



**Brighton & Hove  
City Council**

# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>24 November 2010</b>
Time:	<b>2.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<p><b>Councillors:</b> Hyde (Chairman), C Theobald (Deputy Chairman), Carden (Opposition Spokesperson), Alford, Cobb, Davey, Hamilton, Kennedy, McCaffery, Simson, Smart and Steedman</p> <p><b>Co-opted Members:</b> Mr Philip Andrews (Conservation Advisory Group)</p>
Contact:	<p><b>Jane Clarke</b> Senior Democratic Services Officer 01273 291064 jane.clarke@brighton-hove.gov.uk</p>

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## AGENDA

### 152. 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.*

### 153. MINUTES OF THE PREVIOUS MEETING

1 - 18

Minutes of the meeting held on 3 November 2010 (copy attached).

### 154. CHAIRMAN'S COMMUNICATIONS

### 155. PETITIONS

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

### 156. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 17 November 2010).

No public questions received by date of publication.

### 157. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 17 November 2010).

No deputations received by date of publication.

## **PLANNING COMMITTEE**

### **158. WRITTEN QUESTIONS FROM COUNCILLORS**

No written questions have been received.

### **159. LETTERS FROM COUNCILLORS**

No letters have been received.

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

No Notices of Motion have been referred.

### **161. APPEAL DECISIONS**

**19 - 58**

(copy attached).

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

**59 - 60**

(copy attached).

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

**61 - 62**

(copy attached).

### **164. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

**63 - 66**

(copy attached).

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

### **166. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST**

(copy circulated separately).

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

### **168. 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 plans for any planning application listed on the agenda are now available on the website at:

<http://www.brighton-hove.gov.uk/index.cfm?request=c1199915>

## 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.

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For further details and general enquiries about this meeting contact Jane Clarke, (01273 291064, email [jane.clarke@brighton-hove.gov.uk](mailto:jane.clarke@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk).

Date of Publication - Tuesday, 16 November 2010



### BRIGHTON & HOVE CITY COUNCIL

#### PLANNING COMMITTEE

2.00pm 3 NOVEMBER 2010

COUNCIL CHAMBER, HOVE TOWN HALL

#### MINUTES

**Present:** Councillors Hyde (Chairman), C Theobald (Deputy Chairman), Carden (Opposition Spokesperson), Alford, Allen, Cobb, Davey, Kennedy, Simson, Smart and Steedman

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

**Officers in attendance:** Paul Vidler (Deputy Development Control Manager), Nicola Hurley (Area Planning Manager (West)), Hamish Walke (Senior Team Planner (East)), Guy Everest (Planning Officer), Pete Tolson (Senior Transport Planner), Edward Bulger (Environmental Health Officer), Hilary Woodward (Senior Lawyer) and Jane Clarke (Senior Democratic Services Officer)

#### PART ONE

#### 135. PROCEDURAL BUSINESS

##### 135a Declaration of Substitute Members

135.1 Councillor Allen declared that he was substituting for Councillor Hamilton.

##### 135b Declaration of Interests

135.2 There were none.

##### 135c Exclusion of the Press and Public

135.3 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.

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

**136. MINUTES OF THE PREVIOUS MEETING**

136.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 13 October 2010 as a correct record.

**137. CHAIRMAN'S COMMUNICATIONS**

137.1 There were none.

**138. PETITIONS**

138.1 There were none.

**139. PUBLIC QUESTIONS**

139.1 There were none.

**140. DEPUTATIONS**

140.1 There were none.

**141. WRITTEN QUESTIONS FROM COUNCILLORS**

141.1 There were none.

**142. LETTERS FROM COUNCILLORS**

142.1 There were none.

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

143.1 There were none.

**144. APPEAL DECISIONS**

144.1 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.

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

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

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

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



**147. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

147.1 The Committee noted the information on Pre Application Presentations and Requests.

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

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

Application:	Requested by:
BH2010/02489, 162 Carden Hill, Brighton	Councillor Theobald
BH2010/02745, 28 Marine Drive, Rottingdean	Councillor Cobb

**149. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST**

**(i) TREES**

149.1 There were none.

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

**A. Application BH2010/01966, Mitre House, 149 Western Road, Brighton** – Change of use of north block and addition of fourth storey contained within a mansard roof to form hotel (C1) with associated works.

(1) The Senior Planner, Mr Everest, introduced the application and presented plans and elevational drawings. The application would involve a change of use from commercial units and office space to a hotel, and there would be a net loss of office space. The unit had been vacant for 9 years and the applicant had provided information to show that they had actively marketed the property but had not found a tenant. It was therefore accepted that the office space in this area was redundant.

The scheme was car-free and there was no scope to provide parking on site. As the building was in a controlled parking zone area it was expected that guests would arrive via public transport, and as such a contribution to sustainable transport was requested. The scheme was unlikely to increase commercial traffic in the area, which was limited on this road to the hours of 9am and 6pm.

The elevations and mansard roof were considered appropriate in terms of scale and appearance for this site. The proposed glazed staircase would be visible on Hampton Place.

It was not considered that there would be any significant noise disturbance for residents as the main entrance to the site would be on West Street. There was a secondary access from Hampton Street but the applicant had indicated that they would agree to a condition to restrict the use of this access.

As the roof was set back it would not lead to a significant loss of light or affect neighbouring amenity. Finally the application would reach sustainable homes BREEAM rating very good.

- (2) Mr Killick, a local resident representing residents on Hampton Place, Hampton Street, Spring Street and the Montpelier Residents Association. He felt the application was contrary to policy SR14 as it fell outside the core strategy hotel zone and was therefore inappropriate for the area. There would be significant noise and disturbance for local residents as the proposed budget hotel would likely cater for stag and hen parties and there would be extra traffic late in the evening from taxis dropping off hotel customers. Mr Killick also felt that there would be significant overlooking created by the new application as the change of use from offices, which were typically used in the day time only, to a hotel that would be used extensively at night, would mean that hotel guests would be able to overlook Spring Street residences at night. Mr Killick stated that there had been no consultation with residents regarding this application and asked the Committee to refuse it. Should they decide to grant the application, Mr Killick asked that they restrict the use of the rear entrance and include obscured glazing for those rooms overlooking residential properties.
- (3) Councillor Fryer spoke on behalf of local Ward Councillor, Councillor Kitcat, and objected to the application. She highlighted the objection letter from Councillor Kitcat and stated that although there was some dispute over whether hotels were over or under subscribed in the city, it was clear that this hotel would take business away from other local hotels and would have a negative impact on the area. The scheme would provide less employment opportunities than office space would and the hotel would require frequent deliveries, which was not appropriate for such narrow streets. The residents strongly objected to the application and there were already problems of noise and disturbance in the area that this application would add to.
- (4) Mr Barker spoke on behalf of the applicants and stated that the building had been redundant for almost a decade. Extensive marketing for office and alternative uses had taken place but they were unable to gain a tenant for the building in its current state. Other uses were explored and a hotel was the most viable option for this site. He stated that the application was in the core strategy hotel zone as identified in the Local Plan, but was in a poor state of repair. The application would increase the visual amenity of the area and as the mansard roof was significantly set back, there would be no intrusion on the street scene and no impact on loss of light for neighbours. The area was well serviced by public transport and there were pay-for car parks in the area. There was no parking provided on site and this would be made clear to hotel guests when booking. The hotel would fulfill a defined need for budget hotels within the city, provide employment and improve the tourist economy in the area. The applicants would accept restricted use for the access on Spring Street and felt the scheme would improve the positive vitality of the area.

- (5) Councillor Alford asked where the hotel would advertise for customers and Mr Barker replied that they would advertise on the standard industry websites and through the tourist information office.
- (6) Councillor Alford stated that there could be up to 260 people using the hotel and asked if it was likely that all of these people would arrive using public transport. Mr Barker accepted that some would bring cars but they would be made fully aware that there was no parking on site. He added that there were car parks in the city that could be used.
- (7) Councillor Davey asked why the space was not viable for office use. Mr Barker replied that the quality of the building was not of the right standard. The applicant had looked into redeveloping the building for office use, to include redesign of the internal space and internet links, but this was not economically viable. He added that there were also access restrictions on site.
- (8) Councillor Davey asked if there would be any additional entertainment on site and Mr Barker replied that there would only be a hotel bar and restaurant for breakfasts.
- (9) Councillor Cobb asked if any discussions with the car parks in the area had taken place to introduce a voucher scheme for hotel guests. Mr Deacon replied that this could form part of the green travel plan but was not an option that had been looked into yet.

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

- (10) Councillor Cobb asked about the energy use of the glazed stairwell and asked how sustainable this was. She asked if the lights would be left on for 24 hours a day and was concerned about light pollution. Mr Everest replied that this would be a secondary stairwell and there was no reason to believe it would be detrimental to the sustainability of the scheme. He did not know if the lights would be kept on or not.
- (11) Councillor Smart asked if the rear access could be restricted to emergency uses only. Mr Everest replied that the applicant would agree to a condition regarding restricted use of this access.
- (12) Councillor Allen raised a discrepancy in the report which suggested that there was not a need for 3\* hotel accommodation in the city, and then later stated that there was. Mr Everest replied that there had been a shift in emphasis since the application had been submitted and it was now felt that a budget hotel could be accommodated.
- (13) Councillor Theobald raised concerns about the proposed materials used for the windows and felt it would not be appropriate to use thick grained frames. Mr Everest stated that condition 2 requested further details on the materials used, to be approved by the Local Planning Authority.
- (14) Councillor Theobald asked where the refuse could be stored on site and Mr Everest replied that the basement could be used for this purpose. Condition 6 of the report requested further details on the siting of the refuse.

- (15) Councillor Theobald asked how many staff would be employed on site and Mr Everest replied there would be up to 43 jobs provided.
- (16) Councillor Theobald asked why there was no transport contribution. Mr Everest replied that the transport analysis suggested that there would be no increased need for travel as a result of this scheme and so a transport contribution would not be appropriate.
- (17) Councillor Smart asked if the new development would match the existing frontage to Western Road and Mr Everest confirmed this.

**Debate and Decision Making Process**

- (18) Councillor Cobb was concerned over possible unauthorised use of the rear access, even if it was restricted to emergency use only, and felt that a CCTV system needed to be installed.
- (19) Councillor Theobald felt this was a good use of a redundant and unsightly building and would improve the area. She was disappointed that no parking had been provided with the scheme however.
- (20) Councillor Alford agreed that this was a good use for a derelict building, but felt it was very important that the applicants ensure that they communicate to potential hotel guests that there was no parking available.
- (21) Councillor Carden felt this was a good use for the site and the hotel might attract customers using the conference facilities in Brighton & Hove. He added that 5\* hotels were not always preferable and it was good to have the option of a 3\* hotel. He agreed that the rear access should not be used and was concerned about the possibility of overlooking of neighbours. He felt that a condition should be added to obscurely glaze those windows that might overlook residential properties.
- (22) Councillor Simson noted that there was a similar budget hotel in North Street that operated without parking provision and she did not believe there were any problems created because of this. She understood the site was not right for office use and supported the application.
- (23) The Chairman asked the Committee if they wished to add a condition to the application regarding CCTV for the rear access. Mr Vidler addressed the Committee and stated that good reasons would be needed to add this condition to the application.
- (24) Councillor Cobb felt that as the area was not well lit there was the potential for people to use the access without the knowledge of the hotel staff. Mr Vidler stated that it would be normal for an emergency exit to be alarmed, which would notify the hotel staff of any unauthorised use. It was agreed to add a condition that the rear access door be alarmed and used for emergencies only.
- (25) Councillor Kennedy asked if the Committee could add a condition to obscurely glaze the windows on the north elevation. Mr Vidler replied that as the building already had office use and could legitimately be used as such without obscurely glazed windows it would be unreasonable to request this for this application.

(26) A vote was taken and on a vote of 10 for, 0 against and 1 abstention planning permission was granted subject to the conditions and informatives in the report, and an additional condition regarding the rear access.

149.2 **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 to grant planning permission subject to the conditions and informatives set out in the report and an additional condition to read:

- (1) The rear ground floor access doors to Hampton Street shall only be used in an emergency and for no other purpose and have a security alarm fitted prior to the commencement of the use hereby approved which shall thereafter be retained as such.

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

**B. Application BH2010/02015, William Moon Lodge, The Linkway, Brighton –**  
Application to extend time limit for implementation of previous approval BH2007/02692 for the demolition of existing building and redevelopment of the site to provide new two storey nursing home with 100 bedrooms, together with ancillary day care centre. Provision of 16 car parking spaces to include 5 disabled spaces and one ambulance bay.

- (1) The Senior Team Planner (East), Mr Walke, introduced the application and demonstrated plans and elevational drawings. He noted that planning permission had been granted in 2007 for a 100 bed nursing home and day care centre with parking provision and an ambulance bay. The new application sought an extension of time for implementation of this scheme. Some minor changes were necessary, including condition 16 which would require the applicant to provide a post construction certificate for proof that the scheme achieved BREEAM very good rating. The Environment Agency had not commented on the previous approval, but had now asked for conditions 17 to 19 to be added to ensure there was no adverse impact on the Lewes Road abstraction point, and a deed of variation was needed for the Section 106 Agreement. Finally, some of the conditions needed to be reworded as they had already been fulfilled by the applicant.

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

- (2) Councillor Smart asked how long the extension was for and Mr Walke replied that it would be for the standard 3 years.
- (3) Councillor Steedman asked if this application had been submitted recently, would the Council ask for higher sustainability standards. Mr Walke replied that this was likely.
- (4) Councillor Steedman asked if Council Officers had considered asking the applicant if they were able to raise the sustainability of the scheme without making major alterations to the application. Mr Walke replied they had not.

**Debate and Decision Making Process**

- (5) Councillor Steedman felt that the Committee should ask the applicant to consider how they could increase their BREEAM rating to a higher standard. Mr Vidler felt it would be unreasonable to request a higher sustainability for the building as some of the conditions had already been discharged and the development had significantly progressed towards construction.
- (6) Councillor Smart was concerned for the mature trees on site and asked what measures were in place should they be removed by the building process. Mr Walke replied that conditions 6 and 7 sought the replanting of any mature trees that were felled or died within the first 5 years of the development and condition 7 required tree protection measures.
- (7) A vote was taken and on a unanimous vote minded to grant planning permission was granted subject to a Section 106 Agreement and the conditions and informatives in the report.

149.3 **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 a Section 106 Agreement and the conditions and informatives listed in the report.

**(iii) MINOR APPLICATIONS**

**C. Application BH2010/01610, 25 Hazeldene Meads, Brighton** – Roof extension to south end over existing garage, 2 front dormers, extended front porch and installation of 7 solar panels.

- (1) The Area Planning Manager (West), Mrs Hurley, introduced the application and noted that the application had been deferred at a previous meeting for clarification of a recent appeal decision relating to the site.

The appeal had been dismissed by the Planning Inspector on the basis that there were three proposed dormers. In fact the plans were for two dormers, and Members questioned whether this would have affected the Planning Inspector's decision. The response from the Inspectorate was that the correct plan had not been considered at the time of the decision, but the decision could not be changed. Officers felt that the reduction in dormers from three to two would however address the reason for refusal and so the application should be granted.

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

- (2) Councillor Smart asked whether the Council had any policy or planning guidance on the installation of front dormers and Mrs Hurley responded that this application was in accordance with Supplementary Planning Guidance (SPG) issued on dormer windows.

- (3) Councillor Smart asked why there were no other front dormer windows in the surrounding area and Mrs Hurley replied that front dormers now needed planning permission and the SPG on front dormers stated that they should be clear insertions on the roof slope and aligned with any windows below. This application complied with the guidance.
- (4) Councillor Simson asked what the Inspectors view was on the bulk and concentration of the solar panels and Mrs Hurley replied that it was the view that 9 solar panels would appear cluttered and would increase the visibility of them in the surrounding area.
- (5) The Chairman noted that there were two other applications still under consideration with this site and asked why they had not been dealt together. Mrs Hurley replied that these applications were still going through consultation with neighbours and consideration by officers, and so could not be dealt with at this stage.
- (6) Councillor Alford referred to policy QD2 from the Local Plan that stated that the design of existing buildings in the area should be taken into consideration when determining an application. He noted that no one else had dormers in this area and asked why this had not formed part of the consideration of the application. Mrs Hurley replied that as the dormers were in accordance with the SPG there was no planning reason to refuse them.
- (7) Councillor Allen asked if officers had a view on how many solar panels would be appropriate for this scheme. Mrs Hurley replied that this was for the Committee to determine. The applicant could apply for more panels should this scheme be approved, but each application would be taken on its merits and determined individually. She added that one of the applications under consideration at the moment was for a certificate to say that additional solar panels would be allowed under Permitted Development rights, but this was still to be determined.
- (8) Councillor Simson asked if there was a policy in the Local Plan regarding the height of solar panels and Mrs Hurley replied that there was not. She clarified that as the panels were above the roof ridge they needed planning permission.

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

- (9) Councillor Simson realised the benefits of solar panels but remained concerned about the number and bulk of panels on this roof and how far they extended beyond the roof height. She also felt that the Council did not normally approve of front dormers as they changed the character of the area. She felt the application was excessive.
- (10) Councillor Steedman stated that this application was an example of how the city would need to tackle climate change in the future and would need to be done a lot more often. He felt that as the application was in line with policy he was happy to support it.
- (11) Councillor Alford was unsure about the sustainability aspects of front dormer windows. Mrs Hurley clarified that the sustainability aspects were in the solar panels. The front dormers were for additional accommodation.

- (12) Councillor Davey was pleased to see an application for a zero-carbon house and felt there was only a very small protrusion. He believed the application represented a positive attempt at sustainable living.
- (13) Councillor Smart did not feel the application complied with policy QD2 of the Local Plan and Mr Vidler stated that QD2 was designed to emphasis and enhance the positive qualities of the local neighbourhood by taking into account the local characteristics. Councillor Smart noted that there were no front dormers in the local area and asked how this application could comply with policy QD2. Mr Vidler added that positive qualities of an application were taken into consideration as enhancing a local neighbourhood, but they did not necessarily need to be present in the neighbourhood already.
- (14) Councillor Simson felt that the whole building was out of balance and out of character, and felt that the roof should have been taken back to a complete hipped roof.
- (15) A vote was taken and on a vote of 5 for and 6 against planning permission was not granted.
- (16) Councillor Simson proposed an alternative recommendation for refusal of the application and Councillor Smart seconded this. A short recess was taken to articulate the reasons for refusal and a second recorded vote was taken on those reasons.
- (17) A second recorded vote was taken and on a vote of 6 for and 5 against planning permission was refused for the reasons given below.

149.4 **RESOLVED** – That the Committee has taken into consideration and does not agree with the reasons for the recommendation set out in paragraph 8 of this report and resolves to refuse planning permission for the following reasons:

1. The two dormers, by reason of their size, bulk and positioning on the roof slope, would introduce features which would be alien and incongruous in the context of the immediately surrounding street scene. Furthermore the shape and form of the roof extension would imbalance and fundamentally change the appearance of the dwelling, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.
2. The solar panels, by reason of their proliferation and level of projection above the ridgeline, would appear cluttered and incongruous features of the property, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

**Note:** Councillors Hyde, Alford, Cobb, Simson, Smart and Theobald voted for the proposal to refuse. Councillors Carden, Davey, Allen, Kennedy and Steedman voted against the proposal to refuse.



**D. Application BH2010/02009, 13-14 George Street, Hove** – Installation of 4 no. air conditioning units (part retrospective), general and toilet extract and fresh air intake unit.

- (1) Mrs Hurley introduced the application and noted that it had been deferred from a previous meeting for more information to be gathered on the installation costs of the attenuators. She stated that the cost of the attenuators would be around £2,500 to install and would achieve the Environmental Health recommendations. As this was the case, Officers did not feel it would be appropriate to grant a temporary permission.

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

- (2) Councillor Carden asked whether the Committee could conducted a site visit on this application to determine the impact the installation was having on the neighbour. The Chairman noted that as the attenuators were not currently installed the Committee would not get a true understanding of the noise levels. If they conducted a site visit after the attenuators were installed they would not be able to assess the difference in the noise levels.
- (3) The Environmental Health Officer, Mr Bulger, addressed the Committee and stated that it was often difficult to judge the effect attenuators would have on a scheme, but they were very effective in reducing noise to below background noise levels. There was little that the Environmental Health Team could do about reducing the background noise levels except to reduce any new installations to below the background level. If installations were reduced to background level noise, this would in fact create a background level increase of 3 decibels, which was referred to as background creep. It was therefore common to require an attenuator to reduce the noise level by at least 5 decibels below background level. In high installation intensity areas this was often increased to 10 decibels, but 5 decibels was realistic for this area.
- (4) Councillor Alford asked if the Committee could conduct a site visit after the attenuators had been installed. Mr Vidler replied that as the attenuators were expected to resolve the issue, there shouldn't be a reason to attend a site visit here. The Chairman added that if the situation remained unacceptable to the resident who had complained, it was likely they would make another complaint to the Environmental Health Team, who could take action under the Environmental Protection Act 1990 if the attenuators were not performing to the specified levels. Councillor Simson also felt it would be difficult to for the Committee to assess the situation as it occurred whilst the resident was trying to sleep.
- (6) Councillor Steedman asked how closely the performance of attenuators in practice matched what was specified. Mr Bulger replied that attenuators often worked well, but it was difficult to judge the performance of individual machines. He had raised concern with the applicant that the attenuators may produce a tonal noise that was distinguishable from other noises, even if it was below background levels, and had been given assurance that this would not be the case.

- (7) Councillor Steedman asked if it was possible to condition that the attenuators did not produce this noise and Mr Vidler replied that this would not be normal. Councillor Steedman did not feel this was a normal circumstance, but Mr Bulger replied that these noise problems were fairly typical circumstances.
- (8) Councillor Theobald asked if attenuators should be included automatically on installations such as this and Mr Bulger replied that some applicants did do this as they were aware of the Council's policies regarding noise disturbance to residents.
- (9) Councillor Davey asked why the location of the installation had been chosen. Mrs Hurley replied that the location of the installation had not been discussed as part of the application but that the Committee needed to assess the application before them.
- (10) Councillor Davey asked if the installation was located further away from the resident's property would it make a difference to the noise levels. Mr Bulger replied that he did not believe there was enough roof space to move the installation far enough away to make a significant difference.
- (11) Councillor Smart noted that the background noise was quite low in this area during the day, and asked if this had been taken into consideration. Mr Bulger replied that the noise levels would have been taken at the lowest ebb of noise during the day time.

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

- (12) Councillor Kennedy noted that the last time the application had come before Committee, the Committee had also requested that the costs of installing the attenuators elsewhere were produced. This had not been forthcoming however and she was disappointed this was the case. Councillor Kennedy felt uneasy at granting full planning permission for this installation as if the attenuators did not work there would be an ongoing problem for the resident. She felt that a temporary permission would be a better option. Councillor Kennedy asked if an informative could be added to keep a check on the amenity of the nearby resident, and to ensure that this was not negatively affected by the application. The Chairman stated that the application as it stood was the one the Committee needed to consider.
- (13) A vote was taken and on a vote of 9 for, 0 against and 2 abstentions planning permission was granted subject to the conditions and informatives listed in the report.

149.5 **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 to grant planning permission subject to the conditions and informatives listed in the report.

**E. Application BH2010/02093, 63 Marine Drive, Rottingdean** – Conversion of existing rear ground and first floor maisonette to create 3no two bedroom maisonettes and 1no two bedroom flat, incorporating erection of rear extension and additional storey with pitched roof with front, rear and side dormers and rooflights to side.

- (1) There was no presentation given on this application.

**Debate and Decision Making Process**

- (2) Councillor Theobald felt that the application was good and would make the street scene better. She felt it was unfortunate that there was no car parking provision however.
- (3) Councillor Cobb agreed that the appearance and design were good. She felt there was a lack of amenity space and a lack of car parking however and so could not support the application.
- (4) The Chairman of the Conservation Advisory Group, Mr Andrews, felt that there would be a mis-match between the brickwork of the adjoining buildings and a join line would be obvious. He added that the could be overcome with render. Mr Walke replied that the proposed materials were brick and would be chosen to match the existing materials as best they could.
- (5) Councillor Cobb referred to the reference to bus stop flags in the report and asked for clarification of this. Mr Tolson replied that he would circulate this clarification to Members after the Committee.
- (6) A vote was taken and on a vote of 10 for and 1 refusal planning permission was granted subject to the conditions and informatives in the report.

149.6 **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.

**F. Application BH2010/01825, 4 Cobton Drive, Hove** – Erection of single storey rear and side extension, and formation of raised decking with screening.

- (1) Mrs Hurley introduced the application and presented plans and elevational drawings. She noted an error on the report and stated the scheme could not be developed under Permitted Development Rights. There had been a reduction of 3 metres in depth and the decking had been set back 1 metre from the boundary. The materials to be used would not detract from the street scene and would not have a detrimental impact on amenity. There would be some loss of outlook, sense of space and privacy to no. 2 Cobton Drive but this was not felt to be substantial enough for a refusal.

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

- (2) Councillor Smart asked how high the decking would be from the garden level. Mrs Hurley replied that it would be around 1 metre.
- (3) Councillor Smart asked if no. 6 Cobton Drive had an extension and Mrs Hurley replied that they did.
- (4) Councillor Cobb asked what the distance between the two extensions would be once built. Mrs Hurley replied that it would be around 0.1 metres.

- (5) Councillor Cobb asked how the walls to the extensions could be repaired or rendered if the gap was only 0.1 metres wide. Mrs Hurley replied that this would be a private matter between the neighbours and was not a planning consideration.

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

- (6) Councillor Alford felt very concerned that the Committee would be approving planning permission for a building that could not be maintained. Mrs Hurley reiterated that this would be a private matter between neighbours. Mr Vidler added that access for maintenance and construction were not planning considerations and the application could not be turned down on these grounds.
- (7) Mr Andrews felt that the junction between the two buildings was very narrow and believed that the Local Planning Authority could have encouraged a more sensible approach to this scheme, even though this was strictly a private matter. He felt that what would be created here was a terraced situation.
- (8) Councillor Theobald asked if a site visit could be conducted to assess the distances between the two proposed extensions. A vote was taken on a vote of 4 for, 5 against and 2 abstentions a site visit was not agreed.
- (9) A vote was taken and on a vote of 5 for, 4 against and 2 abstentions planning permission was granted subject to the conditions and informatives listed in the report.

149.7 **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 to grant planning permission subject to the conditions and informatives listed in the report.

**G. Application BH2010/02489, 162 Carden Hill, Brighton** – Replacement of existing rear dormer window with new wider dormer window.

- (1) This application was deferred for a site visit to be held in 3 weeks time.

**H. Application BH2010/02677, 24 St James's Street, Brighton** – Erection of additional 3 storeys to create 3no one bedroom flats and 3no two bedroom flats. Alterations to ground floor façades including installation of new shop front (part retrospective).

- (1) Mr Walke introduced the application and presented plans and elevational drawings. He noted that construction work had begun earlier this year but the works were not in accordance with the previously agreed plans. This application sought to amend the 2005 approval. There had been no objection from the Conservation Advisory Group and the Conservation and Design Team felt that the amendments were an improvement to the existing approval. Each unit would have a private balcony and would comply with Lifetime Homes Standards. There would be some impact on the existing flats to the rear, but the loss of light would not be excessive given the nature of the area and the previous permission. He also noted there would be some overlooking from the balconies, but this would not be a significant impact as the balconies would be recessed into the building line. The code level for Sustainable

Homes would be secured by condition and the Section 106 varied. The development would be car-free.

- (2) Mrs Hewitt spoke on behalf of Dorset Gardens Methodist Church. She stated that the Church had not been notified of the previous application or this one and so had not had a chance to comment on the proposals. The Church had been redeveloped in 2002 as a landmark building. A mix of modern local and sustainable materials were used and the building had won awards. It was well used by community groups throughout the week and could be identified from the seafront. The application in question would represent an over-development of the area and would obscure views of the Church. There was currently a good building-scape in the area but the application would be too high and would impact negatively on the Church. She felt that a 2 storey development would be more suitable.
- (3) Mr Godfrey spoke on behalf of the applicants and showed a photograph of the area before World War 2, which showed much higher buildings in the area, with the Church still visible. He added that the Church was oriented onto Dorset Gardens and not St James' Street and this would not be affected. The current application would improve the building and the character of the local area.

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

- (4) Councillor Simson asked about the relationship between this application and the recently approved application opposite this site. Mr Walke replied that there would be bedrooms looking out onto the other scheme on each floor. The recently approved application opposite did not have balconies.

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

- (5) Councillor Smart felt that this scheme was to rectify plans that had not been given planning permission in the first place. He was concerned that the Church had not been consulted regarding this or previous applications. Mr Vidler stated that the Planning Authority were required to notify properties adjoining the application site, and the Church did not in fact adjoin the site, but a site notice had been displayed nearby.
- (6) A vote was taken and on a vote of 10 for and 1 against minded to grant planning permission was granted subject to the variation of the existing Section 106 Agreement and the conditions and informatives listed in the report.

149.8 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves that it is minded to grant planning permission subject to a variation to the existing Section 106 Obligation securing payments for off-site works and car-free development, and the conditions and informatives listed in the report.

**I. Application BH2010/02745, 28 Marine Drive, Rottingdean** – Erection of a block of 9no flats comprising 5no two bed flats and 4no three bed flats with associated works including car parking area.

- (1) This application was deferred for a site visit.

**J. Application BH2009/00161, 28-30 Newlands Road, Rottingdean** – Erection of a three storey detached building to provide 12 bedroom nursing home to form part of existing home at 30-32 Newlands Road.

(1) There was no presentation given with this application.

**Debate and Decision Making Process**

(2) A vote was taken and on a unanimous vote minded to grant planning permission was granted subject to a Section 106 Agreement and the conditions and informatives listed in the report.

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

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

150.1 **RESOLVED** – That those details of applications determined by the Strategic Director of Place 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 Strategic Director of Place. 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.]

**151. 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**

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

Application:	Requested by:
BH2010/02489, 162 Carden Hill, Brighton	Councillor Theobald
BH2010/02745, 28 Marine Drive, Rottingdean	Councillor Cobb
BH2009/03105, Medina House, Kings Esplanade, Hove	Deputy Development Control Manager

The meeting concluded at 4.45pm

Signed

Chair

Dated this

day of





**APPEAL DECISIONS**

	<b>Page</b>
<b>A. ST PETERS AND NORTH LAINE</b>	<b>21</b>
Application BH2009/03126, 2 Camden Terrace, Brighton – Appeal against refusal to grant planning permission for replacement of single glazed timber windows with double glazed uPVC windows. <b>APPEAL DISMISSED</b> (delegated).	
<b>B. HOLLINGDEAN &amp; STANMER</b>	<b>23</b>
Application BH2009/02912, 2 Freehold Terrace, Brighton – Appeal against refusal to grant planning permission for demolition of the existing dwelling house and erection of a block of 8 flats. <b>APPEAL DISMISSED</b> (delegated).	
<b>C. HOVE PARK</b>	<b>27</b>
Application BH2010/00109, 30 Goldstone Way, Hove – Appeal against non-determination for the erection of a front extension, new external access staircase and other external alterations. <b>APPEAL ALLOWED</b> .	
<b>D. SOUTH PORTSLADE</b>	<b>31</b>
Application BH2009/02588, 44 Station Road, Portslade – Appeal against refusal to grant planning permission for the construction of an additional (second) floor, external alterations and part change of use of surplus storage area ancillary to shop all to form 3 new flats and 1 new maisonette. <b>APPEAL DISMISSED</b> (delegated).	
<b>E. WITHDEAN</b>	<b>35</b>
Application BH2009/02484, 80 Peacock Lane, Brighton – Appeal against granting planning permission with conditions for the erection of a single storey timber framed glazed orangery. <b>APPEAL ALLOWED</b> (delegated).	
<b>F. WITHDEAN</b>	<b>37</b>
Application BH2010/01814, 85 Valley Drive, Brighton – Appeal against refusal to grant planning permission for alterations to loft conversion and single storey extension. <b>APPEAL ALLOWED</b> (delegated).	

**G. HANOVER & ELM GROVE 41**

Application BH2009/03036, 126 Lewes Road, Brighton – Appeal against refusal to grant planning permission for proposed is change of use of the basement storage to residential and creation of front access. **APPEAL DISMISSED** (delegated).

**H. WITHDEAN 45**

Application BH2010/00840, 250 London Road, Brighton – Appeal against refusal to grant planning permission for a replacement detached garage building. **APPEAL DISMISSED** (delegated).

**I. WESTBOURNE 47**

Application BH2009/03001, Roan Rest Home, 27-29 Pembroke Crescent, Hove – Appeal against non-determination for conversion of existing rest home into two dwellings. **APPEAL DISMISSED**.

**J. WOODINGDEAN 49**

Application BH2010/00856, 10 Ravenswood Drive, Brighton – Appeal against refusal to grant planning permission for erection of a two storey rear extension and a single storey rear/side extension. **APPEAL DISMISSED** (delegated).

**K. ST PETERS & NORTH LAINE 51**

Application BH2009/03073, 95 Ditchling Road, Brighton – Appeal against non-determination of application for listed building consent for internal alterations and refurbishment of the gallery to form smaller self-contained office units without complying with a condition attached to listed building consent Ref BH2006/03576 dated 6 February 2007. **APPEAL ALLOWED** (costs awarded).

**L. GOLDSMID 57**

Application BH2010/00817, 141-143 Sackville Road, Hove – Appeal against refusal to grant planning permission for a new self contained flat to roof space. **APPEAL DISMISSED** (delegated).



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# Appeal Decision

Site visit made on 18 October 2010

**by G Powys Jones MSc FRTPI**

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

**Decision date: 28 October 2010**

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**Appeal Ref: APP/Q1445/D/10/2131150**  
**2 Camden Terrace, Brighton, BN1 3LR**

- 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 Kate Larkinson against the decision of Brighton And Hove City Council.
  - The application Ref BH2009/03126, dated 29 January 2010, was refused by notice dated 7 May 2010.
  - The development proposed is the replacement of single glazed timber windows with double glazed UPVC windows.
- 

## Preliminary matters

1. In the interests of clarity, I have utilized the description of the proposed development used in the decision notice rather than that in the original application form.
2. The original application form is dated 29 January 2010, but the Council's decision notice refers to the application as having been submitted on 22 December 2009. Whilst no explanation has been provided for this disparity, I am content that the decision on the submitted application is that subject of the appeal.

## Decision

3. I dismiss the appeal.

## Main issue

4. The main issue is whether the appeal proposals would preserve or enhance the character or appearance of the West Hill Conservation Area.

## Reasons

5. I have been referred to several appeals affecting the appeal property and its semi-detached neighbour, No3, the most recent of which was concerned with a proposal to remove the cladding from the front elevations of both properties (APP/Q1445/A/10/2120741). That appeal was dismissed partly because, in respect of No 2, it would involve the removal of timber lap boarding, an
-

- 'original feature', thus harming the character and appearance of the conservation area.
6. The appeal proposals would see introduced an extensive arrangement of UPVC framed windows into a substantially timber-clad elevation. I noted that No 3 had UPVC windows, and that several other properties in Camden Terrace have had their original windows changed. However, some of these changes have tended to adversely affect the appearance of the individual properties, and the locality generally, and do not justify the use of more UPVC, particularly to the extent proposed.
  7. The replacement windows would be seen at close quarters from the walkway serving the Terrace. Their texture, form and thickness would be significantly different to timber windows, and would appear incongruous, as is the case with the windows of No 3, next door. They would devalue and harm the appearance of the appeal property itself, the visual charm of the Terrace, and the character and appearance of the wider conservation area.
  8. The need for replacement windows and the advantages of using UPVC replacements, to the appellant, are fully understood. However, these factors do not outweigh the considerations that led me to my conclusion on the main issue, that the proposed replacement windows would harm the character and appearance of the West Hill Conservation Area. The proposals, accordingly, conflict with the provisions of policies HE6, QD2 and QD14 of the Brighton and Hove Local Plan 2005, which require the materials to be used in development to be appropriate, and respectful of the character and appearance of the Borough's conservation areas.

*G Powys Jones*

INSPECTOR



# Appeal Decision

Site visit made on 28 September 2010

by **John Millard DipArch RIBA FCI Arb**

an Inspector appointed by the Secretary of State  
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**Decision date:**  
**21 October 2010**

## Appeal Ref: APP/Q1445/A/10/2127831 2 Freehold Terrace, Brighton BN2 4AB

- 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 Roche Barratt Estates against the decision of Brighton a& Hove City Council.
- The application (Ref: BH2009/02912) dated 3 November 2009 was refused by notice dated 26 February 2010.
- The development proposed is demolition of the existing dwellinghouse and erection of a block of 8 flats.

### Decision

1. I dismiss the appeal.

### Main Issues

2. The main issues in this appeal are the effect of the proposal on, firstly, the character and appearance of the area, secondly, the living conditions of the occupiers of neighbouring properties, with particular reference to privacy, and, thirdly, the local sustainable transport infrastructure.

### Preliminary Matter

3. I have before me a copy of planning permission Ref: BH2008/01061 dated 5 March 2009 for redevelopment of the appeal site. The description of development given is '*Demolition of existing house and erection of eight new flats (amended design)*' but the plans listed in the decision notice, copies of which I also have, show just seven – 1 two-bedroom maisonette, 3 one bedroom flats, 2 two bedroom flats and 1 three-bedroom duplex flat on second and third floors. The officer's delegated report in respect of the appeal proposal confirms at paragraph 7 that permission Ref: BH2008/ 01061 is for the erection of a block of seven flats.

### Reasons

4. I saw at the site visit that construction of the approved scheme had begun. The proposal before me, however, is for an amended scheme involving, primarily, the provision of 2 two-bedroom flats, one on the second floor and one on the third, in place of the approved three-bedroom duplex unit. This would increase the number of flats to 8 and involve the enlargement of the building at third floor level by enclosing what, in the approved scheme, is shown as a roof terrace and extending the stair enclosure through an additional

- storey. At the same time, three areas previously defined as sedum flat roofs, with only maintenance access, would be turned into accessible roof gardens.
5. The site occupies a prominent location on land that rises steeply from south to north. It is situated at the junction of Freehold Terrace and Popes Folly, in an urban area of compact development but with the open spaces of Saunders Park to the east and a covered reservoir to the north. There is traditional Victorian terraced housing immediately to the west and, beyond that, the modern three and four storey flatted developments of Popes Court and 28 Freehold Terrace. On the south side of the road are mostly two storey traditional buildings in a mixture of commercial and residential uses.
  6. The principle of a high density flatted development on the site is established by the extant planning permission. The new building would be visible from a number of vantage points, most particularly from the southern end of Popes Folly, where it joins Hollingdean Road, from which location it would be seen in the context of the adjacent Victorian terraces. Whilst the contemporary design proposed would not be unacceptable in this situation, the bulk and mass of the building at third floor level would make the development unduly dominant within the street scene, to the detriment of the integrity and visual balance of the townscape.
  7. I do not agree with the Council that the additional unit would unacceptably increase the density of the development or result in 'town cramming' but this does not diminish the harm that would be caused by the bulk of the building at third floor level, extending it some 8 metres further forward towards Freehold Terrace. Neither do I agree with the appellant that the increase in bulk compared with the approved scheme would be minimal as it would, in practice, represent a doubling in volume of the third floor accommodation.
  8. Policies QD1 and QD2 of the adopted Brighton & Hove Local Plan 2005 (LP) seek to ensure that new development contributes positively to the visual quality of the environment and relates appropriately to its surroundings. In view of the harm I have identified, I conclude, on the first main issue, that the proposal would not accord with these Policies, to the detriment of the character and appearance of the area.
  9. The Council is also concerned that balconies and roof terraces at first, second and third floor levels on the west side of the development would unacceptably impact upon the living conditions of the occupiers of Nos 4 and 6 Freehold Terrace as a result of actual or perceived overlooking of their private amenity spaces. I note from the submitted plans that anyone using the balconies to flats 4 and 6, the second floor communal roof garden and the private roof garden to flat 8 would have direct views over the south facing garden areas in the neighbouring properties, materially reducing the degree of privacy their occupiers presently enjoy.
  10. The appellant suggests that this situation could be overcome by the addition of privacy screens (to be secured by condition) but, in the absence of a specific proposal, I am not persuaded that a practical and visually acceptable screening arrangement is a realistic possibility in all cases. Accordingly, I am led to the conclusion on this issue that the proposal would cause material harm to the living conditions of the occupiers of Nos 4 and 6 Freehold Terrace, with

particular reference to privacy, in conflict with LP Policy QD27 which seeks to protect the amenities of neighbouring occupiers. Whilst I note that the balconies to flats 4 and 6 are no different from those in the approved scheme, this does not alter my conclusion in respect of the current proposal.

11. Considering the third main issue, LP Policy TR1 requires that development proposals should provide for the travel demand they create whilst Policy QD28 notes, in this context, that contributions towards the cost of infrastructure enhancements will be sought by means of planning obligations when planning permission is granted. The appellant contends that this is a matter which can be dealt with by means of a planning condition, as it was in the case of the approved scheme.
12. Circular 11/95 – *The Use of Conditions in Planning Permissions* advises that, where a deficiency can be overcome by the imposition of a condition, this course should be adopted in preference to refusing planning permission. An appropriately worded condition could be imposed in this case to ensure compliance with LP Policies TR1 and QD28 and I therefore conclude, on this issue, that the absence of provisions for accommodating the additional travel demands that would be created by the development is not sufficient to justify withholding planning permission.

### **Conclusion**

13. For the reasons outlined above, and notwithstanding my conclusion on the third main issue, I find this amended proposal unacceptable. Accordingly, and having considered all other matters raised, it is my overall conclusion that the appeal should be dismissed.

*John G Millard*

INSPECTOR







# Appeal Decision

Site visit made on 28 September 2010

by **John Millard DipArch RIBA FCI Arb**

an Inspector appointed by the Secretary of State  
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**Decision date:**  
**21 October 2010**

## **Appeal Ref: APP/Q1445/A/10/2129679** **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 failure to give notice, within the prescribed period, of a decision on an application for planning permission.
- The appeal is made by Mr Ignacy Lechowicz against Brighton & Hove City Council.
- The application (Ref: BH2010/00109) is dated 28 December 2009.
- The development proposed is the erection of a front extension, new external access staircase and other external alterations.

### **Decision**

1. I allow the appeal and grant planning permission for the erection of a front extension, a new external access staircase and other external alterations at 30 Goldstone Way, Hove, East Sussex BN3 7PB in accordance with the terms of the application Ref: BH2010/00109 dated 28 December 2009 subject to the conditions set out in the Schedule of Conditions attached hereto.

### **Preliminary Matter**

2. The description of development given above differs from that on the original application form but is consistent with that on the appeal form. The original description '*Front extension to existing house*' does not fully describe the proposal shown on the submitted plans, particularly in regard to the reconfiguration of the access stairs and veranda balustrading proposed. In the interests of consistency, and for the avoidance of doubt, I have adopted the more comprehensive description for the purposes of this appeal decision.

### **Main Issue**

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the property and the surrounding area.

### **Reasons**

4. The appeal property is a mid 20<sup>th</sup> century detached bungalow on the south-west side of Goldstone Way. The land falls sharply from south-west to north-east so that the properties on this side of the road, including No 30, are elevated well above street level whilst the two storey houses opposite are set a full storey below the road, thus having the appearance of single storey properties.
5. The proposal comprises three distinct elements. The first is a small forward extension on the right-hand side of the façade, including a front facing gable

- to reflect, but not precisely replicate, the slightly larger gable to the left-hand side. The second is the reconfiguring of the stepped access from street level up to the floor level of the dwelling whilst the third is the provision of a metal balustrade to the veranda that extends across the width of the property.
6. These same works formed part of a proposal for which planning permission (Ref: BH2009/00501) was refused in 2009 and the subsequent appeal (Ref: APP/Q1445/A/09/2108159) dismissed. The only material difference between that scheme and the proposal now before me is the omission from the present scheme of a large fully glazed porch that formed part of the earlier proposal. The sole reason for dismissing the previous appeal was the absence of detailed information about the glazed porch.
  7. In dismissing the appeal, the previous Inspector, having analysed the appeal property and surrounding area, and considered the Council's reasons for refusal, stated, "*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*".
  8. He continued, "*Within that context and, bearing in mind that small changes to the appearance of neighbouring 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*".
  9. After considering the representations made by the appellant and the Council, and having visited and carefully inspected the site, I am in entire agreement with that assessment. Furthermore, having considered the reconfiguration of the entrance steps and the principle of the new balustrade proposed for the veranda, I am satisfied that, subject to the provision of further details of the balustrade, these too would accord with the design objectives of the LP Policies noted above.
  10. Accordingly, and having regard to all other matters raised, I am led to conclude that, as the proposal before me would not materially harm the character and appearance of the property or the area, and as there are no other considerations that would justify a decision other than in accordance with development plan policy, the appeal should be allowed and planning permission granted.

### **Conditions**

11. In the event that the appeal is allowed and planning permission granted, the Council has suggested four conditions in addition to the statutory time limit. I

have considered the need for these, and any other conditions, in the context of DoE Circular 11/95 – *The Use of Conditions in Planning Permissions*. Otherwise than as set out in this decision and its associated conditions, it is necessary in the interests of proper planning that the development should be carried out in accordance with the approved plans. For the avoidance of doubt, I shall impose a condition to that effect.

12. In the absence of appropriate details on the submitted plans, the suggested conditions requiring samples of external facing materials and details of the veranda balustrading to be submitted to and approved by the Council are appropriate and necessary, as is the suggested condition seeking to control water run-off from hard paved surfaces so as to reduce the risk of flooding and pollution, and to achieve an acceptable level of sustainability for the development. I shall impose all these conditions, amending the Council's suggested wording as necessary to accord more closely with Circular 11/95 advice.

*John G Millard*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the details shown on the submitted location and block plans, and approved drawings numbered 1A, 1B, 2, 3, 4, 5 and 6 (all dated 17.12.08) and 7 to 15 inclusive (all dated 24.12.09).
- 3 No development shall take place until samples of the materials and colours to be used in the construction and finishing of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
- 4 Notwithstanding details shown on the approved plans, the development hereby permitted shall not begin until full details of the balustrade to the front veranda, including sections and profiles of the railings drawn to a scale of not less than 1:20, have been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.
- 5 The hard paved areas hereby permitted, including the parking space, shall be surfaced in a porous material and thereafter retained as such or shall be so constructed, and thereafter retained, as to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

- End of Schedule of Conditions -



# Appeal Decision

Site visit made on 28 September 2010

by **John Millard DipArch RIBA FCI Arb**

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

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**Decision date:**  
**25 October 2010**

## **Appeal Ref: APP/Q1445/A/10/2128694 44 Station Road, Portslade, Brighton BN41 1AG**

- 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 Marcus Halliday against the decision of Brighton & Hove City Council.
- The application (Ref: BH2009/02588) dated 19 October 2009 was refused by notice dated 12 January 2010.
- The development proposed is the construction of an additional (second) floor, external alterations and part change of use of surplus storage area ancillary to shop all to form 3 new flats and 1 new maisonette.

### **Decision**

1. I dismiss the appeal.

### **Main Issues**

2. The main issues in this appeal are the effect of the proposal on, firstly, the character and appearance of the property and the surrounding area and, secondly, the living conditions of the occupiers of residential accommodation on the first and second floors of No 43 Station Road with particular reference to daylight and sense of enclosure.

### **Reasons**

3. The appeal property is an early/mid 20<sup>th</sup> century two storey building with a retail shop on the ground floor with mostly residential accommodation above. It is situated at the junction of Station Road and St Aubyns Road with a short frontage onto the former and a much longer one onto the latter. Station Road is essentially commercial in character, being part of a designated District Shopping Centre, whilst St Aubyns Road comprises mostly traditional late 19<sup>th</sup> or early 20<sup>th</sup> century two storey terraced housing, the obvious exception being No 1 which is a three storey contemporary flat roofed detached dwelling house with a façade that steps back at each floor level.
4. The first floor of the subject property presently contains two flats, together with a somewhat isolated and apparently unused ancillary storage area for the shop. The proposal is to add a second residential floor and to reconfigure the interior, incorporating the redundant shop storage area, to create a total of six units, five with 1 bedroom and one with 2 bedrooms. The flats would be served by a common staircase, accessed from St Aubyns Road, whilst the ground floor retail accommodation would remain largely unaltered.

### *Character and Appearance*

5. The principal built form within the street block containing the appeal property is of traditional two storey buildings with pitched roofs incorporating gabled dormers. Apart from the appeal property, the two exceptions are No 42, which has a decorative flat roofed dormer style element serving an attic storey, and No 43 with a simple front to back roof pitch incorporating a small more or less centrally positioned flat roofed dormer. Read together, Nos 41, 42, 43 and 44 have the appearance of a gradual stepping town towards the St Aubyns Road junction, with the flat roofed No 44, despite its relatively high eaves, being overall the lowest.
6. Because of this configuration, and because of the set-back from the street frontages of the modestly scaled United Reformed Church on the opposite corner of St Aubyns Road, a key characteristic of this junction is its relative openness. This is in marked contrast to a number of other junctions along Station and Boundary Roads and is a feature that makes its own positive and distinctive contribution to the streetscene.
7. Whilst there can be no disputing that the area displays a rich variety of architectural styles and building types, including a number having three storeys and flat roofs, not all of these can be considered to contribute positively to the character and appearance of the area. Indeed, the appellant has drawn my attention to an appeal decision relating to No 9 Station Road (Ref: Q1445/A/08/2073236) in which the Inspector allowed an extension, in part at least, precisely because, as it stood, the subject building detracted from area. I saw at the site visit that No 9 was by no means unique in that regard.
8. The appellant points out that corner buildings often provide 'stop ends' to a terrace and, as such, are likely to be taller than adjacent properties, often incorporating features such as a turrets or spires. This is undoubtedly true but such a treatment is certainly not always appropriate and each situation must be considered on its individual merits. In the present case, preserving the open character of the junction is important to maintaining the balance and integrity of the streetscape, and the principle of a taller stop-end building would not accord with this objective.
9. Policies QD1, QD2 and QD14 of the adopted Brighton & Hove Local Plan 2005 (LP) seek to ensure that new developments, including extensions to existing buildings, are designed to a high standard, emphasising and enhancing the positive characteristics of the local neighbourhood and, in so doing, contributing positively to the surrounding area. The proposal in this case, because of its increased height, its corner turret and its long and largely featureless St Aubyns Road elevation, would appear as a bulky and intrusive development, dominating the highway junction and causing material harm to the open character of the immediate area. It would not accord with the above LP Policies, to the detriment of the streetscene and the established character and appearance of the area.

### *Neighbours' Living Conditions*

10. The first and attic floors of the adjacent No 43 Station Road are in residential use and have rear (west) facing windows that appear to serve habitable rooms. Because the appeal property extends a long way further back than these

windows, the Council is concerned that adding a second storey would materially reduce the amount of daylight reaching the windows concerned and increase the occupants' sense of enclosure. In an attempt to minimise any harm to the neighbours' outlook, the appellants propose to cut back part of the new floor so that it would not appear unduly dominant when seen from the first and second floor windows in No 43. Because of this, I am satisfied that the new storey would not so greatly increase the neighbours' sense of enclosure as to justify withholding planning permission.

11. As regards daylighting, the appellants have commissioned a technical Daylight Analysis using the Vertical Sky Component principle advocated in the Building Research Establishment (BRE) publication '*Site Layout Planning for Daylight and Sunlight : A Guide to Good Practice*'. The analysis concludes that, whilst all affected windows would suffer some reduction in daylight, the reductions would be within what the BRE deems to be acceptable limits and would not be perceived by those occupying the affected rooms. Whilst the Council contends that the Analysis should have been submitted with the application, it does not directly challenge the results and I have no reason to doubt their accuracy.
12. LP Policy QD27 seeks to protect the amenity of neighbouring occupiers, including daylight and outlook, and I conclude on this issue that the proposal would accord with the objectives of this Policy.

### **Conclusion**

13. Notwithstanding my conclusion on the second main issue, the determining issue is the effect of the proposal on the character and appearance of the property and the area. Therefore, as the proposal would not accord with the LP policies identified in paragraph 9 above, and as there are no other considerations sufficient to justify a decision other than in accordance with the development plan, I conclude that the proposal is unacceptable. I have considered all other matters raised but found nothing that changes the balance of my decision that the appeal should be dismissed.

*John G Millard*

INSPECTOR







# Appeal Decision

Site visit made on 28 September 2010

by **John Millard DipArch RIBA FCI Arb**

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

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**Decision date:**  
**19 October 2010**

## Appeal Ref: APP/Q1445/A/10/2122419 80 Peacock Lane, Brighton BN1 6WA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr J and Mrs S Richardson against the decision of Brighton and Hove City Council.
- The application (Ref BH2009/02484), dated 13 October 2009, was allowed on 9 December 2009 subject to conditions.
- The development permitted is the erection of a single storey timber framed glazed orangery.
- The first of the conditions in dispute is No 3 which states: *The west and east side facing windows of the conservatory extension hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.*
- The reason given for the condition is: *To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton and Hove Local Plan.*
- The second of the conditions in dispute is No 4 which states: *Notwithstanding the submitted drawings, the proposed wall along the eastern elevation of the property shall not exceed 1.3 metres in height above the internal finished floor level of the conservatory extension hereby permitted.*
- The reason given for the condition is: *To safeguard the amenities of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton and Hove Local Plan.*

## Decision

1. I allow the appeal and vary planning permission Ref: BH2009/02484 for the erection of a single storey timber framed glazed orangery at 80 Peacock Lane, Brighton BN1 6WA granted on 9 December 2009 by Brighton and Hove City Council by deleting Condition No 3.

## Main Issue

2. The main issue in this appeal is the effect of removing Conditions 3 and 4 on the living conditions of the occupiers of No 82 Peacock Lane, with particular reference to outlook and privacy, and of No 78 Peacock Lane, with particular reference to privacy.

## Reasons

3. The appeal property is a modern two storey detached dwellinghouse occupying a relatively narrow but deep plot on the south side of Peacock Lane. Neighbouring houses are of similar age and character and, whilst plots are

more or less consistent in shape and size, there is not a common building line. The land falls from north to south and from east to west so that the back garden of No 80 is lower than the ground floor of the house, whilst No 82 is at a higher level than No 80 and No 78 at a lower level.

4. There is a raised patio at the rear of No 80 upon which the orangery is to be constructed. On the west side of this patio, facing No 82, is a decorative block screen wall about 1.3 metres high whilst the other two sides of the patio are protected by open metal railings. There is a gap of a little over 1 metre between the screen wall and the plot boundary and a similar gap between the boundary and the flank wall of No 82, which extends much further into the garden than No 80.
5. There is a window in the flank wall of No 82 serving a semi-basement room and facing directly toward the patio screen wall. I estimate that the head of this window is about 500-600mm below the top of the wall, resulting in room which receives only poor daylighting and almost certainly requires the use of artificial lighting when used for its stated purpose as a workshop. The reason for Condition 4 is to minimise any further reduction in the daylight reaching this room, in order to satisfy criterion (b) of Policy QD14 of the adopted Brighton & Hove Local Plan 2005 (LP).
6. I agree with the Council that raising the height of the solid element of the flank wall would be likely to result in a modest but nonetheless unacceptable diminution of light to the neighbouring window and therefore conclude that to removal Condition 4 would cause such harm to the living conditions of the occupiers of No 82, with particular reference to daylight, as to conflict with the objectives of LP Policy QD14.
7. The existing patio is used by the appellants and their family and guests for sitting out and presently offers clear unobstructed views towards both Nos 78 and 82. Erecting the orangery would not increase visibility towards either of the neighbouring properties and, as such, would not materially reduce the level of privacy they currently enjoy. I therefore conclude that the proposal accords with criterion (b) of LP Policy QD14 without the disputed Condition 3 and that the Condition thus fails the test of necessity as set out in DoE Circular 11/95 - *The Use of Conditions in Planning Permissions*.
8. I have considered all other matters raised, including the concern of the occupiers of No 82 that the orangery would reduce daylight to their upper ground floor kitchen window, but have found nothing that changes the balance of my decision that the appeal should be allowed and Condition 3 removed.

*John G Millard*

INSPECTOR



# Appeal Decision

Site visit made on 4 October 2010

**by M A Champion BSc CEng FICE  
FIStructE FCIHT FHKIE**

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**Decision date:  
18 October 2010**

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## **Appeal Ref: APP/Q1445/D/10/2136234 85 Valley Drive, Brighton, BN1 5FF.**

- 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 Chris Evans against the decision of Brighton & Hove City Council.
- The application ref: BH2010/01814, dated 7 June 2010, was refused by notice dated 4 August 2010.
- The development proposed is: alterations to loft conversion and single storey extension.

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### **Preliminary matters**

1. The description given above is taken from the application form. Having regard to the Council's refusal notice, I consider that a more complete description is the erection of a single storey rear extension, a roof extension incorporating a hip to gable end conversion to the rear, an additional dormer to the eastern roof slope and associated works. I shall deal with the appeal on this basis.

### **Decision**

2. I allow the appeal and grant planning permission for the erection of a single storey rear extension, a roof extension incorporating a hip to gable end conversion to the rear, an additional dormer to the eastern roof slope and associated works at 85 Valley Drive, Brighton, BN1 5FF, in accordance with the terms of the application, ref: BH2010/01814, dated 7 June 2010, subject to the following conditions:
  - 1) The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
  - 2) The development hereby permitted shall be carried out in accordance with Drawing No EV/01, dated 21 May 2010.
  - 3) All materials and finishes to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### **Main issue**

3. The main issue is whether the proposed development would result in an unacceptable alteration to the side roof slopes.

## Reasons

4. Policy QD14 of the Brighton & Hove Local Plan 2005 deals with extensions and alterations, and is supported by Supplementary Planning Guidance *SPGBH1: Roof Alterations and Extensions*.
5. The appeal site lies in a residential area on the southern side of Valley Drive. It comprises a detached bungalow with a roof conversion including dormers on each side and is surrounded by a mix of bungalows and houses to a variety of designs.
6. The proposal would construct a small rear infill extension, convert the rear roof hip to a gable end, replace the existing flat-roofed dormers with smaller dormers having pitched roofs, and construct a new dormer on the eastern side roof slope, together with associated works including internal alterations and the insertion of a rooflight in the western side roof slope. The Council does not object to the rear extension, the hip to gable conversion or the associated works, and I can find no reason to do so.
7. The proposed dormers would all be of similar size and design and would be significantly smaller than the existing dormers. These are large massive structures which add significant bulk to the building at high level, and with their flat roofs do not appear to be in keeping with the original building.
8. The proposed dormers would have pitched roofs to match the existing roof slopes. The resulting significant reduction in bulk combined with the matching roof form would, I consider, enhance the appearance of the building.
9. While I acknowledge the advice of SPG regarding the width and positioning of dormers with respect to ground floor windows, I do not consider this to be an overriding consideration in this case. The side elevations of the dwelling are not directly visible except from the neighbouring properties, and from here only at short range. In such views the relationship between dormers and ground floor windows is unlikely to be discernible. I observed that this was not a matter for concern in views from the street.
10. In any event there are very few windows in the ground floor side elevations, and I consider that it would be neither practicable nor reasonable to require that the dormers be of similar width and positioned above them.
11. I conclude, therefore, that the proposed development would not result in an unacceptable alteration to the side roof slopes, and would comply with Policy QD14.

## Conditions

12. I have considered the need for conditions, and those suggested by the Council, in the light of Circular 11/95: *The Use of Conditions in Planning Permissions*. A condition is required as it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.
13. I shall also impose a condition requiring the use of matching materials in the interests of character and appearance.

14. I base all conditions on the model conditions of the Circular.

*M A Champion*

INSPECTOR





# Appeal Decision

Site visit made on 28 September 2010

by **John Millard DipArch RIBA FCI Arb**

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**Decision date:**  
**21 October 2010**

## Appeal Ref: APP/Q1445/A/10/2128221 126 Lewes Road, Brighton BN2 3LG

- 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 Gary Ablewhite against the decision of Brighton & Hove City Council.
- The application (Ref: BH2009/03036) dated 10 December 2009 was refused by notice dated 15 March 2010.
- The development proposed is change of use of the basement storage to residential and creation of front access.

### Decision

1. I dismiss the appeal.

### Preliminary Matters

2. The plans submitted with the planning application and considered by the Council in refusing permission are numbered 5568/A/1 revision 1 and 5568/A/2 revision 1. Included in the appellant's submission for the appeal is an amended plan numbered 5568/A/2 revision 2 but, as this involves material changes from the original scheme, it is a matter for consideration and determination by the Council in the first instance. I have accordingly reached my conclusion on the basis of the original scheme.
3. I noted at the site visit that conversion of the basement accommodation was well advanced but that work had been suspended pending the outcome of this appeal.

### Main Issues

4. The two main issues in this appeal are, firstly, the effect of the proposal on the living conditions of future occupiers of the development with particular reference to daylight and, secondly, whether the proposal would provide appropriate facilities to encourage the use of cycling as an alternative means of travel to the private car.

### Reasons

5. The appeal property is a two storey mid terrace building within a group of broadly similar properties on the east side of Lewes Road. It comprises a retail shop and residential upper part, with a full basement that appears to have once provided ancillary storage space for the shop. However, partially completed alteration works have severed any previous physical connection

- between the shop and the basement, and there is presently no usable access to this part of the property.
6. Being in a sustainable location, close to public transport links and local services, the property is considered by the appellant to be suitable for conversion to residential use, especially for students attending Brighton or Sussex Universities. The basement accommodation extends to an area of about 55m<sup>2</sup> which it is proposed to convert into a flat comprising a double bedroom, living room, kitchen/dinning room and shower room. Access would be by way of a new external staircase from street level and there would be a modest courtyard garden at the rear. The kitchen and living room would be located at the back, with windows facing onto the courtyard, while the bedroom would be at the front, facing onto what is described as a light well but which, in reality, would be no more than a 762mm wide access corridor.
  7. From what I saw at the site visit, and in the absence of a technical daylighting analysis such as is recommended by the Building Research Establishment in its widely used publication '*Site Layout Planning for Daylight and Sunlight*', it is clear that the bedroom window would receive very little daylight and would almost certainly fall well short of the standard required to comply with BS 8206-2 (2008) – *Lighting for Buildings. Code of Practice for Daylighting*.
  8. For kitchens and living rooms, the BS recommends daylighting factors of 2% and 1.5% respectively compared with a factor of 1% for bedrooms. Whilst I am satisfied that the daylighting levels to the kitchen and living room in this case would be markedly higher than that to the bedroom, I am not persuaded, without the support of a full technical appraisal, that they would meet the BS recommendations.
  9. Policy QD27 of the adopted Brighton & Hove Local Plan 2005 (LP), with its supporting text, seeks to ensure that the amenities of future occupiers of residential development are not harmed by, among other things, an absence of adequate daylight. For the reasons outlined above, I find that the proposal would not accord with this Policy QD27 objective, and conclude that the change of use proposed is unacceptable.
  10. LP Policy TR14 requires cycle parking provision which, where practicable, should be secure, convenient, under cover and readily accessible at street level. The proposal in this case includes space for parking one cycle in a newly created basement storage room beneath the shop's forecourt area. Access would be by way of the narrow stairs down from pavement level and the equally narrow access corridor to the flat entrance, so that manoeuvring the cycle into and out of the designated space would be extremely difficult.
  11. Accordingly, whilst the arrangement proposed would offer secure covered storage, it would fall a long way short of being convenient and would certainly not be readily accessible at street level. In short, it would not provide a cycle parking facility suitable for regular daily use and would therefore not satisfy the policy objective of encouraging cycle use. Whilst I note the appellant's suggestion that, as an alternative, a wall mounted attachment could be provided at street level within the curtilage of the property, this would not offer any protection to the cycle from the elements and would be unlikely to achieve a satisfactory level of security.



12. My conclusion, therefore, on the second main issue is that the proposal would not provide appropriate facilities to encourage the use of cycling as an alternative means of travel to the private car, and would thus not accord with the environmental objectives of LP Policy TR14.
13. I have considered all other matters raised and noted the amendments proposed in the appellant's revised scheme. I have, however, found nothing in relation to the scheme submitted to the Council for planning permission that changes the balance of my decision that the appeal should be dismissed.

*John G Millard*

INSPECTOR





# Appeal Decision

Site visit made on 11 October 2010

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

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**Decision date:**  
**22 October 2010**

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## Appeal Ref: APP/Q1445/D/10/2136277 250 London Road, Brighton BN1 6YA

- 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 Emma Rehorn against the decision of Brighton & Hove City Council.
- The application Ref BH2010/00840, dated 16 March 2010, was refused by notice dated 21 June 2010.
- The development proposed is a replacement detached garage building.

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### Decision

1. I dismiss the appeal.

### Main Issue

2. The main issue is the effect of the proposed garage on the character and appearance of the area.

### Reasons

3. No 250 is a substantial detached house set back from the road and in front of which is a large gravel drive. The adjoining property is of a similar design. The immediately surrounding area also includes a number of other large detached properties. The proposal is to replace a wooden single-storey flat roofed garage and car port with a brick built garage with a pitched roof.
4. The existing garage is an unobtrusive structure which is barely visible from the road. The proposal would incorporate a substantial pitched roof some 3m in height with a hipped element that would face the road. The height of the roof, which would appear to be higher than the eaves of the existing house, would obscure part of the front elevation from the street. Furthermore, I consider that the lop-sided shape of the roof, which would also be visible from the footpath on London Road, would be an awkward and contrived design. In my view, these factors would make the proposed garage appear as an alien and incongruous feature in the street scene. It would not relate effectively to the host property and would detract from the attractive and balanced appearance of the front elevation, which mirrors that of No 248.
5. I note that the current scheme is an amendment of a previous proposal but it seems to me that the changes made were of a minor nature and did not address the principle issue of the overall scale, shape, bulk and height of the roof of the proposed structure and its relationship with the main house.

6. The footprint of the proposed garage would occupy the same area as the existing structure. I also acknowledge that the site is screened on the northern side by an evergreen hedge and views from the road are partially obscured by a wall and some planting. However, these positive features of the scheme and its setting are insufficient to set aside my concerns about the form of the roof.
7. I conclude that the proposed replacement garage would be visually intrusive, prominent and therefore harmful to the character and appearance of the area. It would fail to comply with saved Policies QD1 and QD2 which require high standards of design in new development which respect its setting.
8. The appellant drew my attention to a number of other dwellings where garages have been constructed in an area in front of the house. I am not aware of the details of these or how they were assessed by the Council. However, it seems to me that the relationship between the garage and the house at Varndean Lodge is quite different from the appeal proposal. The remaining examples are in Dyke Road Avenue which is not only some distance from the appeal site but also where relationships between the garages and the host properties vary considerably and are unique to the individual circumstances of those sites. I therefore consider these developments not to be comparable with the appeal proposal which I have assessed on its planning merits.
9. For the reason set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR



# Appeal Decision

Site visit made on 11 October 2010

**by Sheila Holden**  
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**Decision date:**  
**22 October 2010**

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## Appeal Ref: APP/Q1445/A/10/2131535

### Roan Rest Home, 27-29 Pembroke Crescent, Hove BN3 5DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Vigcare.
- The application Ref BH2009/03001, is dated 28 November 2009.
- The development proposed is conversion of existing rest home into two dwellings.

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### Decision

1. I dismiss the appeal.

### Main Issue

2. The main issue is whether the conversion of the existing rest home into residential dwellings would result in the unacceptable loss of a care home which is realistically capable of reaching the standards set out for such homes.

### Reasons

3. Pembroke Crescent is characterised by substantial two and three storey Victorian and Edwardian semi-detached houses within the Pembroke and Princes Conservation area. The existing rest home occupies a pair of these and provides accommodation for 19 residents having been extended in 1990. The proposal would convert this enlarged building into 2 homes, each with 6 bedrooms.
4. Policy H011 of the Brighton & Hove Local Plan seeks to resist the loss of care homes which comply with, or are realistically capable of reaching, the standards for such homes. The Council's Social Care Team currently place some 50-60 older people outside Brighton and Hove as a direct result of the lack of care home provision within the city. They are therefore of the view that there is demand for such places and that even if it is not possible to fully comply with all the appropriate standards, the Care Quality Commission would take a flexible approach as to what could realistically be achieved in a building of this nature. For example, the building has a lift but this does not provide access to all the rooms and some can only be reached by stepped access. Nevertheless, this does not necessarily make the home unattractive to a potential purchaser or capable of meeting acceptable standards.
5. The evidence indicated that four of the rooms have been occupied through a contract with the Council funded through the Primary Care Trust which has recently been terminated. The appellant suggested that this, together with the

need to comply with current standards, could reduce the number of beds to 12. However, no details of financial viability or the cost of improvement works required were provided and neither was there any evidence that attempts have been made to market the home. Furthermore, I consider that the termination of a single contract, which does not appear to affect all the occupants, is an insufficient reason from which to deduce that there is not a demand for the type of care that the home could provide. In these circumstances I consider it would be inappropriate to set aside the aims and objectives of the Local Plan Policy to ensure an adequate supply of care homes for the city's residents.

6. For these reasons I conclude that the proposed conversion would lead to an unacceptable loss of a care home, contrary to the aims of saved Policy HO11 of the Brighton & Hove Local Plan.

### **Other matters**

7. I appreciate that planning permission for the conversion of the property into two dwellings was previously granted in April 2005 (Ref: BN2004/01685/TP). However, this permission has now lapsed and I have considered this proposal on its planning merits, on the basis of the evidence presented and in the light of the Local Plan Policies which were adopted in July 2005.
8. I acknowledge that the conversion would not give rise to problems of overlooking and overshadowing, amenity space would be adequate, traffic volumes could fall and cycle parking and bin storage could be secured by condition. I also note that the existing residents could be accommodated in a nearby home which has been refurbished. However, none of these positive attributes of the proposal overcome my concern in relation to the main issue.

### **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



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# Appeal Decision

Site visit made 21 October 2010

by **Doug Cramond BSc MRTPI**

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

Decision date: 2 November 2010

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## **Appeal Ref: APP/Q1445/D/10/2135414 10 Ravenswood Drive, Brighton, BN2 6WN**

- 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 C Podina, against the decision of Brighton and Hove City Council.
  - The application Ref BH2010/00856, dated 25 March 2010, was refused by notice dated 21 June 2010.
  - The development proposed is the erection of a two storey rear extension and a single storey rear/side extension.
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### **Decision**

1. I dismiss the appeal.

### **Main Issues**

2. I consider the main issues to be the effects on living conditions for neighbours and the appearance of the host property.

### **Reasons**

3. The appeal property is an end of terrace two storey home set on an estate with many similar properties and built on a site with a back garden which rises markedly toward the open ground at the rear. The proposal would lead to a sizeable L shaped single storey element, using in part an existing garage which is no longer needed, along with a more modest first floor room adjoining the rear elevation above this. The proposal includes considerable glazing with a large lantern roof on the single storey element and sizeable skylights and full length glazing at first floor level.
  4. Whilst the first floor extension would be some way off the common boundary its bulk and mass would nevertheless be dominant for the neighbours living at No 12 Ravenswood Drive when in the lower parts of their rear garden. It would be overbearing leading to a feeling of being hemmed-in within an amenity area which already lacks full open aspect due to ground levels, boundary treatment and the housing terrace itself. Furthermore as one moves up the neighbours' garden the full extent of the glazing on the first floor rear elevation would become apparent and there would be a very real sense of losing privacy and being overlooked to a far greater degree in reality and perception terms than
-

presently exists with the modest first floor glazing. The first floor works would thus unacceptably conflict with the aim to protect living conditions which is embodied within Policies QD14 and QD27 of the Brighton and Hove Local Plan (LP).

5. Turning to appearance; the scale of the extension works taken together would appear excessive relative to the modest nature of the existing property, its footprint and this plot. The design proposed would not comfortably accord with the elevations of the current home and whilst contrasts should not always be ruled out, in this instance the form would appear unbalanced and incongruous. The lantern roof would look alien from the road and where visible from neighbours. The first floor accommodation, almost sun-room in style, would look strangely discordant at this level when viewed from across the rear. LP Policy QD14 includes a call for extensions to be well designed and sited in relation to an existing property and its surroundings; I conclude this scheme would run contrary to this.
6. I sympathise with the appellant's wish to increase accommodation and note the proposed use of matching materials and the varied extensions which have taken place alongside and in the locality. However the points put forward do not outweigh my concerns over the main issues.
7. I conclude that there would be unacceptable adverse effects on living conditions for neighbours and on the appearance of the host property. Accordingly I shall dismiss the appeal.

*Doug Cramond*

INSPECTOR





# Appeal Decision

Site visit made on 28 September 2010

by **John Millard DipArch RIBA FCI Arb**

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

The Planning Inspectorate  
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**Decision date:**  
**21 October 2010**

## Appeal Ref: APP/Q1445/E/10/2127690

### The Brighton Forum, 95 Ditchling Road, Brighton BN1 4SB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application to vary a condition attached to a listed building consent.
- The appeal is made by Topcentre Limited against Brighton & Hove City Council.
- The application Ref BH2009/03073 is dated 14 December 2009.
- The application sought listed building consent for internal alterations and refurbishment of the gallery to form smaller self-contained office units without complying with a condition attached to listed building consent Ref BH2006/03576 dated 6 February 2007.
- The condition in dispute is No 3 which states: *The partitioning to the corridors and the entrance doors to the units shall be of clear glazing in an oak frame system which shall not be covered over or obscured in any way.*
- The reason given for the condition is: *So as to ensure that the development is carried out in its entirety and to secure the preservation and enhancement of the Listed Building in accordance with policy HE1 and HE4 of the Brighton & Hove Local Plan.*

### Application for Costs

1. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

### Decision

2. I allow the appeal and vary listed building consent Ref: BH2006/03576 dated 6 February 2007 by removing Condition No 3 and replacing it with the following condition:-
  - 3 The partitioning to the corridors shall be of clear glazing in an oak frame system which shall not be covered over or obscured in any way.

### Preliminary Matters

3. As the appeal falls to be determined under section 22 of the Planning (Listed Buildings and Conservation Areas) Act 1990, only the conditions which were attached to the original listed building consent (Ref: BH2006/03576) are before me for consideration.
4. The application sought the removal from condition 3 of the words "*and the entrance doors to the units*" as the appellant wishes to retain the solid oak faced doors with small vision panels that have already been installed. The Council has indicated that, had the appeal not been lodged, it would have refused listed building consent on the ground that solid doors fail to preserve the special architectural and historic interest of the heritage asset.

## Main Issue

5. The main issue in this appeal is whether removal of the requirement for entrance doors to the units to be full glazed would harm the special architectural or historic interest of the listed building.

## Reasons

6. The reason given in the decision notice for imposing condition No 3 is framed in somewhat general terms. The purpose behind the condition, however, is explained more fully in Section 5 of the officer's delegated report on application Ref: BH2006/03576, which notes that the main interest in this attic floor is in its exposed and elaborately detailed roof structure, which the report likens to that of a great medieval hall. Whilst regretting the need for the space to be divided, on financial viability grounds, the Design and Conservation Officer goes on to say, *"However, it is important to ensure that the visual impact of the partitioning is minimised, that the timber roof structure is left exposed and that some sense of the original space and view of the roof timbers is retained along the central corridor"*.
7. The condition was thus imposed and initially accepted by the appellants. They accordingly went ahead with the works but subsequently became aware, apparently when it was too late to change to another partitioning system, that the system they had selected and were installing, whilst ostensibly satisfying the condition, could not be supplied with appropriately fire rated fully glazed doors. It was at this stage that the appellants sought listed building consent to vary condition 3 to enable solid oak doors with small vision panels to be used.
8. Having granted consent for the space to be sub-divided only on the basis that the whole of the corridor partition, including the doors, would be fully glazed, the Council was reluctant to accede to the requested variation and officers appear to have themselves set about researching suitable glazed doors. Whilst at least one source of such doors was identified, the doors concerned were rejected by the appellants on technical grounds. The Council remained reluctant to agree the requested variation to condition 3, however, and continued to look for a solution more in line with the condition.
9. In the meantime, tenants were said to have been waiting to occupy some, at least, of the units and, in order not to unreasonably delay completion of the work, the appellants went ahead and installed the solid timber doors for which consent was still awaited.
10. Whilst I appreciate and support the Council's desire to minimise the impact of sub-dividing the space, I saw at the site visit that, whilst more or less unrestricted views of the upper part of the roof structure were possible above the corridor partitions, the plasterboard ceilings and inter-office partitions severely restricted views of the lower sections of the trusses, which could only be seen within individual office areas, from where there was no sense of appreciation of their context or of the space as a whole. This situation would not be improved by replacing the solid doors with fully glazed ones.
11. What I also saw at the site visit was that, whilst the corridor partitions were fully glazed, and notwithstanding the requirement of condition 3 that the

glazing should not be covered over or obscured in any way, Venetian blinds were fitted between the glass panes. With all the blinds closed, which was the situation for the duration of my visit, there were no views from the central corridor into the office areas so that not only could the lower parts of the roof trusses not be seen but appreciation of the space as a whole was severely restricted.

12. Because of what I saw, I have considered the requested variation to condition 3 in the context of two different scenarios. In either case, it is clear that the doors, whether glazed or solid, represent only about 20% of the surface area of the partitions. If the glazing to the partitions presently installed were to be kept permanently unobstructed, as is required by condition 3, I am satisfied that solid doors would not materially diminish appreciation of the interior of the listed building as a whole from within the corridors. On that basis, it would be my conclusion that the condition could be safely varied without detriment to the building's special interest.
13. In the alternative, the presence and use of the Venetian blinds leads me to believe that occupiers of the offices need a degree of privacy. With this in mind, if the blinds were to be retained, replacing the solid doors with fully glazed ones would not, on its own, sufficiently open-up views beyond the central corridor to create that "*sense of the original space and view of the roof timbers*" that justified imposition of the condition in the first place. Again, therefore, retaining the solid doors would not materially impact upon the ability to appreciate the interior of the building as a whole so that varying the condition would not detract from the building's special interest.
14. On the evidence before me I am satisfied that the whole of the partitioning has been installed without significant damage to the historic fabric of the building and in a manner that is totally reversible. The long-term value of the building as a heritage asset has thus been preserved, in line with Government objectives for protecting the historic environment as set out in Planning Policy Statement 5 – *Planning for the Historic Environment*. Whilst the splendour and majesty of the space cannot be fully appreciated with the partitioning in place, I am not persuaded that simply replacing the solid oak faced doors with fully glazed ones would improve this situation in any appreciable way. I can therefore find no justification for retaining the disputed words in condition 3 and conclude that the condition should be varied in the manner sought.
15. I have considered all other matters raised but found nothing that changes the balance of my decision that the appeal should be allowed and the disputed condition varied.

*John G Millard*

INSPECTOR





# Costs Decision

Site visit made on 28 September 2010

by **John G Millard DipArch RIBA FCI Arb**

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

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**Decision date:  
21 October 2010**

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## **Costs application in relation to Appeal Ref: APP/Q1445/A/10/2127690 Land at The Brighton Forum, 95 Ditchling Road, Brighton BN1 4SB**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Topcentre Limited for a full award of costs against Brighton & Hove City Council.
- The appeal was made against failure to determine an application within the prescribed period for a variation of condition 3 of listed building consent Ref: 2006/03576 to enable doors to units to be solid to comply with Building Regulations and the wishes of the users.

### **Summary of Decision: The application is refused.**

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#### **Reasons**

1. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
  2. The thrust of the appellant's case for an award of costs against the Council is that the Council behaved unreasonably in failing to reach a decision on the application for an amendment to condition 3, thereby necessitating an appeal that ought not to have been necessary. The Council acknowledges that there was a delay in determining the application but draws attention to extensive correspondence with the appellant's agent in which, firstly, it was made clear at an early stage that the use of solid doors was not acceptable and, secondly, the availability of suitable fully glazed partitioning systems, including glazed doors, was confirmed. Whilst the correspondence did not constitute a formal determination of the application, it clearly indicated that the variation sought was unlikely to be granted.
  3. Having considered all the evidence before me, it is clear that the appellant was aware, from the outset, that fully glazed doors were a specific requirement of the listed building consent. Had solid doors been considered acceptable by the Council, condition 3 would clearly not have been framed in the terms it was. Despite this, the appellant committed to and proceeded to install a partitioning system which was apparently not able to accommodate fully glazed doors and which therefore failed to satisfy the requirements of the condition.
  4. The only conclusion I can draw from this is that either insufficient research was carried out before committing to the chosen partitioning system so that the unavailability of glazed doors was not identified in due time, or the appellant considered compliance with the condition to be unnecessary, or it was assumed
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that relaxation of the condition would be a simple formality. Whichever is the case, it appears to me that it was the appellants actions in proceeding with a non-compliant partitioning system, in breach of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which ultimately led to the need for this appeal.

5. I find the appellant's contention that the Council demonstrated a '*loss of perspective in respect of this matter*' and that the use of solid doors should have been dealt with as a '*minor transgression of the requirements of the condition*' unjustified. The Council, as local planning authority, has a statutory duty under section 66(1) of the Act to have special regard to the desirability of preserving the listed building and any features of special architectural or historic interest it possesses and I can find nothing in the Council's actions which was not consistent with the exercise of this duty.
6. It was the clearly expressed view of the Council from the very outset that the use of fully glazed corridor partitions and doors was key to making the proposal to sub-divide the space acceptable. When the appellant sought a variation which, in the Council's eyes, would have diminished the value of the condition as a means of preserving one or more aspects of the building's special interest, it was not inappropriate that its officers should explore means by which the condition could be satisfied. This cannot be regarded as unreasonableness on the part of the Council and could, in some respects, be seen as justification for the delay in determining the application.
7. Notwithstanding my conclusion on the appeal, I am satisfied that there were reasonable planning grounds for the Council to adopt the stance it did in relation to the requirements of and need for condition 3. Accordingly, I find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated and that an award of costs is not justified.

### **Formal Decision**

8. I refuse the application for an award of costs.

*John G Millard*

INSPECTOR



# Appeal Decision

Site visit made on 11 October 2010

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

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

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**Decision date:**  
**29 October 2010**

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**Appeal Ref: APP/Q1445/A/10/2131947**  
**141-143 Sackville Road, Hove, East Sussex BN3 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 S Sparks and Mr N Dowsing against the decision of Brighton & Hove City Council.
- The application Ref BH/2010/00817, dated 11 March 2010, was refused by notice dated 12 May 2010.
- The development proposed is a new self contained flat to roofspace.

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## Decision

1. I dismiss the appeal.

## Main Issue

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

## Reasons

3. Nos. 141-143 Sackville Road is a prominent property, the upper section of which is typical of a Victorian semi with bay windows. This part of the building has been rendered and painted white. It has a double gable front with a valley between the two sections of roof. Much of the original shape and style of the lower part of the building has been lost through the construction of a flat roof brick building of little architectural merit which is attached the front elevation. The proposal is to alter the roof, filling in the valley with a pitch which would slope away from the front elevation, enabling an additional one bedroom flat to be provided in the roof space.
4. The existing roof with its two prominent gables and valley between them is a distinctive feature of this particular property. The upper part of the front elevation and the roof are highly visible from Sackville Road, especially when travelling northbound, a factor which is accentuated by the alignment of the street at this point. The loss of the valley and the insertion of a sloping tiled roof would fundamentally change the appearance of the building from the street. The enlarged roof would sit awkwardly between the two gables and would increase the apparent bulk and height of the building in relation to the immediately surrounding properties, particularly the terraced properties to the rear and north. Furthermore, the symmetry of the roof would be lost with the insertion of a small dormer window on the eastern side.

5. I consider this combination of factors would result in the alterations to the roof failing to integrate satisfactorily with the traditional appearance of this prominent building and the other properties in the immediate vicinity. I conclude that this would give rise to harm to the character and appearance of the host building and the surrounding area contrary to saved Policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan which seek high quality design that respects its setting.

**Other matters**

6. The appeal proposal would provide accommodation of a standard which is comparable with other flats in the area although there would be no private amenity space or parking. The Council is satisfied that, although not ideal, cycle parking could be provided on the highway and that appropriate provision for storage of refuge could be secured by condition. However, the acceptability of the development in relation to these matters and its sustainable location are not reasons to set aside the harm I have identified to the character and appearance of the area.

**Conclusion**

7. For the reasons set out above 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

APPLICATION DECISION LEVEL

**WITHDEAN**

BH2010/02125

8 Colebrook Road Brighton

Erection two storey extension involving demolition of part existing ground floor and alterations to roof incorporating 2 No. rooflights, alterations to 3 No. dormers and 1 No. new dormer.

APPEAL LODGED

18/10/2010

Delegated

**WARD**

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**WITHDEAN**

BH2010/02159

118 Eldred Avenue Brighton

Erection of rear raised deck.

APPEAL LODGED

20/10/2010

Delegated

**WARD**

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**WITHDEAN**

BH2010/01750

8 Peacock Lane Brighton

Erection of two storey rear extension. Loft conversion incorporating hip to barn end roof extensions and rooflights.

APPEAL LODGED

25/10/2010

Delegated

**WARD**

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**HOVE PARK**

BH2010/00909

4 Tongdean Road Hove

Partial demolition and alterations to existing dwelling.

APPEAL LODGED

26/10/2010

Planning Committee

**WARD**

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

**HOVE PARK**

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.

APPEAL LODGED

26/10/2010

## NEW APPEALS RECEIVED

### APPLICATION DECISION LEVEL

Planning Committee

### WARD

### **WESTBOURNE**

### APPLICATION NUMBER

BH2010/02075

### ADDRESS

81 Pembroke Crescent Hove

### DEVELOPMENT DESCRIPTION

Roof extensions over existing flat roof sections including new dormer window to west elevation and new dormer window to east elevation.

### APPEAL STATUS

APPEAL LODGED

### APPEAL RECEIVED DATE

02/11/2010

### APPLICATION DECISION LEVEL

Delegated

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### WARD

### **ST. PETER'S & NORTH LAINE**

### APPLICATION NUMBER

BH2010/01710

### ADDRESS

Flat 3 68 Upper Gloucester Road Brighton

### DEVELOPMENT DESCRIPTION

Alterations to combine existing rear dormers to form single dormer incorporating folding door, balustrade and altered terrace access.

### APPEAL STATUS

APPEAL LODGED

### APPEAL RECEIVED DATE

01/11/2010

### APPLICATION DECISION LEVEL

Delegated

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### WARD

### **HANOVER & ELM GROVE**

### APPLICATION NUMBER

BH2010/01261

### ADDRESS

99 Shanklin Road Brighton

### DEVELOPMENT DESCRIPTION

Rear dormer incorporating French doors and balustrade.

### APPEAL STATUS

APPEAL LODGED

### APPEAL RECEIVED DATE

27/10/2010

### APPLICATION DECISION LEVEL

Delegated

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### WARD

### **HOVE PARK**

### APPLICATION NUMBER

BH2010/02423

### ADDRESS

2 Tongdean Place Hove

### DEVELOPMENT DESCRIPTION

Roof conversion of existing detached garage incorporating 3no. dormers to South and separate entrance with external stairs to East.

### APPEAL STATUS

APPEAL LODGED

### APPEAL RECEIVED DATE

01/11/2010

### APPLICATION DECISION LEVEL

Delegated

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**Brighton & Hove  
City Council**

### INFORMATION ON HEARINGS / PUBLIC INQUIRIES 24<sup>th</sup> November 2010

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

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#### **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: 11<sup>th</sup> January 2011

Location: Hove Town Hall

#### **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: 25<sup>th</sup> January 2011

Location: Hove Town Hall

#### **Campbell House, 21 Campbell Road, Brighton.**

Planning application no: BH2009/00446

Description: Demolition of existing workshop and ancillary office and storage areas. Construction of six self-contained one and two bedroom flats over three storeys.

Decision: Delegated

Type of appeal: Informal Hearing

Date: TBC

Location: TBC

#### **41 Ladies Mile Road, Brighton**

Planning application no: BH2010/01132

Description: Change of Use from betting shop (A2) to hot food take-away (A5) with the erection of a rear extension, new shop front and extract duct.

Decision: Committee

Type of appeal: Informal Hearing

Date: TBC

Location: TBC

**Enforcement Appeal: Block K, New England Quarter, Brighton**

Enforcement no: BH2010/0494

Description: Breach of condition 4 of planning application BH2005/05142.

Decision:

Type of appeal: Public Inquiry

Date: Wednesday 27th & Thursday 28<sup>th</sup> April 2011

Location: Brighton Town Hall

### Information on Pre-application Presentations and Requests

Date	Address	Ward	Proposal
17 March 2010	<b>Former Nurses Accommodation,</b> 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	N/A	N/A	N/A
18 May 2010	N/A	N/A	N/A
8 June 2010	N/A	N/A	N/A
29 June 2010	<b>Former Royal Alexandra Children's Hospital,</b> 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	<b>The Keep,</b> Wollards Field, Lewes Road, Brighton	St Peter's & North Laine	A new historical resource centre for East Sussex, Brighton & Hove.
10 August 2010	<b>Former Sackville Hotel,</b> 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.**

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
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  <b>Did not go ahead</b>	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	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  <b>Will not go ahead</b>	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	No Presentation Planned		
14 December 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

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
11 January 2011	Brighton Station		
1 February 2011			
22 February 2011			
15 March 2011			
26 April 2011			
17 May 2011			

