good publicity would demonstrate to larger developers what was expected in terms of compliance, and reduce breaches from smaller developers. Ward Members would also be regularly up-dated about enforcement action in their ward.

78.3 Councillor Smart asked if the section relating to illegal adverts would affect temporary adverts for festivals etc. Mr McCormack replied that this section of the policy referred mainly to permanent advertising. Temporary adverts would be treated with discretion by officers.

78.4 Councillor McCaffery asked what happened after an Enforcement Notice was issued and not complied with. Mr McCormack replied that the Council would be able to prosecute the person in breach, and/or complete the work themselves and charge the work back to the developer.

78.5 Councillor Steedman asked why the burden was being placed on complainants to follow up the complaint after 4-6 weeks and felt that this was not good practice. Mr McCormack replied that this would free up officer time to deal with the case before forming an update response, and would hopefully prevent complainants from contacting the department for regular updates on small or inconsequential matters. He added that the complainant would be contacted immediately should the case be closed early for any reason.

78.6 Councillor Hamilton asked about illegal A-board enforcement and Mr McCormack replied that this was a separate issue dealt with outside of planning.

78.7 **RESOLVED –**

- (1) That the draft planning enforcement policy be noted; and
- (2) That the Environment Cabinet Member be recommended to approve the policy for adoption by the Development Control Service.

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

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

Application:	Requested by:
BH2010/00908 & BH2010/00909, 4 Tongdean Road, Hove	Committee
BH2010/00630, City Park, Orchard Road, Hove	Committee
BH2010/01059, 51 Westbourne Villas, Hove	Committee
BH2010/00235, Varley Halls, Brighton	Head of Development Control

80. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST**(i) TREES**

80.1 There were none.

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

A. Application BH2010/01454, Woodingdean Business Park, Bexhill Road, adjacent to Falmer Road – Erection of industrial and storage buildings with associated offices and a wind turbine together with provision for access, servicing, parking and landscaping.

(1) Councillor Simson declared an interest in this item and left the meeting during the discussion and voting thereon.

(2) The Senior Planning Officer, Mr Thatcher, introduced the application and presented plans and elevational drawings. He stated that the application was the fifth stage in a phased scheme and the site neighboured the South Downs National Park and a residential area. The site was mainly for industrial use and incorporated a tower on the south-west building and a wind turbine with an overall maximum height of 19 metres. There were also 64 vehicle parking spaces with the scheme. Outline consent for the whole scheme was granted in 2002.

Consultation responses had been received with suggested conditions that were included in the late list information. The scheme conformed with policy and the principle of development on site was accepted. The site was allocated for this use in the Local Plan and it was felt that the scheme would have a minimum impact on the views of the National Park, given the urban backdrop of Brighton & Hove that already existed.

There would be 47 full time and 3 part time positions created with the scheme. The design, bulk, massing and materials proposed were acceptable and whilst the wind turbine would be visible from the National Park and Woodingdean, it would not be overly intrusive.

A site visit had been undertaken at the site, and it was noted that some of the machines were noisy. However, conditions for hours of operation across the whole site were included as part of the recommendation. There were acceptable levels of parking provided with the scheme, and financial contributions to road network improvements had already been received with previous phases. It was felt that no further improvements were needed at this stage.

The applicants had stated that the public art contribution of £25,000 would make the scheme unviable, but officers were in the process of negotiating provision for some form of public art on site that could be incorporated into works already being undertaken.

Possible contamination of the site was dealt with in the late list information and revised conditions were suggested to deal with this. The scheme was recommended to reach

BREEAM excellent rating, but currently was rated as very good. The applicants had provided a statement to say that excellent was not achievable and this had been scrutinised by the Sustainability Officer and was accepted. A combination of sustainability elements were sought however to make the scheme sustainably viable, and to retain the very good rating.

Questions/Matters on Which Clarification was Sought

- (3) Councillor Steedman asked if there were any safe pedestrian routes through the site and whether any bio-diversity measures had been considered. Mr Thatcher replied that there were safe areas to walk through the car-park allocated on the site plans and whilst no biodiversity measures had been considered due to the nature of the scheme, this could be included as a standard condition.
- (4) Councillor Kemble noted that whilst phase 4 of the development had been approved, it had not been implemented. He asked what the likelihood of this happening with this phase was. He also noted that East Sussex Fire and Rescue Service had required a sprinkler system be included on site to ensure fire safety as asked if this was going ahead. Mr Thatcher replied that phase 4 had not been implemented due to the current economic climate, however, it was understood from the applicants that they would be building both phase 4 and phase 5 together, should they receive permission today, as this would significantly reduce costs. The issue of the sprinkler system would be taken up at building regulations stage.
- (5) Councillor Kemble asked why a phase 4 application to vary was still outstanding and Mr Thatcher replied that this had been received after the phase 5 application, and was currently going through the planning applications process in the normal way.
- (6) Councillor McCaffery referred to the comments from the Environmental Health Team regarding comments on the late list, and asked for an explanation of hydrocarbon and contamination issues. Mr Thatcher replied that some samples on site that were originally taken gave conflicting results and this was an initial problem. The Environmental Health Team had suggested conditions to be included on the late list to ensure that if any problems did arise during construction, the matters would be dealt with at that stage.
- (7) Councillor Fryer asked why there was a condition relating to plastic bottles, for a further explanation of the public art contribution and for a further explanation on why the scheme could not reach BREEAM excellent. Mr Thatcher replied that due to the proximity of residential houses, it was not considered appropriate for glass bottles to be used in the factory at phase 2. The public art element would be incorporated into works already planned for the site, and one suggestion was to incorporate it into the entrance gates for the site. The scheme was meeting BREEAM very good currently. Extra energy and water sustainability measures had been included to ensure this was retained, but an excellent rating would not be possible unless physical aspects of the building were amended to incorporate this.
- (8) Councillor Smart asked whether the wind turbine would be in operation at night, and asked how prominent it would be. Mr Thatcher explained that due to the restricted hours of operation across the whole site the turbine could not be used after 19:00 hours. The

height of the turbine would be in line with the already approved phase 1 office block development.

- (9) Councillor Smart asked if the site could be used later at night at any point in the future. Mr Thatcher replied that any variation of opening hours on site would have to be the subject of another planning application.
- (10) Councillor Davey asked whether the Travel Plan would be created individually for this phase, or incorporated into a more integrated plan for the whole site. Mr Thatcher replied that there was already an integrated Travel Plan for the site and it would be this that was updated to reflect the newly approved phase.
- (11) Councillor Kemble noted an error in the report on page 18 that suggested that planning permission had already been approved and asked for assurances that the applicant had not be told this would be the case. Mr Thatcher agreed that the wording should be replaced with the word “seek” and that this was an error. It was for the Committee to make the decision regarding granting or refusing the application.

Debate and Decision Making Process

- (12) A vote was taken on a unanimous vote full planning permission was granted subject to the conditions and informatives listed in the report, and those included on the late list.

80.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of the report, and resolves to grant planning permission subject to the conditions and informatives listed in the report and the amended conditions as set out in the late list. A further condition to be added to read:

- (1) No development shall commence until full details of a scheme to improve the biodiversity of the site have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the approved scheme prior to the occupation of the buildings and thereafter retained as such.

Reason: To ensure the scheme achieves an acceptable level of biodiversity and to comply with policy QD17 of the Brighton & Hove Local Plan.”

Note: Councillor Simson declared an interest in this application and withdrew from the meeting during consideration and voting thereon.

B. Application BH2010/01382, Westdene Primary School, Bankside, Brighton –
Extensions and alterations to school including 2 storey extension to east side to accommodate 12 new classrooms and school facilities and relocation of games court and reconfiguration of external play areas.

- (1) Councillor Kemble and Councillor Fryer declared an interest on this application and left the meeting during discussion and voting thereon.

- (2) The Area Planning Manager (West), Ms Hurley, introduced the application and presented plans and elevation drawings. The works would include demolition of temporary buildings and erection of new classrooms to accommodate an expansion of 30 extra pupils per year. There had been 12 objections to the application and East Sussex Fire & Rescue Service had made comments that were included on the Late List. These comments would be dealt with at building regulations stage should the application be approved however.

It was felt the scale and design of the scheme was in accordance with the existing structures and would not be overly dominant. There was a separation distance of around 27 metres and it was therefore felt there would be no adverse residential amenity impact. It was noted that the school car park could become congested at times and the scheme would only provide a small increase in the overall number available. However, the school was not practically able to accommodate a new parking area and there had been no objections from the Sustainable Transport Team regarding this application, and it was therefore felt that an updated Travel Plan could deal adequately with this issue.

Questions/Matters on Which Clarification was Sought

- (3) Councillor McCaffery noted the roof vents and asked why they were necessary. Ms Hurley replied that they provided natural ventilation for the building.
- (4) Councillor Smart noted the transport problems in this area and asked what measures would be taken to reduce the traffic impact from the school. Ms Hurley replied that it was part of the Travel Plan to encourage staff and students to walk to school, and this had been successful in the past in reducing car movements.
- (5) Councillor Simson asked if the school's playing field could be used as parking for special and occasional events at the school. Ms Hurley was unsure if this was practical as the ground levels changed so dramatically from the roadway to the field.
- (6) Councillor Simson asked if the scheme would be built all at the same time and Ms Hurley confirmed this. She added that there would be a staged intake of extra students over the school years however.
- (7) Councillor McCaffery was also concerned about the parking on street and asked if the residents had driveways. She asked if a waiting restriction could be included on the road. The Principal Transport Officer, Mr Tolson, replied that most did have driveways and that a waiting restriction on a residential road was difficult to enforce. The Development Control Manager, Ms Walsh, added that the school participated very actively in dealing with travel issues and had achieved a significant reduction in car usage over recent years. Mr Tolson confirmed that an additional 109 cars as identified in the report would be a worst case scenario.
- (8) Councillor Smart asked if there would be a net loss of grass playing fields for the school with this application, and whether a single yellow line could be implemented outside the school. Ms Hurley confirmed that the grass playing fields would not be affected by the scheme once it was built. There would be a period of time when temporary classrooms would be placed on the sports field to accommodate the construction. Mr Tolson

confirmed that there was a single yellow line in existence on part of the roadway already.

- (9) Councillor Pidgeon raised concerns over the access for fire engines and asked how this was being dealt with. Ms Hurley confirmed that the architect was liaising with East Sussex Fire & Rescue Service on access routes, but the issue would be dealt with as part of the buildings regulations stage.

Debate and Decision Making Process

- (10) Councillor McCaffery hoped that the traffic issues would be resolved and suggested a one-way system or extension of the single yellow line. She added that she would be supporting the application on the assumption that this would be resolved adequately.
- (11) A vote was taken and on a unanimous vote planning permission was granted subject to the conditions and informatives listed in the report.

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

Note: Councillors Fryer and Kemble declared an interest in this application and withdrew from the meeting during consideration and voting thereon.

- C. Application BH2010/00736, 8 Cliff Approach & 1 Cliff Road, Brighton** – Erection of 5no. 3 storey 4 bed dwelling houses and 1no. 3 storey 3 bed dwelling house with associated parking areas.

- (1) The Area Planning Manager (East), Ms Burnett, introduced the application and presented plans and elevational drawings. She stated that the surrounding area was mainly residential detached bungalows with Marine Gate sited close by. There was one parking space provided for each property. Amendments had been made to the east elevation for an improved outlook and materials were off-white render and wood panelling, with a zinc and tile roof.

A site visit had been performed to ascertain the relationship with the nearby bungalows. There was a live application for 9 flats on this site, and whilst this proposal was closer in proximity to neighbouring dwellings it had been reduced in height. There had been 17 letters of objection in addition to a letter of objection from the Roedean Residents' Association.

- (2) Ms Rocks, a neighbouring resident, addressed the Committee and spoke against the application. She stated that the west wall of the development would only be 40 centimetres from her boundary and would leave an alleyway of this size. She feared this would be used as an area to leave rubbish, or where local children might congregate. The scheme was out of scale and height with the local area and would appear visually very dominant and intrusive. The westerly balcony would overlook her garden and invade her privacy and Ms Rocks felt there would be increased noise and disturbance in the area. It was unrealistic to provide only one parking space for a four bedroom house and Ms Rocks did not feel any more parking could be accommodated on the road

network. The area had been affected by the Zone H Parking Zone extension and there was now significant parking congestion in the area.

- (3) Councillor Steedman asked Ms Rocks if she preferred this scheme over the already approved scheme for 9 flats. Ms Rocks confirmed that this scheme was in her opinion much better.
- (4) Mr Bareham, Agent for the applicant, spoke in favour of the application and noted that a scheme for 9 flats had already been approved on site and would be implemented if the proposed scheme was not approved. The proposed scheme was smaller in terms of ground cover and height and the terraced design was in-keeping with the local area. There was sufficient screening along the boundaries to ensure privacy, and with the extant scheme a roof terrace had been agreed, which was not included with the proposed scheme. There would be no loss of parking in the area and the scheme provided good residential amenity for future residents with 30 foot gardens provided.
- (5) Councillor Smart asked whether the alleyway referred to by Ms Rocks could be closed off to the public and Mr Bareham agreed that this could be dealt with as part of the landscaping condition.
- (6) Councillor Smart asked how repairs to the house closest to the bungalow would be dealt with. Mr Bareham replied that this would be a private matter between future neighbours.
- (7) Councillor Kemble noted the 4 cycle parking spaces in the rear of the properties and asked how these could be accessed without going through the house, and if 4 were necessary. Mr Bareham did not think 4 cycle parking spaces were excessive for a family home and added that access was available at the rear.
- (8) The Chairman asked whether the zinc roof would be a matt finish, and asked how it tied in with Marine Gate. Mr Bareham replied that during pre-application discussions it was evident that a more modern outlook onto Marine Gate would be acceptable, and this is what the architect had incorporated. He added that a matt finish could be included.
- (9) Councillor Cobb asked if the wood panelling was of a high quality that would weather well. Mr Bareham replied that samples would be approved by the Planning Department but confirmed it would be on high quality.

Questions/Matters on Which Clarification was Sought

- (10) The Chairman asked how the roof materials would be used. Ms Burnett explained that one side of the roof would be tiled and the other side, facing Marine Gate, would be zinc finish to fit in with the modern development of Marine Gate.
- (11) The Chairman asked if the rear balcony would affect the privacy of the bungalow garden. Ms Burnett replied that the balcony would be set back 7 metres and conditions were proposed for a 1.8 metre obscured glass panel to be included.
- (12) Councillor Kemble asked if there was adequate room for a vehicle to reverse off the driveway and the Principal Transport Officer, Mr Reeve confirmed that this had been measured and was acceptable. He acknowledged the space would be restricted.

- (13) Councillor Fryer asked if this scheme was given permission would it supersede the previous consent. Ms Walsh explained that the applicant would be permitted to implement either consent as once granted an application was live for a five year period. It would be up to the applicant to decide which permission they chose to implement.

Debate and Decision Making Process

- (14) Councillor Cobb was concerned about the proximity of the scheme to the western bungalow and felt the design could be better. However, she agreed that this proposal was better than the extant scheme and felt that she should support it because of this.
- (15) A vote was taken and on a vote of 10 for, 0 against and 2 abstentions, minded to grant planning permission was granted subject to the completion of a s106 agreement and the conditions and informatives listed in the report and an additional informative regarding materials

80.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves that it is minded to grant planning permission subject to the completion of a s106 Planning Agreement and the conditions and informatives listed in the report, and an additional informative to read as follows:

- (1) In respect to discharging condition 6, materials should be selected to ensure that they are of high quality, in particular the zinc roof elements are of a matt finish and wooden panel detailing wears well with weathering.

D. Application BH2010/00977, 6 Challoners Close, Brighton – Alterations to existing ground floor and extension at first floor level to form a two storey four bedroom house.

- (1) The Area Planning Manager (East), Ms Burnett, introduced the application and presented plans and elevational drawings. She noted that the application was to alter the ground floor to form a two bedroom house from the existing bungalow. There had been 7 objections including a letter from Rottingdean Parish Council, and 2 letters of support. The new dwelling would be in line with the existing front elevation and the materials would be rendered brick and tiled roof. The scheme was 3 meters higher than the existing, but would be more balanced within the plot. There was no direct overlooking created by the scheme and whilst there was some impact on rear neighbouring privacy there was already a dormer in existence on this elevation. There had been two previous refusals on this site, but it was felt that this proposal would sit more comfortably in the site. There had been a similar scheme approved at 9 Challoners Close in February 2010.
- (2) Mr De Young, a local neighbour, spoke against the scheme and stated that this scheme would have a much greater impact on the area. The scheme would be 3 metres higher than the existing building and would over dominate the area. The scheme would be out-of-character with the neighbourhood and was contrary to policy QD4 of the Local Plan. Mr De Young did not think that 9 Challoners Close should not set a precedent for the area as this was an entirely different application and was much closer to neighbouring

properties. He added that residents in Northfield Rise would also be affected by the application.

- (3) Mr Ward, Agent to the applicant, spoke in favour of the application and stated that the applicants had been encouraged to apply for a 2 storey dwelling on this site as it would be acceptable. The proposed dwelling would be around 5 metres away from neighbouring properties and would not interfere with residential amenity or privacy. The officers had recommended the proposals for approval and the scheme had been designed in accordance with guidance and good practice. There was no overshadowing created by the scheme and as there was already a mixture of architectural designs in Challoners Close, this application would not be out-of-keeping. The applicant was not a developer and was seeking to live in the house with his family, as such the scheme would be of high quality and meet the lifetime homes standards.
- (4) The Head of Development Control reminded Members that it was not relevant to deciding the application whether the applicant was a developer or not.

Questions/Matters on Which Clarification was Sought

- (5) Councillor Kemble asked what the difference in height was to the roof lines of the neighbouring houses and Ms Burnett replied that there was a 1.5 metre difference.
- (6) Councillor Carden asked if the garage would remain in existence. Ms Burnett replied that there was a garage to the rear of the garden that would be retained and could be accessed from the road.

Debate and Decision Making Process

- (7) A vote was taken and on a vote of 11 for, 1 against and 0 abstentions, planning permission was granted subject to the conditions and informatives listed in the report.

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

E. Application BH2010/00908, 4 Tongdean Road, Hove – Partial demolition and alterations to existing dwelling and erection of new detached 3 bedroom dwelling with separate garage, new access road and associated landscaping.

- (1) This application was deferred to allow a site visit to be performed prior to the next meeting.

F. Application BH2010/00909, 4 Tongdean Road, Hove – Partial demolition and alterations to existing dwelling.

- (1) This application was deferred to allow a site visit to be performed prior to the next meeting.

- G. Application BH2010/00875, 18 Whitethorn Drive, Hove** – Application for variation of condition 7 of BH2005/02321/FP in order to increase the number of children in attendance to 33 (retrospective).
- (1) The Area Planning Manager (West), Ms Hurley, introduced the application and presented plans and elevational drawings. She stated that the site was currently used as a nursery with a hardstanding at the front for drop offs and pick ups. The nursery was open from 08:00 to 18:00 and the application sought to vary a condition to allow up to 33 children on the premises. There were 30 children currently in attendance at the nursery and the application was part-retrospective. The area was residential in character with good sized dwellings. Free flow outdoor play was implemented at the nursery to lessen the impact of noise and disturbance to neighbours and a condition was included to update the Management Plan in this regard. There was a recognised impact on travel created by the application, but the Sustainable Transport Team felt the site could be accessed by walking and it was noted there was some off-street parking available.

Questions/Matters on Which Clarification was Sought

- (2) Councillor Kemble noted that the OFSTED limit was for 31 children and asked why the application was for 33. Ms Hurley replied that the current OFSTED limit was 31 but the applicants could apply for this to be revised to 33. The Early Years Team had looked at the site and recommended a limit of 33 children. She confirmed that the applicant would not be able to have 33 children in the nursery without a revised OFSTED limit in place.
- (3) Councillor Simson asked how many children were originally accommodated and when this was increased. Ms Hurley confirmed that in 2007 permission was granted for the nursery to use the upstairs area and this increased the numbers to 20, although this number could be accommodated on the ground floor and as yet the upstairs area had not be used as a nursery.

Debate and Decision Making Process

- (4) A vote was taken and on a vote of 10 for, 2 against and 0 abstentions, planning permission was granted subject to the conditions and informatives listed in the report.
- 80.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives listed in the report.

- H. Application BH2010/00336, 24 Castle Street, Brighton** – Partial demolition and conversion/extension of existing premises to form 4no office units and 7no residential dwellings incorporating 4no one bed & 3no two bed duplex flats.
- (1) The Area Planning Manager (West), Ms Hurley, introduced the application and presented plans and elevational drawings. She stated that the site was last used as a glass manufacturer and was now vacant. An application was granted in 2007 for offices and flats but the permission was not implemented as there had been problems with the access arrangements with the scheme. The new scheme sought to resolve these issues. The elevations were the same as the previous scheme, but internally there was a proposed loss of office space. The Economic Development Team had made a

representation regarding this and there comments were available on the Late List. The East Sussex Fire & Rescue Service had made comments on the internal layout of the property, and an additional informative was recommended on the Late List to deal with this. The application did not comply with policy EN5 of the Local Plan as there was a significant reduction in work space, but the applicants had shown the site was unviable for manufacturing use, and the conversion to offices would create a higher density of jobs than the current building allowed. The Sustainable Transport Team had not objected and the scheme was to remain car-free.

Questions/Matters on Which Clarification was Sought

- (2) Councillor Smart asked if there were any lifts provided in the block and Ms Hurley replied there was not, but confirmed the flats would meet with lifetime homes standards.
- (3) Councillor Kemble asked for confirmation that the office blocks would be DDA compliant and Ms Hurley confirmed that they would need to be.

Debate and Decision Making Process

- (4) A vote was taken and on a unanimous vote minded to grant planning permission was granted subject to the completion of an s106 agreement, the conditions and informatives listed in the report and the additional condition included on the Late List.

80.7 **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 the applicant entering into a s106 Planning Agreement and the conditions and informatives listed in the report and the additional condition included on the Late List.

I. Application BH2010/00630, City Park, Orchard Road, Hove – Erection of part one storey, part two storey building to form 7no one and two bedroom flats with associated landscaping, car parking and cycle spaces.

- (1) This application was deferred to allow a site visit to be performed prior to the next meeting.

J. Application BH2010/01059, 51 Westbourne Villas, Hove – Re-conversion of 3no existing flats back into 1no 5 bed dwelling house and conversion of garages to rear into a detached 3 bed house.

- (1) This application was deferred to allow a site visit to be performed prior to the next meeting.

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

81.1 **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. 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 they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

82. 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

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

Application:	Requested by:
BH2010/00908 & BH2010/00909, 4 Tongdean Road, Hove	Committee
BH2010/00630, City Park, Orchard Road, Hove	Committee
BH2010/01059, 51 Westbourne Villas, Hove	Committee
BH2010/00235, Varley Halls, Brighton	Head of Development Control

The meeting concluded at 4.30pm

Signed

Chair

Dated this

day of

APPEAL DECISIONS

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A. BRUNSWICK & ADELAIDE	19
<p>Application BH2009/01835, 2 & 3 Cavendish Mews, Hove. Appeal against refusal to grant planning permission for rear balconies to nos 2 & 3 Cavendish Mews and installation of patio doors to the same. APPEAL DISMISSED (Delegated).</p>	
B. WITHDEAN	21
<p>Application BH2009/02193, 27 Glen Rise, Brighton. Appeals against refusal to grant planning permission for removal of existing bungalow roof and construction of an extension to the rear and at first/second floor levels to form a three storey dwelling. APPEAL ALLOWED (Delegated).</p>	
C. ROTTINGDEAN COASTAL	23
<p>Application BH2010/00651, 3 Ovingdean Close, Brighton. Appeal against refusal to grant planning permission for an extension to rear and side of property, comprising at ground floor a garage, utility room and kitchen and some internal alterations to ground floor layout to facilitate proposal. Also some alterations at first floor to existing bedroom/shower room, the formation of an additional bedroom over new kitchen extension at first floor. APPEAL DISMISSED (Delegated).</p>	
D. ST PETERS & NORTH LAINE	25
<p>Application BH2010/00141, 29 Park Crescent Terrace, Brighton. Appeal against refusal to grant planning permission for construction of new rear roof extension, alterations to existing rear outbuilding and new fence on north east boundary. APPEAL ALLOWED (Delegated).</p>	
E. ST PETERS & NORTH LAINE	27
<p>Application BH2009/02970, 113 Queens Road, Brighton. Appeal against refusal to grant express consent for one mesh type banner measuring 9.4m square to fit north wall. APPEAL DISMISSED (Delegated).</p>	
F. ST PETERS & NORTH LAINE	29
<p>Application BH2009/00969, 51 St Luke's Terrace, Brighton. Appeal against refusal to grant planning permission for extension and alteration of garage to form a one bedroom house. APPEAL DISMISSED (Delegated).</p>	



Appeal Decision

Site visit made on 19 July 2010

by Sheila Holden
BSc MSc CEng TPP MICE MRTPI FCIHT

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**Decision date:
3 August 2010**

Appeal Ref: APP/Q1445/A/10/2121807 2 & 3 Cavendish Mews, Hove, BN3 1AZ

- 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 Philip Mason against the decision of Brighton & Hove City Council.
- The application Ref BH2009/01835, dated 28 July 2009, was refused by notice dated 12 October 2009.
- The development proposed is rear balconies to Nos. 2&3 Cavendish Mews and installation of patio doors onto same.

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are:
 - a) the effect of the proposal on the living conditions of occupants of neighbouring dwellings in relation to overlooking and loss of privacy;
 - b) whether the proposal would preserve or enhance the character or appearance of the Brunswick Conservation Area.

Reasons

3. Nos. 2 and 3 Cavendish Mews are two three-storey terraced houses set behind the predominant street frontage. Neither the front nor rear elevations are readily visible from the main streets of the Brunswick Conservation Area. To the rear of Cavendish Mews is a modern residential development at Golden Lane the rear windows and gardens of which are adjacent to the appeal properties. The proposal is to remove existing windows from both houses at 2nd floor level and install a joint balcony accessed by French doors.

Living conditions

4. The gardens of 8 and 9 Golden Lane are immediately adjacent to the rear elevation of 2 and 3 Cavendish Mews. At present there is limited overlooking of these gardens from the landing and bedroom windows of these mews houses. The proposed balcony with its French doors would protrude from the rear elevation of the building and would allow people to stand and look directly over the gardens. This would be particularly intrusive in view of the height and position of the proposed balcony in relation to the existing gardens. It would

also increase the potential for overlooking of other gardens to the rear of the Golden Lane development. In my view this give rise to a significant increase in the amount of overlooking which could take place and I consider this would reduce the privacy of the amenity areas and be materially harmful to the occupiers. Furthermore, the projection of the balcony beyond the rear elevation of the building would also permit increased overlooking of habitable rooms and other gardens elsewhere in Golden Lane.

5. For these reasons I conclude that the proposed balcony would give rise to overlooking and loss of privacy which would be harmful to the living conditions of occupants of the Golden Lane development and particularly to those who live in Nos. 8 and 9. It would therefore be contrary to saved Policies QD14 and QD27 of the Brighton & Hove Local Plan which seek to protect neighbours from unacceptable overlooking and loss of privacy. I consider this matter alone to be of sufficient weight to dismiss the appeal.

Character and appearance

6. The proposed balcony would be partly inset between two extensions, above a single-storey element of Nos. 2 and 3 and would project a little beyond the rear of the building. It would leave a gap between its underside and the single-storey extension and would therefore be an unusual and incongruous feature which would appear to be stuck on to the rear elevation. In my view it would detract from the simple and traditional appearance of the existing rear elevation which, although not highly visible from the main streets of the conservation area, can be clearly seen from the rear of several nearby properties.
7. A balcony of the type proposed, which would use modern materials, is not a feature of the immediately surrounding street scene. Other outdoor amenity spaces which are not at ground level appear to be comprised of the roof terraces on existing extensions where they are enclosed by walls or fences or an integral feature of the original design, as is the case with the Golden Lane development. My attention was drawn to examples of balconies nearby on older buildings which have used modern materials. However, these were neither visible from the area within Brunswick in which Nos. 2 & 3 are located, nor similar in other respects. I therefore consider none of these examples to be a precedent which I am obliged to follow or comparable with this proposal which I have determined on its planning merits.
8. For these reasons I conclude that the proposed balcony would be harmful to the character and appearance of the host property and therefore to the Brunswick Conservation Area contrary to saved Policies QD1, QD2, QD14 and HE6 which seek high quality design that respects its local setting.

Conclusions

9. For the reasons set out above and having regard to all other matters raised, I find nothing to alter my conclusion that the appeal should be dismissed.

Sheila Holden
INSPECTOR



Appeal Decision

Site visit made on 27 July 2010

by **John Chase** MCD Dip Arch RIBA MRTPI

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Decision date:
3 August 2010

Appeal Ref: APP/Q1445/D/10/2129939

27 Glen Rise, Brighton, East Sussex, BN1 5LN

- 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 John Blankson against the decision of Brighton & Hove City Council.
- The application Ref BH2009/02193, dated 9 September 2009, was refused by notice dated 19 May 2010.
- The development proposed is the removal of the existing bungalow roof and construction of an extension to the rear and at first/second floor levels to form a three storey dwelling.

Decision

1. I allow the appeal, and grant planning permission for the removal of the existing bungalow roof and construction of an extension to the rear and at first/second floor levels to form a three storey dwelling at 27 Glen Rise, Brighton, East Sussex, BN1 5LN in accordance with the terms of the application, Ref BH2009/02193, dated 9 September 2009, subject to the condition that all upper floor windows located in the wall and roof slope on the western elevation shall be retained as obscure glazed and non opening unless the parts of the window which can be opened are more than 1.7m above the floor level of the storey in which the window is installed.

Reasons

2. The planning application refers to modifications to an existing permission, and the work has been carried out. The Council's outstanding concern gives rise to the main issue, which is the effect of a rooflight in the western elevation on the living conditions of the residents of No 25 Glen Rise.
3. Whilst the rooflight is visible from the side facing window of the bedroom of No 25, it is not a dominating feature, being of limited size and at a greater distance than, for instance, the larger first floor flank windows facing the property. I see no greater risk of perceived overlooking from this rooflight than from the other windows on this elevation, and any actual loss of privacy is prevented by the installation of obscure glass, and the fixing shut of the frame, both of which presently exist and can be secured for the future by the use of a planning condition. I see no reason to suppose that the rooflight may be needed for a habitable room in the future. Taking these factors into account, I conclude that the rooflight does not have an unacceptable effect on the living conditions of the residents of No 25 Glen Rise, and is therefore in compliance with the relevant parts of Policies QD14 and QD27 of the Brighton and Hove Local Plan 2005.

4. I have considered the Council's suggested conditions in the light of the advice in Circular 11/95. I shall not apply a time limit for implementation as the work has been carried out. A condition is needed to prevent loss of privacy from the windows in the western elevation, facing No 25, but I am not satisfied that the exceptional circumstances necessary to justify the removal of permitted development rights for future windows has been proved. A condition within the current edition of the General Permitted Development Order makes adequate provision for the protection of privacy, and there is not a compelling case to show that the character of the area would be at risk.

John Chase

INSPECTOR



Appeal Decision

Site visit made on 19 July 2010

by **Sheila Holden**
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Decision date:
4 August 2010

Appeal Ref: APP/Q1445/D/10/2131564

3 Ovingdean Close, Brighton, East Sussex BN2 7AD

- 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 L Catt against the decision of Brighton & Hove City Council.
- The application Ref BH2010/00651, dated 8 March 2010, was refused by notice dated 3 June 2010.
- The development proposed is an extension to rear and side of property, comprising at ground floor a garage, utility room and kitchen and some internal alterations to ground floor layout to facilitate proposal. Also some alterations at first floor to existing bedroom/shower room, the formation of an additional bedroom over new kitchen extension at first floor.

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is the effect of the proposed alterations and extension on the character and appearance of the host property and the surrounding area.

Reasons

3. Ovingdean Close is characterised by detached bungalows and chalet bungalows on modest sized plots. Nos. 2-6 are more widely spaced than those elsewhere in the street and exhibit more individualistic styles and designs. Nos. 3 and 5 are set above the road with steeply rising gardens to the rear. The detached garages of these two dwellings are sited immediately on either side of the shared boundary. The proposal is for a substantial two-storey side and rear extension to No 3 which would wrap around the north and west sides of the house and incorporate the existing car port and garage. In addition new dormer windows are proposed in both the front and rear elevations.
4. At present there is a good sized gap between Nos. 3 and 5. The garages appear to be tucked into the rising ground and are unobtrusive. By contrast the proposed two-storey side extension would abut the shared boundary and its additional height, depth and bulk would be visible from the surrounding street scene, particularly the eastern side of Ovingdean Close. It would reduce the gap between the adjoining dwellings which contributes to the spacious nature of the area and, in my view, would be harmful to the area's appearance.

5. The main ridge of the roof would be extended to permit the insertion of two new dormer windows in the front roof slope. I consider this would be an acceptable design when viewed from the street since the proposed dormers would match the existing one and the ridge extension and garage would integrate satisfactorily with the existing house. However, the rear extension would involve the addition of second ridge at right angles to the existing roof which would be at the same height and of greater length than the existing ridge. The effect of both extending the existing ridge and adding the new ridge would give rise to a large, complex and bulky roof form. In my opinion, the overall proposal would therefore fail to respect the proportions of the host property and would overwhelm the modest design of the original house.
6. The insertion of dormer windows in the rear roof slope to replace roof lights would replicate a feature of the existing house and would appear to comply with the guidelines for dormer windows set out in the Council's Supplementary Planning Guidance: *Roof Alterations and Extensions*. I consider this element of the proposal to be acceptable. However, the insertion of five roof lights on the rear extension would make the roof appear cluttered. Their number and position would not reflect the scale or proportions of the host property, reinforcing my view that the proposed rear extension, with its large roof, is too tall, deep and bulky. For these reasons I conclude that the proposal would be harmful to the character and appearance of the host property and to the wider street scene, contrary to saved Policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan which requires extensions to respect the design of host property and its relationship with the surrounding area.
7. I appreciate that the appellant wishes to extend his home and improve the layout, circulation, security and usability of the accommodation. However, these are insufficient reasons to set aside the harm I have identified with the proposal. Whilst the appellant referred to a previous rear extension no specific evidence was presented to allow comparisons to be made with the current scheme. I acknowledge that other properties in the area have been altered but have no details of how these proposals were assessed. In any event I have considered the appeal proposal on its planning merits.

Other matters

8. A number of neighbours have raised concerns about the extension in relation to visual intrusion and loss of privacy. In my view the height and depth of the proposed side and rear extension would appear overbearing alongside the shared boundary with No 5 and there would be some overshadowing of the approach to the main entrance which would make this part of the property a less pleasant place. There would be some perceived loss of privacy for the occupants of No 1 from the roof lights in the rear extension but this would be limited by the distances separating the buildings.

Conclusions

9. For the reasons set out above and having regard to other matters raised by main and third parties I find that none of them, either individually or collectively, outweighs the decision I have reached to dismiss the appeal.

Sheila Holden INSPECTOR



Appeal Decision

Site visit made on 27 July 2010

by **M T O'Rourke BA (Hons) DipTP MRTPI**

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Decision date:
4 August 2010

Appeal Ref: APP/Q1445/D/10/2130852 **29 Park Crescent Terrace, Brighton BN2 3HD**

- 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 Dylan Carbonell-Ferrer against the decision of Brighton & Hove City Council.
- The application Ref BH2010/00141, dated 19 January 2010, was refused by notice dated 31 March 2010.
- The development proposed is construction of new rear roof extension, alterations to existing rear outbuilding and new fence on north east boundary.

Decision

1. I allow the appeal, and grant planning permission for construction of new rear roof extension, alterations to existing rear outbuilding and new fence on north east boundary at 29 Park Crescent Terrace, Brighton BN2 3HD in accordance with the terms of the application, Ref BH2010/00141, dated 19 January 2010, 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) The materials to be used in the construction of the external surfaces of the development hereby permitted shall strictly accord with those indicated on the approved plans.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings Nos 3258.EXG.02, 3258.DD.01A, 3258.DD.02A and 3258.EXG.01A.

Main issue

2. No. 29 is a two storey terraced house which like its neighbours has a small walled garden to the rear. The appeal scheme includes internal alterations to the house to provide a bathroom on the first floor and a third bedroom in the roofspace with two rooflights in the front roofslope and a rear dormer. The existing outbuilding would be reduced in depth but extended across the full width of the garden under a slightly higher flat roof with a low parapet surround. This would create a larger patio bounded by a new 1.8m fence.
3. No objection is made by the Council to the alterations to the outbuilding, new fence or extended patio and in June 2010 a separate permission was granted for these works (BH2010/01081). The Council's reason for refusal relates solely to the size, proportions and design of the rear dormer. The main issue is

therefore its impact on the character and appearance of the building and on the surrounding area.

Reasons

4. Park Crescent Terrace is not in a Conservation Area and there are no saved policies in the Brighton and Hove Local Plan (LP) or the adopted Supplementary Planning Guidance on Roof Extensions and Alterations (SPG) which precludes the addition of rooflights or rear dormers in this area. Other houses in the street have rooflights at the front and I find no objection on townscape grounds to that part of the appeal scheme. Although the rear of No. 29 can be seen in public views from Park Crescent Road, the views are limited, at a distance and other dormers, including that at No. 31 which is very similar in size and proportions to that proposed at No. 29, can be seen. Whilst planning permission was not granted for that dormer (the Council presumes it was built as permitted development), it forms part of the established character of the area. From what I saw walking around the area and looking from the rear garden, dormers of the size proposed are not uncharacteristic.
5. The house has a 2 storey rear projection and an asymmetric window layout. As the dormer would be below the ridge, set in from the side parapets and above the eaves line, some impression of the original roof form would be retained. Although the windows in the dormer would not line up with those below, their positioning would retain an overall sense of balance to the rear elevation. The use of lead for the front, cheeks and roof of the dormer would give it a lightweight appearance, unlike other dormers in the immediate vicinity which are tile hung. The appellant has also drawn my attention to the fallback position whereby a dormer of a similar size, design and positioning, but constructed of materials matching the house, could be built without planning permission and this is a material consideration to which I give some weight.
6. I am mindful of the provisions of saved LP policies QD1, QD2 and QD14 and the detailed guidance in the SPG. The LP refers to badly sited extensions reducing privacy, blocking daylight and interfering with the outlook from adjoining properties. However none of these impacts are suggested to arise here. It is noted in the SPG that poorly designed or excessively bulky roof top additions can seriously harm the appearance of a property and also have a harmful effect on the rest of the street. But in this case, having regard to the particulars of the dormer design, including its window positions and material, and the character of the surrounding area with another dormer of similar size and proportions close by, I do not consider that the proposal would have these harmful effects. As I am satisfied from what I saw that the proposed development would not materially harm the character and appearance of the building or that of the surrounding area, there would be no material conflict with national objectives in Planning Policy Statement 1 and LP objectives to secure a high standard of design in all development.
7. For the reasons given above I conclude that the appeal should be allowed. For the avoidance of doubt and in the interests of good planning I am imposing a condition confirming the approved plans and that the materials used should accord with the details on those plans.

Mary O'Rourke Inspector



Appeal Decision

Site visit made on 27 July 2010

by **John Chase** MCD Dip Arch RIBA MRTPI

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Decision date:
2 August 2010

Appeal Ref: APP/Q1445/H/10/2124472

Community Base, 113, Queens Road, Brighton, BN1 3XG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Community Base against the decision of Brighton & Hove City Council.
- The application Ref BH2009/02970, dated 1 December 2010, was refused by notice dated 9 February 2010.
- The advertisement proposed is one mesh type banner measuring 9.4m square to fit north wall.

Decision

1. I dismiss the appeal.

Main issue

2. I consider the main issue is the effect of the proposal on the character and appearance of the area, including the adjoining Conservation Areas.

Reasons

3. The advertisement proposed is a 9.4m square mesh banner attached to the side wall of a post-war office block, which presently accommodates community based enterprises. The block forms part of a frontage of similar, large scale commercial buildings along the east side of Queens Road, whilst the west side, which falls within the West Hill Conservation Area, has the smaller scale, traditional pattern of three and four storey nineteenth century properties.
4. The scale and materials of the post-war commercial buildings bear little resemblance to the historic appearance of the west side of Queens Road. However, the appeal building exhibits the characteristic design elements of its era, and I do not accept that there is a self evident justification for covering or disguising it with advertising material. It is certainly the case that the flank wall, which is visible along Queens Road when approached from the north, is a relatively blank façade, by comparison with the front elevations of these buildings, which have greater detailing of vertical elements. A street tree provides some softening of the view of the wall, and the muted appearance of the pebble finished concrete helps to reduce its impact. By comparison, the insertion of a large advertisement would draw attention to the wall, and make it appear an incongruous and alien element in the street scene.

5. The flank wall fronts onto North Road, the adjacent parts of which fall within the North Laine Conservation Area. The immediately adjoining buildings are large scale and of modern construction, but the advertisement would also be visible from more historic areas, from which it would be a discordant element, albeit to a lesser degree than the effect on Queens Road.
6. In addition to the proximity of the site to the two Conservation Areas, the Council have drawn attention to the importance of Queens Road as a main thoroughfare in the town, and the principle pedestrian entrance for those approaching from the station. In this prominent and sensitive location, I consider that the scale and appearance of the advertisement would have a materially harmful effect on the character and appearance of the area, including the adjoining Conservation Areas.
7. I recognise that the proposal is the same as that which received consent for a period of five years from 2004. The Council point to the adoption of the Brighton and Hove Local Plan, and the issuing of *Supplementary Planning Document (SPD) 07 : Advertisements* in the intervening period. Whilst I note the appellants' contention that there has been no fundamental shift in the direction of policy, nonetheless adoption has given added weight to the current Local Plan, and the SPD provides a clear indication that advertising hoardings would not normally be given consent within the immediate setting of a Conservation Area. Development plan policy is not the determining factor in advertisement decisions, but it is a material consideration which I have taken into account in making my evaluation, along with the other factors to which I have referred above. I recognise the benefit of consistency, but the previous consent does not outweigh my assessment of the harm which would arise.
8. Whilst the advertising revenue would assist the appellants in providing space for community users, the need for an advertisement does not form part of the assessment under the Regulations, which is limited to matters concerning amenity and public safety.

John Chase

INSPECTOR



Appeal Decision

Site visit made on 19 July 2010

by **Sheila Holden**
BSc MSc CEng TPP MICE MRTPI FCIHT

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

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

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

Decision date:
26 July 2010

Appeal Ref: APP/Q1445/A/10/2121169

Garage adjacent to 51 St Lukes Terrace, Brighton BN2 9ZE

- 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 Chevonne Kord against the decision of Brighton & Hove City Council.
- The application Ref BH2009/00969, dated 17 April 2009, was refused by notice dated 3 August 2009.
- The development proposed is extension and alteration of garage to form a one bedroom house.

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are the effects of the proposed extension and alterations on the:
 - a] living conditions of the occupiers of Nos. 46/48 and 50 Queens Park Rise in relation to loss of outlook and overshadowing;
 - b] living conditions of future occupants of the proposed dwelling with particular reference to outlook;
 - c] character and appearance of the area in relation to the proposed porch.

Reasons

3. The existing garage adjacent to No 51 is a utilitarian structure with a flat roof set in front of the prevailing building line along St Lukes Terrace. The north-western wall of the existing garage is close to the rear of Nos. 46 and 48 Queens Park Rise which comprises of flats on the ground and first floor. The north-eastern boundary of the site abuts the raised garden of No 50 Queens Park Rise. The proposal is to convert and extend the existing garage to create a 1½ storey one bedroom dwelling with an enclosed patio area to the front.

Living conditions of neighbours

4. I will first consider the effects of the proposed dwelling on the occupiers of the adjoining properties. The kitchen window of the ground floor flat of No 46/48 would look directly towards the north-western wall of the proposed new dwelling, which would be higher than that of the existing garage and above

which would be a new pitched roof. Even if this would only result in a small loss of light it would significantly increase the sense of enclosure in this part of the flat and in my view would appear overbearing. There is a secondary window on the north-eastern elevation of the building which would be unaffected by the proposal. However, it is much smaller and its outlook is already limited by the proximity of the boundary wall with No 50. This reinforces my view that the loss of outlook from the primary window would be harmful and could not be overcome by the use of white or cream render on the side elevation of the new dwelling.

5. The window of the first floor flat currently has an unobstructed outlook over the flat roof of the existing garage. This would be significantly reduced as it would look directly towards the sloping roof of the proposed dwelling which would be less than 3m away introducing a strong sense of enclosure which I consider would be harmful. No 50 has a small amenity area at the same level as the existing garage roof of No 51. The height and width of the gable end of the proposed dwelling would result in some overshadowing of this area given its position to the south-west. I also consider that it would give rise to a sense of enclosure to this amenity space making it a less pleasant place in which to be.
6. I consider this combination of factors means that the proposed new dwelling would be an un-neighbourly and overbearing form of development. I conclude that the development would result in a loss of outlook and an increased sense of enclosure for the occupants of Nos. 46/48 and 50 Queens Park Rise which would be harmful to their living conditions and contrary to saved Policy QD27 of the Brighton & Hove Local Plan which seeks to protect the amenity of adjacent residents. I consider this matter alone to be of sufficient weight to dismiss the appeal.

Living conditions of future occupants

7. I will now move on to consider the living conditions of future occupiers of the proposed dwelling. The proposed design incorporates large windows in the front elevation to provide light to the living room and lean-to opaque glazing at the rear to serve the kitchen. On the first floor French doors and a Juliette balcony would provide both light and outlook from the bedroom. The Council consider that the proposal would receive adequate levels of natural light and I concur with that assessment.
8. The outlook from the ground floor would be limited to the small enclosed patio area at the front of the house and towards the wall which would abut the rear of the footway. There would be no outlook at the rear. However, although the outlook from the dwelling would be limited and less than that of the surrounding properties I am not persuaded that this would give rise to unsatisfactory living conditions for future occupants. I consider it would be insufficiently harmful to justify the refusal of planning permission since potential occupiers would have a choice about whether or not the layout and outlook of the house would meet their needs. In this respect I conclude that the proposal would comply with saved Policy QD27 of the Local Plan which seeks to provide adequate amenity for future occupiers of development.

Character and appearance

9. St Lukes Terrace is just outside the Queens Park conservation area and is an architecturally mixed street which includes a number of undistinguished buildings and some high boundary walls. There is no dominant form or rhythm to the surrounding development. The appeal proposal incorporates amendments to a previously refused scheme and seeks to address concerns relating to its effect on the setting of the conservation area. I note that the conservation officer is now content with the proposed design, subject to the use of appropriate finishes on the external surfaces of the building, a matter which could be secured by an appropriate condition. In this context it seems to me that the porch, combined with the reduction in the height of the wall which currently forms the front elevation of the garage and the inclusion of an opaque glass block screen, would contribute to the visual interest and variety of features in the surrounding street scene. I consider this to be the case notwithstanding the height of the proposed porch and its protrusion in front of the prevailing building line.
10. For these reasons I conclude that the proposal would not be harmful to the character or appearance of the area and would enhance the setting of the conservation area. It would therefore comply with saved Policies QD1 and QD2 of the Local Plan which seeks high quality design that respects its setting.

Conclusions

11. Government policy is to encourage the efficient use of previously-developed land in urban areas. There is, therefore, no objection in principle to more intensive use of this site provided that this is not taking place at the expense of the local environment. I have found that the proposal would not be harmful to the character and appearance of the area and would provide an adequate standard of accommodation for future occupants. However, these positive attributes of the scheme and the benefits that would accrue from the provision of the additional dwelling would not outweigh the harm I have identified to the living conditions of the occupiers of the adjoining properties at 46/48 and 50 Queens Park Rise. For this reason and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Sheila Holden
INSPECTOR

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****WITHDEAN**

BH2010/01344

45 Hillcrest, Brighton

Erection of single storey rear extension and dormer window to front roofslope.

APPEAL LODGED

26/07/2010

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****EAST BRIGHTON**

BH2010/01047

19 Bristol Gardens, Brighton

Installation of racking to West elevation.
(Retrospective)

APPEAL LODGED

26/07/2010

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****GOLDSMID**

BH2010/00665

1 Furzdene, Furze Hill, Hove

Erection of single storey rear extension incorporating rooflight.

APPEAL LODGED

02/08/2010

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****ST. PETER'S & NORTH LAINE**

BH2010/00836

48 Kensington Place, Brighton

Installation of rooflight to rear. Internal alterations to loft including boarding of loft space. (Part Retrospective).

APPEAL LODGED

03/08/2010

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

BH2010/00431

9 Ridgeside Avenue, Brighton

Erection of detached 2 storey, 2 bedroom house replacing existing garage

APPEAL LODGED

02/08/2010

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****WESTBOURNE**

BH2010/01084

158 Westbourne Street, Hove

Conversion of existing double garage to create a single storey studio dwelling with amenity space frontage.

APPEAL STATUS
APPEAL RECEIVED DATE
WARD
APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

APPEAL LODGED
30/07/2010
CENTRAL HOVE
BH2010/00043
Rear of 53 Sackville Road, Hove
Erection of single storey rear extension and construction of pitched roof above with rooflights for B1 (business) use

APPEAL STATUS
APPEAL RECEIVED DATE

APPEAL LODGED
05/08/2010

WARD
APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION
APPEAL STATUS
APPEAL RECEIVED DATE

CENTRAL HOVE
BH2010/01398
35 Medina Villas, Hove
Removal of section of front wall.
APPEAL LODGED
05/08/2010

WARD
APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION
APPEAL STATUS
APPEAL RECEIVED DATE

CENTRAL HOVE
BH2010/01286
35 Medina Villas, Hove
Creation of new vehicle access at front and installation of dividing wall.
APPEAL LODGED
05/08/2010

WARD
APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION
APPEAL STATUS
APPEAL RECEIVED DATE

ST. PETER'S & NORTH LAINE
BH2010/01436
8B Buckingham Place, Brighton
Conversion of ground floor flat into 2no one bedroom flats.
APPEAL LODGED
03/08/2010

WARD
APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION
APPEAL STATUS
APPEAL RECEIVED DATE

ROTTINGDEAN COASTAL
BH2009/02228
28 Marine Drive, Rottingdean
Demolition of existing dwelling and erection of a block of six flats and two town houses (8 units in total) together with associated parking and in store.
APPEAL LODGED
04/08/2010



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES 1st September 2010

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

Gala Bingo Hall & Adjacent Car Park, 193 Portland Road, Hove

Planning application no: BH2009/03154

Description: Demolition of existing building. Redevelopment of site to provide new GP surgery at part ground floor level and part first floor level, new D1/D2 unit at ground floor level and 35 residential units above in part 2, 3, 4 and 5 storey building to include 14 affordable units. Provision of surface parking for 18 cars, cycle parking and landscaping.

Decision: Committee

Type of appeal: Informal Hearing

Date: Tuesday 7th September 2010

Location: Council Chamber, Brighton Town Hall

25 Hazeldene Meads

Planning application no: BH2010/00242

Description: Hip to gable roof extension to south end including 3 No. dormers, 1 No. rooflight and pitched roof porch extension at front elevation. Installation of 9 No. Solar Panels to rear over existing dormer.

Decision: Committee

Type of appeal: Public Inquiry

Date: TBC

Location: TBC

28 Marine Drive, Rottingdean

Planning application no: BH2009/02228

Description: Demolition of existing dwelling and erection of a block of six flats and two town houses (8 units in total) together with associated parking and bin store.

Decision: Committee

Type of appeal: Informal Hearing

Date: TBC

Location: TBC

7 Victoria Road, Brighton

Planning application no: BH2010/00346 (householder consent)

BH2010/00347 (listed building consent)

Description: Alterations to roof to form a hidden sunken external roof space incorporating removal and replacement of external features (householder consent).

Decision: Delegated

Type of appeal: Informal Hearing

Date: TBC

Location: TBC

PLANNING COMMITTEE

Agenda Item 95

Brighton & Hove City Council

Information on Pre-application Presentations and Requests

Date	Address	Ward	Proposal
17 March 2010	Former Nurses Accommodation, Brighton General Hospital	Hanover & Elm Grove	Demolition of the former nurses accommodation buildings and the construction of three residential apartment blocks comprising 95 units and a 105 square metre community facility with associated car parking and landscaping.
27 April 2010	Open Market	St Peter's & North Laine	Proposed replacement, covered market, 87 affordable housing units, 12 x B1 workshops and public realm improvements.
18 May 2010	N/A	N/A	N/A
8 June 2010	N/A	N/A	N/A
29 June 2010	Former Royal Alexandra Children's Hospital, Dyke Road, Brighton	Regency	<i>A) Conversion scheme</i> Conversion of a retained main building to provide 118 units. The scheme is 100% private housing and does not include provision of a GP surgery. <i>B) New building scheme</i> Demolition of all existing buildings with a new development comprising 136 units with 54 affordable units (40%) and a GP surgery.
20 July 2010	The Keep, Wollards Field, Lewes Road, Brighton	St Peter's & North Laine	A new historical resource centre for East Sussex, Brighton & Hove.
10 August 2010	Former Sackville Hotel, Kingsway, Hove	Westbourne	Construction of 47 flats (mix of 1, 2, 3, & 4 bed units) within 6 to 9 floor building, and to incorporate basement parking of 49 spaces, and 2 spaces at ground floor level.

NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in Hove Town Hall on the date give after scheduled site visits unless otherwise stated.

Date	Address	Ward	Proposal
31 August 2010	N/A	N/A	N/A
21 September 2010	3Ts	East Brighton	3T's (teaching, tertiary & trauma). Comprehensive redevelopment of southern half of RSCH on Eastern Road to provide replacement modern clinical facilities over three phases.
12 October 2010	Astoria	St Peter's & North Laine	Demolition of existing listed building and proposed erection of part 6 and part 2 storey building. The 2 storey element will contain smaller starter units whilst the 6 storey element will provide flexible B1 office floorspace with a café on the ground floor. The scheme also proposes to make improvements to Blenheim Place.
2 November 2010	Park House	Hove Park Ward	Demolition of former residential language school buildings and the residential redevelopment of the site by way of flats in buildings of between 4 and 5 storeys
23 November 2010			
14 December 2010			
11 January 2011			
1 February 2011			
22 February 2011			

Date	Address	Ward	Proposal
15 March 2011			
26 April 2011			
17 May 2011			

