



**Brighton & Hove
City Council**

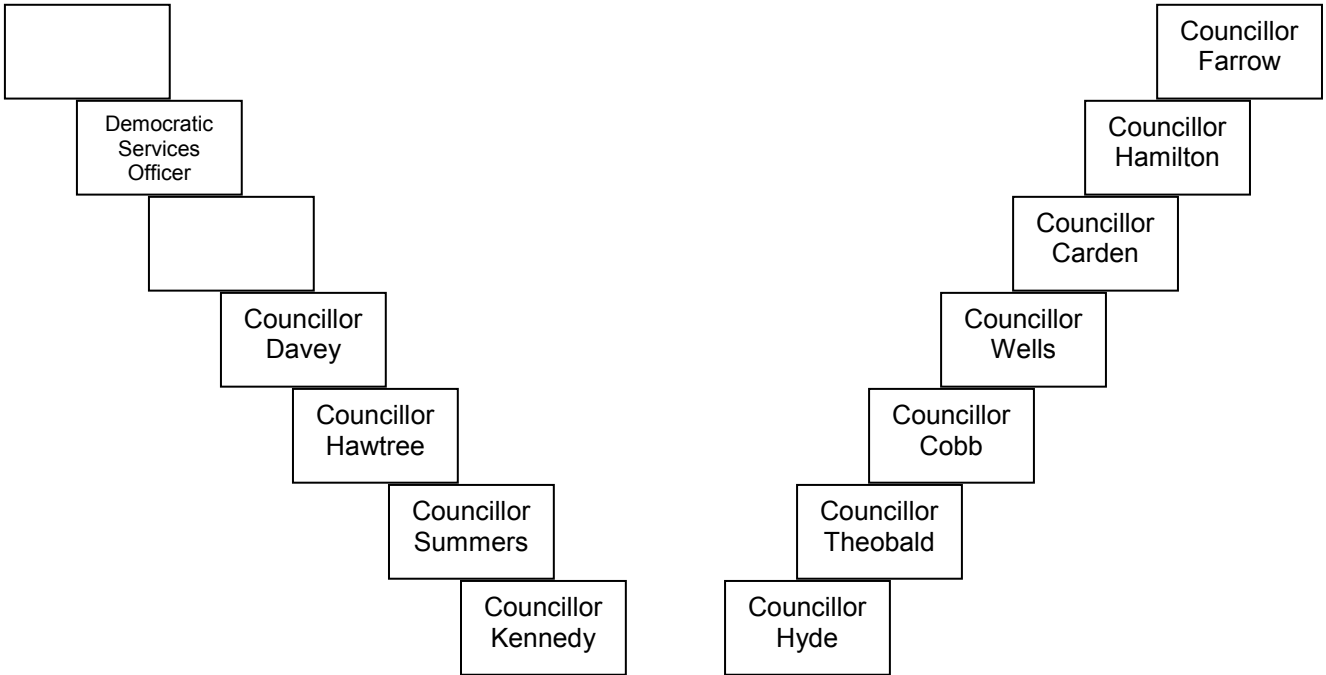
Planning Committee

Title:	Planning Committee
Date:	21 September 2011
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	<p>Councillors: MacCafferty (Chair), Hyde (Deputy Chair), Carden (Opposition Spokesperson), Cobb, Davey, Farrow, Hamilton, Hawtree, Kennedy, Summers, C Theobald and Wells</p> <p>Co-opted Members: Mr Philip Andrews (Conservation Advisory Group)</p>
Contact:	<p>Jane Clarke Senior Democratic Services Officer 01273 291064 jane.clarke@brighton-hove.gov.uk</p>

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Democratic Services: Meeting Layout

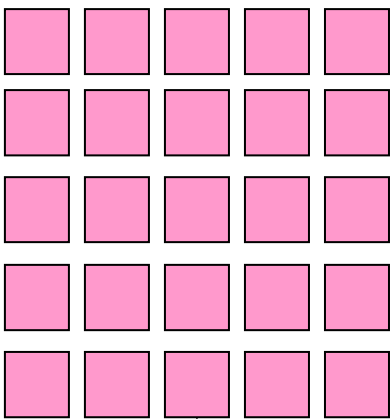
Senior Solicitor Chairman Head of Development Control



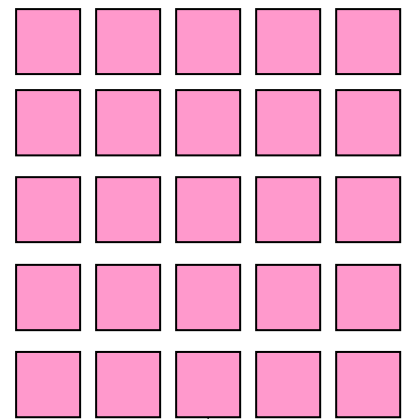
Chairman of CAG

Officers Officers

Press



Public Seating



Public Seating

AGENDA

58. 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.

59. MINUTES OF THE PREVIOUS MEETING

1 - 14

Minutes of the meeting held on 31 August 2011 (copy attached).

60. CHAIR'S COMMUNICATIONS

61. APPEAL DECISIONS

15 - 58

(copy attached).

62. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

59 - 60

(copy attached).

63. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

61 - 62

(copy attached).

64. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

63 - 64

(copy attached).

PLANNING COMMITTEE

- 65. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**
- 66. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST**
(copy circulated separately).
- 67. TO CONSIDER AND NOTE THE CONTENT OF THE REPORTS DETAILING DECISIONS DETERMINED BY OFFICERS UNDER DELEGATED AUTHORITY**
- 68. 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>

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

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

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PLANNING COMMITTEE

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

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

Date of Publication - Tuesday, 13 September 2011

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 31 AUGUST 2011

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors MacCafferty (Chair), Hyde (Deputy Chair), Carden (Opposition Spokesperson), Cobb, Farrow, Hamilton, Hawtree, Jones, Kennedy, Summers, C Theobald and Wells

Officers in attendance: Jeanette Walsh (Head of Development Control), Hilary Woodward (Senior Lawyer), Claire Burnett (Area Planning Manager (East)), Steve Walker (Senior Team Planner), Pete Tolson (Principal Transport Planner) and Jane Clarke (Senior Democratic Services Officer)

PART ONE

47. PROCEDURAL BUSINESS

47a Declarations of substitutes

47.1 Councillor Jones declared he was substituting for Councillor Davey.

47b Declarations of interests

47.2 There were none.

47c Exclusion of the press and public

47.3 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.

47.4 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

48. MINUTES OF THE PREVIOUS MEETING

48.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 10 August 2011 as a correct record.

49. CHAIR'S COMMUNICATIONS

49.1 There were none.

50. APPEAL DECISIONS

50.1 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.

51. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

52. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

53. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

53.1 The Committee noted the position regarding pre application presentations and requests as set out in the agenda.

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

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

Application:	Requested by:
BH2010/03760 & BH2010/03759, The Astoria, Gloucester Place, Brighton	Development Control Manager
BH2011/01852, Cavendish House, Dorset Place, Brighton	Development Control Manager

55. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST**(i) MAJOR APPLICATIONS**

A. Application BH2011/01120, Lawncroft, 155 Kingsway, Hove – Demolition of existing building and construction of new four/five storey, 34 bed nursing home with basement car park, widened access and ancillary staff accommodation.

- 1) The Senior Planning Officer, Mr Walker, introduced the application and presented plans, photos and elevational drawings. He said that planning permission had been granted in 2010 and this application was very similar to that already granted, with a few alterations including extra units. The new application proposed an increased overhang for the building, and a staggered frontage. The basement originally included six car parking spaces, but it was now proposed to reduce the car parking to five spaces, with an increase in disabled spaces from one to two. The lounge area on the ground floor was reduced and staggered so that it did not impede the garden area, and two additional units were included on the ground floor. A new lounge/dining room was included on the first floor. At second floor level a new unit was proposed. On the third floor another additional unit was proposed. On all three floors the windows were angled to look in one direction only, and the fourth floor had also been re-configured.

Overall the building had slightly increased in height, and on the proposed north elevation three new windows were introduced. There were three main changes, including the additional units; the changes to the building in a conservation area, and the reduced car parking spaces. The effect on neighbouring amenity was assessed as similar to the previous scheme, with the additional windows being angled away from overlooking views. In terms of transport it was noted that the Transport Engineer was satisfied with the Travel Plan, which should be secured by condition. The Council required BREAM excellent standards for this application. As the build cost for the scheme had increased additional contributions were required under Council policies.

- 2) Councillor Hyde asked how many staff would be on duty at any given time, whether there was a minimum room size for care homes as she felt the rooms looked very small, and how the parking spaces had been reassessed for the new scheme. Mr Walker replied that there would be a total number of fifteen staff overall. The Principal Transport Planning Officer, Mr Tolson confirmed, contrary to the advice in the report, that residents would be eligible for parking permits. He also advised that there was no waiting list for spaces in this area. Maximum standards were given in SPG04, and the proposal for fewer parking spaces than the maximum was acceptable. The Head of Development Control, Mrs Walsh, replied there was no minimum room size.
- 3) Councillor Mrs Theobald asked how visitor parking would be dealt with, whether there were any double size units for couples, what would be done with the art contributions, whether the downstairs units were reserved for disabled residents,

whether there was any lifts available for staff transporting provisions, and how large the rooms were.

Mr Tolson replied that any resident entitled to a permit would be entitled to receive visitor permits also. Mr Walker replied there were hoists available in the building for equipment etc. The room sizes were adequate, and he believed that the whole scheme could be traversed by disabled people as it was Life Time Homes compliant. There was one lift available for disabled residents. Mrs Walsh replied that in terms of public art the first choice was to integrate the public art into the scheme, and when this was not possible Ward Councillors were consulted as to what would be appropriate for an area.

- 4) Councillor Summers referred to the proposed conditions and asked for further details regarding the pre-occupation conditions relating to BREEAM scores. Mr Walker replied that this would be covered by condition 21.
- 5) Councillor Jones asked about the balcony barrier heights on the fourth floor and asked if there were any safety issues surrounding these barriers. Mr Walker replied that this would be a matter for building regulations to ensure.
- 6) Councillor Cobb referred to the contributions regarding sustainable transport from the scheme and what this would be spent on. She also asked how the provision of parking permits was assessed, and whether the external boundary walls would be graffiti-proof. The Chair said a condition could be added for graffiti proofing the scheme. Mr Tolson replied that the transport contributions would pay for dropped curbs and tactile paving in the area. There were no plans to provide an additional crossing on the A259. He said that this application was not appropriate for a car free development, although others were in the area. Permits were only granted to those developments that were not car free.
- 7) Councillor Cobb asked how frequently the bus routes ran on the seafront and Mr Walker replied that there was a frequency of around 10-30 minutes Monday to Friday, and 30-50 minutes on Saturdays and Sundays.

Debate and decision making process

- 8) Councillor Mrs Theobald felt the underground parking provision was very disappointing. She felt that two lifts should be required for the size of the development, but felt the design was very good and believed that it suited the area well.
- 9) Councillor Cobb was disappointed regarding the incorrect information in the report and said that the Princess Marine Hotel was originally a nursing home, but had closed to become a hotel. She also requested to be included in any decisions regarding the public art contribution and felt that the car parking provision on site was disappointing.
- 10) A vote was taken and on a vote of 9 in favour, 1 against and 2 abstentions planning permission was granted subject to a Section 106 agreement and the conditions and

informatives listed on the report, amendments to conditions and an additional condition.

- 55.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and the policies and guidance in section 7 and resolves that it is minded to grant planning permission subject to the applicant entering into a Section 106 Planning Obligation Agreement and to the conditions and informatives listed in the report, and amendments and additions to read:

Amendments

1. Change references from 70% to 60% in conditions 14 and 21.

New Conditions

2. The Travel Plan submitted with the application shall be implemented and carried out in accordance with the details contained therein, and the applicant shall engage with the Council's Travel Plan Coordinator to ensure regular monitoring of the Plan takes place for the lifetime of the development.

REASON: In order to achieve the objectives of encouraging travel to and from the development by alternative modes of transport to the private car, including cycling, walking and bus, reduce reliance on the use of the private car in the interest of cutting emissions, reducing congestion and safeguarding neighbouring residential streets from overspill parking, and to comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

3. The southern (front) and western (side) boundary walls of the development adjacent to Kingsway and Princes Crescent respectively shall be treated with a graffiti-proof finish.

REASON: To secure the satisfactory appearance of street-facing boundary walls at a prominent road junction with the Pembroke and Princes Conservation Area, in accordance with policies QD2 and HE6 of the Brighton & Hove Local Plan.

(ii) **MINOR APPLICATIONS**

B. Application BH2011/01932, Land East of Hove Deep Sea Anglers Club, Western Esplanade, Hove – Erection of a boat house.

- 1) Mr Walker introduced the application and presented plans, photos and elevational drawings. He said that the application proposed erection of a brick boathouse that was very small in size. The club operated a wide range of water sports on the sea that required the deployment of the safety boat. The boat currently had to be transported a distance of 400 metres before it could be launched for use. This process would normally take 30 minutes. The application would give greater ease of access to the sea, and would increase the security of the boat. The development was in the coastal zone and should respect the seafront environment, protect sea views and not impact on the environment. There was already an extant permission for a storage unit. It was felt that there would be no further intensification beyond the proposed use as a result of this application, and the design would compliment

existing structures on the beach. It would not obstruct views or damage the shingle vegetation, and there was no objection from the Council's Ecologist to the proposed structure.

Public Speakers

- 2) Mr Dubock, a local resident, said he objected jointly with several others, and on behalf of a resident who owned a beach hut directly opposite the proposed structure. The movement of the boat was in his view merely man-handling of a dingy on a very smooth and well paved route. This was not enough justification to build on a boathouse on the beach. The Water Sports and Angling Club could place a store in the car park that also had direct access to the beach. The Martello Tower situated near the site was a very good attraction and this boathouse would detract from it. The beach hut owners would have their views obscured and felt that a site visit was needed before any decision was made. This would make no positive contribution to the area, for residents or for tourists.
- 3) Councillor Cobb asked how far the beach huts would be away from the boathouse, and Mr Dubock replied that it would be the width of the promenade. Mr Walker clarified that this was around 20 metres from the nearest beach hut.
- 4) Mr Saul, Manager of Hove Lagoon Water Sports, said that his company had been established and using the lagoon for 18 years. Thousands of local people had used the company over the years. The problems with storage were not new, and the company was offered storage space by the Council as part of building the beach huts, but this unfortunately did not go ahead. He noted that the building was small and would allow a quick launch of the boat in an emergency situation. The materials would match the Martello Tower. He hoped to share the winch from the Deep Sea Anglers Club, so the boathouse was proposed on this site for easy access to the winch. The new system would allow more space on the lagoon for other users. There was no impact on the shingle ecology, or on sunbathers using the area. There would be no impact on noise levels in the area. The project had minimal impact on the surrounding area, and was a great example of how local businesses could share community facilities to create local opportunities and jobs.
- 5) Councillor Kennedy asked about the vegetation on the shingle, and whether this could be replanted as part of the application. Mr Saul said he would welcome this as a condition.

Debate and decision making process

- 6) Councillor Cobb asked why the site was considered to be of important archaeological value. Mr Walker replied that this application was in a general archaeological zone, but there were no objections to the boathouse from the County Archaeologist.
- 7) Councillor Mrs Theobald asked if the boathouse was directly opposite the beach huts and Mr Walker replied that it was set at a slight angle to them, and would only obscure oblique views.

- 8) Councillor Kennedy asked if a condition could be added for replanting of the shingle vegetation and this was agreed by Members.
- 9) Councillor Hawtree asked if the brickwork of the boathouse would match the nearby Martello Tower and Mrs Walsh confirmed that it would.
- 10) Councillor Hyde said that the beach huts would only suffer a small loss of oblique views, and this was a very small structure that would support sporting activities in the area. She was in support of the application.
- 11) Councillor Cobb asked if the vegetation was important enough to be replanted. Mrs Walsh replied there were patches along that coastline of important ecological value and it was entirely appropriate to replant this area with appropriate vegetation if it was disturbed.
- 12) Councillor Carden supported the application and felt it was very good for the area. He supported the activities of the club and felt the application would make use of the beach and lagoon safer.
- 13) A vote was taken and on a vote of 11 for, 0 against and 1 abstention planning permission was granted subject to the conditions and informatives listed in the report, and an additional condition regarding replanting.

55.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation in the report and the policies and guidance set out in section 7 and resolves to grant planning permission subject to the conditions and informatives listed in the report, and an additional condition to read:

1. No development shall commence until a scheme for the replacement of the existing shingle vegetation displaced by the positioning of the boathouse has been submitted to and agreed in writing by the Local Planning Authority before the development commences. The agreed scheme shall thereafter be implemented in the first planting season following installation of the boathouse, and in the event that any vegetation fails within the first five years, it shall be replaced in accordance with the agreed scheme unless the Local Planning Authority given written consent to any variation.

REASON: To secure adequate replanting of vegetation native to this location, in accordance with policy SU7 of the Brighton & Hove Local Plan.

C. Application BH2011/01825, Land adjacent to 29 Surrenden Holt, Brighton –
Erection of a single storey dwelling.

- 1) Mr Walker introduced the application and presented plans, photos and elevational drawings. He stated that the area comprised mainly large houses with gardens. There was a generally open aspect to the area. Planning permission was refused in 2010 for a two storey dwelling due to a cramped appearance of the scheme, the harm to the street scene and overlooking. The new proposal was for excavation of the land to create a single storey sunken dwelling, with a sedum roof, roof lights and photovoltaic panels.

There were 23 letters of objection and 35 letters of support. The area was generally open in aspect and this was a recognised feature in the urban characterisation study. It was the view of Officers that this application would not make a positive contribution to the area and would represent town cramming. Because the application was sunken there were no issues of overlooking or noise and disturbance issues. In terms of traffic no additional parking had been proposed. There was capacity for parking on street and so there were no parking or highway safety concerns. In terms of sustainability the scheme was required to reach code level 5 for Sustainable Homes, but this application had demonstrated it would only reach code level 4. The applicants had stated that the building was needed to provide a home for disabled occupants, but there were no particular aspects of the scheme that met specific requirements for disabled people, and so the application was recommended for refusal for the reasons given in the report.

Public Speakers

- 2) Professor Couso, a local resident, said that he agreed with the objections raised by the Officers, and other residents in the area. He felt that the building was inappropriate for the area, overly dominant and unsympathetic. He noted a significant loss of green space would result from this application, and that several trees and shrubs had already been felled. The line of current buildings along the road would be broken, and a style mis-match would be created as it did not match existing architecture. There was a green corridor in this area that would be negatively impacted on. The application would set a precedent for many other applications to come forward on the large gardens in the area and he asked the Committee to refuse the application on these reasons.
- 3) Councillor Mrs Theobald asked if there was any garden area proposed, and Professor Couso indicated on his plan where the patio area would be placed.
- 4) Mr Harding, agent for the applicant, addressed the Committee and stated that the application had changed somewhat due to the previous reasons for refusal, including mitigation of the loss of openness in the area, and designing the scheme to meet the need to provide a disabled property for the applicant. The plot was currently unused and difficult for the current owners to maintain. A disabled accessible, single storey bungalow would provide a familiar home for the applicant's on-going needs. The dwelling was sunken down in the site and therefore completely hidden, and there were no issues of overlooking. There were many site constraints but it was not a small site, with the proposed building covering only 33% of the area. The current design had been created with the expectation of achieving code level 5 for Sustainable Homes, but the actual level reached could only be assessed once the scheme was built.

Debate and decision making process

- 5) Councillor Mrs Theobald felt that a development here would reduce the green open space of the area, and that this scheme in particular would not have a great deal of open light. She was also concerned about setting a precedent for building on gardens in the area.

- 6) Councillor Hyde agreed that the application had a contrived appearance, and made no positive contribution to the area. She was also concerned that it was outside the natural building line for the street.
- 7) A vote was taken and on a unanimous vote planning permission was refused for the reasons given in the report.

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

1. The development would result in a harmful loss of openness in this section of Surrenden Road, to the detriment of the prevailing character and appearance of the area. Furthermore the development, by reason of its siting and form, would appear discordant and contrived in relation to the prevailing pattern and layout of surrounding development and constitutes a cramped form of development. The proposal would therefore fail to respect or enhance the local context and the positive qualities of the neighbourhood, contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
2. Policy SU2 of the Brighton & Hove Local Plan, including SPD08 on Sustainable Building Design, requires new residential development on land not previously developed to achieve Level 5 of the Code for Sustainable Homes. The applicant has failed to demonstrate that Level 5 for the Code for Sustainable Homes can reasonably be achieved without significant alterations to the design and appearance of the dwelling. The proposal is therefore contrary to policy SU2 of the Brighton & Hove Local Plan, and the Supplementary Planning Document 08, Sustainable Building Design.

Informative:

1. This decision is based on drawing nos. 0074 L-02, 004 L-03, 004 L-04, 004 L-05, 004 L-06 received on 22 June 2011; and drawing nos. 004 L-01 Rev A and 004 L-07 received on 28 June 2011.

D. Application BH2011/01793, 38 Walsingham Road, Hove – Loft conversion incorporating hip to gable roof extension, rear dormer and 3 no rooflights to front roof slope (part retrospective).

- 1) Mr Walker introduced the application and presented plans, photos and elevational drawings. He said that application was in the Sackville Gardens Conservation Area. The application was part retrospective and some work had taken place already. The proposal was to create a hipped roof with three skylights and a large dormer to the rear of the property. The effect of the proposals on the property, the street scene and the impact on neighbouring and residential amenity were issues that needed to be considered.

In assessment of application the character statement for the Sackville Gardens Conservation Area had been used. The group of properties to which this belonged was specifically referenced in that statement, and the original gabled roofs were an

important feature of the area. Hipped gables altered the symmetry of many houses and were not normally acceptable. In this particular case, the bulk of the prominent side chimney stacks had also been concealed. Dormers were normally restricted to provide increased head room only, and to create light and openness. They should also be as small as possible, and ideally little wider than the window frame. It was felt that the proposed roof lights were too many and created an over-dominance of this aspect. There was not considered to be issues with overlooking as a result of the application.

Public Speakers

- 2) Mr Wade, agent for the applicant, said that there was no reference to the need to maintain symmetry of roof style in policy or the character statement. He added there were examples of Velux windows in the area and there would be no detrimental visual impact from this application. There were instances where policies could be flexible, and he believed the policies should be flexible in this case.

Mrs Read, the applicant, said that they were originally advised, by a previous architect, that planning permission was not needed. The proposals were very consistent with the existing street scene and she had noted that dormers were allowed in other conservation areas. There would be no detrimental impact on the street scene. There were no issues of loss of light or overlooking, and as a matter of consistency and fairness, planning permission should be allowed for this small scale proposal.

- 3) Councillor Kennedy asked where the photo was taken that Mrs Read demonstrated during her talk, and Mrs Read replied it had been taken in Queens Park Rise.
- 4) Councillor Mrs Theobald asked if the approved dormers in the area were built some time ago, and noted that policies did change over time. Mrs Read replied she did not know when the other dormers had been built.
- 5) Councillor Hawtree asked if the applicant agreed that a strong feature of the area was the chimney stacks that were now being obscured by this application. Mr Wade felt this was a subjective view and the stacks could still be seen. He added that there was no symmetry of semi-detached properties along the road.
- 6) Councillor Mrs Theobald asked Mr Walker about the additional dormers along the road and he indicated from additional photos what these looked like.

Debate and decision making process

- 7) Councillor Hyde felt that these villas were outstanding semi-detached properties with beautiful features, and this proposal ruined the set pieces on this road. She very much supported the officer's recommendation.
- 8) Councillor Hawtree felt this application would set a precedent and felt the loss of the chimney aspect would be very disappointing. He also supported the officer recommendation.

9) A vote was taken and on a vote of 11 for, 0 against and 1 abstention planning permission was refused for the reasons given in the report.

55.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to refuse planning permission for the following reasons:

1. Policy HE6 of the Brighton & Hove Local Plan states that development within or affecting the setting of conservation areas should preserve or enhance the character or appearance of the area. Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. Further advice is contained within Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1). The proposal to replace the hipped roof with a gable end imbalances the symmetry of the semi-detached pair and creates a visually heavy roof to one half, to the detriment of the appearance of the properties on the street and to the wider Sackville Gardens Conservation Area. The proposal is therefore contrary to policies HE6 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Roof Alterations and Extensions (SPGBH1).
2. The advice contained within Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1) seeks to ensure proposed dormers are kept as small as possible, should be no wider than the windows below and should have a roof form and detail appropriate to the character of the building. Furthermore the advice states that there should be no large areas of cladding either side of the window or below it. The proposed rear dormer, by reason of its size, bulk and design, is considered to form an unacceptable alteration to the rear roof slope of the property. As such, the proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and SPGBH1.
3. Supplementary Planning Guidance SPGBH1 states that roof lights should be kept as few and as small as possible and should not dominate the roof. The proposed roof lights, by reason of their excessive number, would dominate the front roof slope and would form an unacceptable addition to the property and the surrounding Sackville Gardens Conservation Area. As such, the proposal is contrary to policies QD14 and HE6, and to the Supplementary Planning Guidance Note SPGBH1.

Informative:

1. This decision is based on the unnumbered drawing and supporting documents received on 21 June 2011, and drawing no. RE/02 received on 22 June 2011.

E. Application BH2011/02034, 11 Ainsworth Avenue, Brighton – Erection of two storey side extension incorporating dormers.

- 1) The Area Planning Manager (East), Ms Burnett, introduced the application and presented plans, photos and elevational drawings. She said that an additional letter from Mrs Plant had been received regarding the application and centred on the need to care for her mother. The application was for a two storey side extension including

dormers. There had been 11 letters of support and one of objection received. A previous application had been refused in 2010. The new application was slightly larger than the previous application. A retained roof light would be moved further south, but on examination of the plans it was likely that both southern roof lights would need to be moved further south. The proposed balcony area was shown in the proposed side and floor plans, but this element was not clearly shown in the proposed roof plan. The existing chimney stack would also need to be removed to accommodate the scheme. It was not considered that the proposal would create overlooking to number 9, but it was out-of-character for the area and would be harmful to the street scene. The loss of the visual gap would be detrimental to the visual amenity to Ainsworth Avenue and the bulk and massing would be inappropriate for the area.

Debate and decision making process

- 2) Councillor Wells asked if the front rooms of number 9 were bedrooms or a lounge. Ms Burnett was unsure and could not answer this.
- 3) Councillor Cobb asked to see further plans of the area and these were demonstrated to Members.
- 4) Councillor Wells asked how far set back number 9 was to number 11, and Ms Burnett replied that it appeared to be flush with the building line. Councillor Wells proposed a site visit as he felt there were houses of several different styles and sizes in the area, and the Committee would benefit from viewing the proposals in situ. Councillor Hyde seconded the proposal.
- 5) A vote was taken and on a vote of 5 for, 4 against and 3 abstentions it was agreed to defer the application for a site visit to take place.

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

- 56.1 **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 to 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.]

57. **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**

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

Application:	Requested by:
BH2011/03760 & BH2010/03759, The Astoria, Gloucester Place, Brighton	Development Control Manager
BH2010/01852, Cavendish House, Dorset Place, Brighton	Development Control Manager
BH2011/02034, 11 Ainsworth Avenue, Brighton	Councillor Wells

The meeting concluded at 4.10pm

Signed

Chair

Dated this

day of

APPEAL DECISIONS

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A. BRUNSWICK & ADELAIDE	17
<p>Application BH2010/02108, 10 Wilbury Road, Hove – Appeal against refusal to grant planning permission for the demolition of 8 no. garage units situated to the rear of 10 Wilbury Road and construction of 2 no. new single-storey residential units. APPEAL DISMISSED (delegated).</p>	
B. CENTRAL HOVE	21
<p>Application BH2010/03645 & BH2010/03808, 8 Medina Terrace, Hove – Appeal against refusal to grant planning permission and listed building consent for insertion of ‘temporary’ cycle storage beach hut to rear westerly car port of property. APPEALS DISMISSED (delegated).</p>	
C. HOLLINGDEAN & STANMER	23
<p>Application BH2011/00248, 36 Hollingdean Terrace, Brighton - Appeal against refusal to grant planning permission for replacement and enlargement of timber platform incorporating steps and glazed screens (part retrospective). APPEAL DISMISSED (committee).</p>	
D. NORTH PORTSLADE	27
<p>Application BH2010/01967, Land adjacent to No 481 Mile Oak Road, Portslade – Appeal against refusal to grant planning permission for development of 2 semi-detached 3 bedroom houses with off-street parking. APPEAL ALLOWED (committee).</p>	
E. PATCHAM	35
<p>Application BH2010/03139, 66 Woodbourne Avenue, Brighton – Appeal against refusal to grant planning permission for change of use of the ground floor to a self-contained 2 bed flat. APPEAL DISMISSED (delegated).</p>	
F. REGENCY	39
<p>Application BH2011/00932, 20 Crown Street, Brighton – Appeal against refusal to grant planning permission for a rear/side two storey extension. APPEAL DISMISSED (delegated).</p>	

G. ROTTINGDEAN COASTAL **41**

Application BH2011/00726, Field End, 4 Founthill Road, Saltdean – Appeal against refusal to grant planning permission for revisions to boundary wall refused under reference BH2010/0683 (retrospective). **APPEAL DISMISSED** (committee).

H. ST PETERS AND NORTH LAINE **43**

Application BH2011/00009, 14 Frederick Street, Brighton – Refusal to grant planning permission for erection of part single and part two storey rear extension incorporating a roof light and sun pipe. Enclosure of front garden with 1800mm high fence. **APPEAL DISMISSED** (delegated).

I. WESTBOURNE **45**

Application BH2010/03755, 120 Portland Road, Hove – Refusal to grant planning permission for the change of use of the lower ground floor from office and storage (B1) to self-contained flat. **APPEAL ALLOWED** (delegated).

J. WISH **51**

Application BH2011/00551, 313 Kingsway, Hove – Refusal to grant planning permission for loft conversion, remodelled roof, new porch roof. **APPEAL DISMISSED** (delegated).

K. WITHDEAN **53**

Application BH2010/03249, 16 Scarborough Road – Refusal to grant planning permission for a roof extension to include new habitable floor space. **APPEAL DISMISSED** (delegated).

L. WOODINGDEAN **55**

Application BH2011/00606, 44 Crescent Drive South, Woodingdean – Appeal against refusal to grant planning permission for install a glass safety rail to a first floor flat roof area at the rear, adjacent to a dormer addition with French doors. **APPEAL DISMISSED** (committee).



Appeal Decision

Site visit made on 4 August 2011

by **J O Head BSc(Econ) DipTP MRTPI**

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

Decision date: 19 August 2011

Appeal Ref: APP/Q1445/A/11/2149876

10 Wilbury Road, Hove, East Sussex BN3 3JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Hazeldine (HR Investments) against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/02108, dated 9 July 2010, was refused by notice dated 27 October 2010.
 - The development proposed is the demolition of 8 no. garage units situated to the rear of 10 Wilbury Road and construction of 2 no. new single-storey residential units.
-

Decision

1. **The appeal is dismissed.**

Main Issues

2. No 10 Wilbury Road is a substantial Victorian villa, used as 9 flats, within the Willett Estate Conservation Area. The main issues are whether the proposed development would preserve or enhance the character or appearance of the conservation area; and whether adequate living conditions would be created for the future occupiers of the proposed residential units, with particular reference to outlook, natural light and privacy.

Reasons

Character and appearance

3. The appeal property is situated on the east side of Wilbury Road, which retains many of its characteristic Willett houses. The existing block of 8 garages is situated on the rear boundary of No 10 and is noticeable from the street only at the gap between Nos 10 and 12. There are garages in a similar position at the rear of Nos 4 and 24 and an extension at No 32 but, apart from these, buildings in the rear gardens are not a characteristic feature of this part of the Conservation Area. The garden area between the rear of the properties in Wilbury Road and those in Selborne Road is generally well vegetated, with a number of mature trees, which enhances the setting of the houses.
4. The existing block of garages is utilitarian in appearance and appears to be unused. Car parking for the existing flats at No 10 is accommodated in the

remainder of the former rear garden area which, with the exception of a small planted strip adjacent to the boundary wall with No 12, is hard surfaced. This situation would not change as a result of the appeal proposal. The existing tree in the planted strip would be retained and a further small planting strip would be formed in front of the proposed building.

5. Since it would replace the existing garage block and would not increase its footprint, the proposed building would not result in any overall expansion of built development in the rear garden area. Although of an uncharacteristic form for the Conservation Area, the building, which would be of contemporary design, would be well proportioned and detailed, with a flat roof only a little higher than that of the existing garages. The proposed "green" roof surface would soften the appearance of the development when viewed from the upper windows of surrounding dwellings and would go a little way towards offsetting the lack of vegetation at the rear of the appeal property. It would have little impact on the street scene in Wilbury Road. Subject to agreement on the use of a suitable colour and texture of brickwork (which could be the subject of a condition if the appeal were to be allowed), the proposed building would be of a suitably high standard of design to meet the requirements of Local Plan Policies QD1, QD2, QD3 & HE6. It would represent a visual improvement in comparison to the existing garage block and would, at the least, preserve the character and appearance of the Conservation Area.
6. The proposal includes the erection of a recycling store and a cycle store for the occupiers of the existing building at No 10. Subject to details of design, the recycling store could be an improvement on the existing storage of boxes in the open to the left of the driveway, where they are on view to passers-by and create harmful visual clutter. The cycle store would occupy an area on the south side of the existing house, adjacent to the boundary with No 8 Wilbury Road and extending to the front elevation of the house. That area is currently undeveloped, apart from the small boiler room attached to the south-east corner of the house, and provides a green gap between the buildings that is visible from the street. Its enclosure with a cycle store, sited as proposed, would not meet the requirements of Policy HE6. It would harm the street scene and would fail to preserve the appearance of the Conservation Area.

Living conditions

7. Moving to the second issue, Local Plan Policy QD27 indicates that planning permission will not be granted for any development where there would be material nuisance and loss of amenity to proposed residents. Although much of the lighting to the interior of the proposed dwellings would be from clerestorey windows, the bedrooms would have main windows facing onto the car parking area and separated from it only by a small planting bed. This would result in a low level of privacy and potential for disturbance from noise and from car headlamps at night. Sound insulation and/or fixed glazing, as proposed, could minimise noise disturbance but, if obscure glass or shutters were to be used to protect privacy, an unacceptably claustrophobic internal environment would result. Whilst there are habitable room windows on the rear elevation of the existing house which face the car park, these are physically separated from it by the width of the sunken rear lightwell area and are also at a different level to those proposed. They are therefore less likely to suffer from these harmful impacts.

8. In contrast to the flats in the existing house, the proposed residential units would have some private external amenity space, in the form of a terrace or patio at each end of the building. Although the appellant says that this would exceed the standards set out in the Code for Sustainable Homes, the terraces would be only some 2.5 metres wide, providing a limited outlook from the patio doors of the living rooms onto the boundary walls of the adjoining properties. The space would be further restricted by the inclusion of a cycle and recycling store.
9. The site is also surrounded by large trees, most of which are in neighbouring gardens. The Council accepts that the construction of the building would cause no direct harm to the trees, in accordance with the details given in the appellant's Arboricultural Report. However, the trees would restrict light levels on the terraces and at the patio doors of the proposed building, particularly in the case of the north-facing unit which would have little, if any, direct sunlight and would be likely to appear gloomy. The Elm tree on the appeal site, which would be close to the north-facing terrace, could be thinned and/or crown lifted to allow some additional daylight, but the extent of such work would be constrained by the need to protect the value of the tree as a visual amenity in the Conservation Area. The same would apply to any work to trees in surrounding gardens and the presence of the proposed residential units might well result in pressure for such work in the future as tree cover increases.
10. Overall, the constraints of the site would result in the proposed residential units having a poor standard of outlook, natural light and privacy. This would conflict with Policy QD27 and would not create adequate living conditions for the future occupiers if the dwellings.

Overall conclusion

11. The appeal site is in an urban area where residential development is acceptable in principle. The architectural design of the proposed residential units would be of a high standard and the building could result in a visual improvement to the Conservation Area. The proposed cycle storage facility would, however, be harmful to the street scene and the Conservation Area. The appellant has suggested that a split decision could be issued if the proposal is otherwise satisfactory. However, in view of the conclusions on the second issue, above, that is not the case.
12. The harm caused by the inadequate living conditions that would be created for the future occupiers of the residential units, together with the visual impact of the proposed cycle store, are sufficient to outweigh the benefit to the Conservation Area from replacing the garages with a building of better design. Accordingly, the proposed development is unacceptable and the appeal does not succeed.
13. In reaching that conclusion, account has been taken of the representations made by interested persons. Although the proposed building would be higher than the existing, the impact that this would have on the rear boundary wall of No 11A Selborne Road would have a minimal effect on the amenity value of the garden. Bearing in mind the design and use of the proposed building, the development would be unlikely to cause any unusual noise and disturbance in this residential area. No alteration to the existing car parking area is proposed,

other than a formalisation of the existing parking spaces, and the site is in an area subject to a controlled parking regime.

John Head

INSPECTOR



Appeal Decisions

Site visit made on 30 August 2011

by Elizabeth Fieldhouse DipTP DipUD MRTPI

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

Decision date: 6 September 2011

Appeal Ref: APP/Q1445/E/11/2149499

8 Medina Terrace, Hove BN3 2WL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Polly Samson against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/03645, dated 22 November 2010, was refused by notice dated 12 January 2011.
 - The works proposed are "insertion of 'temporary' cycle storage beach hut to rear westerly car port of property".
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Appeal Ref: APP/Q1445/A/11/2149505

8 Medina Terrace, Hove BN3 2WL

- 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 Polly Samson against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/03808, dated 8 December 2010, was refused by notice dated 2 March 2011.
 - The development proposed is the "insertion of 'temporary' cycle storage beach hut to rear westerly car port of property".
-

Decisions

1. The appeals are dismissed.

Procedural matters

2. The development proposed in both appeals is more clearly described in the decision notices as 'Erection of beach hut for cycle storage to rear of property (Retrospective)' and the appeals are considered on this basis.

Main Issue

3. The effect of the beach hut on the character and appearance of the building and the attached terrace, having regard to the location within the setting of a grade II listed building and the Cliftonville Conservation Area.

Reasons

4. The detached cycle store is about 3.5m from the main building and fills the corner where the boundary wall with 7 Medina Terrace meets the wall adjoining the access to parking to the rear of Spa Court. The building is a free standing structure on the hard surfaced rear area that is also used for open off-street parking. 2-8 (consecutive) Medina Terrace, including walls, piers and railings

- fronting the road, are grade II listed and date from around 1875. They are rendered with the roof concealed behind a parapet. The imposing terraced buildings are four-storey over basement with a rear curtilage some 5.5m deep.
5. Apart from immediately adjoining the basement, the rear gardens are raised to near that of the adjoining pavement. The boundary wall with no.7 adjoining the beach hut is some 1.68m high but 1.2m high on the neighbouring side where the raised rear curtilage is slightly higher. The beach hut is 0.27m higher to the eaves than the garden wall with the pitch roof rising about a further 0.7m to the ridge. The beach hut is of the same construction, materials and colour palette as the beach huts on the edge of the Esplanade to the east of, but well separated from the appeal site. Those beach huts are lined up along the edge of the Esplanade.
 6. The appeal building with its bright yellow door is incongruous as an isolated beach hut and does not relate to those on the Esplanade in terms of proximity or characteristic of use. In terms of scale, it does not compete with the listed building but is incongruous and discordant detracting from the setting of the listed building. By reason of its height, projection above the boundary wall and colour, the beach hut appears unduly large and prominent. It is clearly evident from the south and west and although there are less sensitive backdrops further from the Esplanade to the rear of Victoria Terrace, to the north of the appeal site, and there is a modern building to the west, these are not directly associated with Medina Terrace.
 7. The beach hut as located fails to accord with Brighton & Hove Local Plan 2005 policy HE3 that aims to prevent development that would have an adverse impact on the setting of a listed building. As advised in Planning Policy Statement 5 *Planning for the Historic Environment* (PPS5) policy HE9 the significance of a heritage asset can be harmed by development within its setting. PPS5 policy HE10 requires any harm to be weighed against the wider benefits.
 8. The proposal provides storage for the bicycles belonging to the occupiers of the property. There is no contention on the benefit of cycle storage. Nevertheless, I am not convinced that the beach hut erected would be the only method of satisfactorily accommodating the occupiers' bicycles or a justification for the harm identified. The bicycle illustrated on the application drawing occupied less than half of the height of the beach hut.
 9. Due to the height and projection above the boundary wall of the beach hut, the proposal fails to preserve the setting of the listed building or to preserve or enhance the character or appearance of this part of the Cliftonville Conservation Area. For these reasons the appeals should fail. In reaching this decision account has been taken of the development plan and all material considerations, including third party representations.

Elizabeth Fieldhouse

INSPECTOR



Appeal Decision

Site visit made on 11 July 2011

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 18 July 2011

Appeal Ref: APP/Q1445/D/11/2152896
36 Hollingdean Terrace, Brighton, BN1 7HA.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Cullen against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/00248, dated 26 January 2011, was refused by notice dated 21 March 2011.
 - The development proposed is replacement and enlargement of timber platform incorporating steps and glazed screens (part retrospective).
-

Decision

1. I dismiss the appeal.

Main Issues

2. The first main issue is the effect of the scheme on the character and appearance of the host building and the surrounding area. The second main issue is the effect of the scheme on the living conditions of the occupiers of the adjacent properties with particular regard to visual impact and privacy.

Reasons

Character and appearance

3. The timber platform and steps have already been constructed and replace a smaller platform and steps in a similar position. The proposed glazed screens and trellis have not yet been provided.
 4. Due to its elevated position and materials the proposed development would be prominent within the rear garden environment and would detract from the simple lines and symmetry of the rear of the terrace. In particular the timber railings, trellis and glazed screens would be visually dominant and would obscure the first floor rear windows, both upsetting the rhythm of the terrace and appearing totally out of keeping with the host building.
 5. By comparison the previous landing, railings and steps were far more modest and did not obscure the first floor windows or dominate the rear elevation of the building. Likewise the landing and steps at the rear of 38 Princes Terrace are modest and do not dominate the rear elevation of that property. The first floor
-

rear extensions at both 38 and 40 Hollingdean Terrace are fully enclosed and are not directly comparable to the proposed scheme in relation to materials, appearance or use. Notwithstanding this, they illustrate how first floor rear additions can impact on the character and appearance of the dwellings concerned and the terrace as a whole.

6. I conclude on this issue that the proposal would unacceptably harm the character and appearance of the host property and the surrounding rear garden environment. Accordingly the scheme would conflict with policy QD14 of the Brighton & Hove Local Plan 2005, which requires residential extensions and alterations to be well designed, sited and detailed in relation to the host building, neighbouring properties and the surrounding area.

Living conditions

7. From the proposed terrace there are clear views of the rear ground floor windows and doors of the adjacent properties in Roedale Road. Whilst the proposed trellis would reduce the area from which those properties would be overlooked, there would still be direct views from the northern end of the proposed terrace area. Having regard to the elevated position of the terrace and the fact that it could well be used as an outdoor entertaining and recreational area, its use would result in a significant level of actual and perceived loss of privacy for the occupants of the dwellings opposite.
8. Although the previous landing overlooked the rear of the properties opposite, due to its limited size and function it did not result in the same levels of actual and perceived overlooking. The same applies to the existing landing at 38 Princes Terrace.
9. The proposed glazed screens and trellis would ensure that the use of the proposed terrace would not result in a material loss of privacy for the occupants of 34 Princes Terrace. However the proposed glazed screen and trellis would be visually dominant when viewed from the adjacent rear windows and garden area at No.34. Its impact would be intensified when the terrace was in use and as a result would have an overbearing impact on the living conditions of the occupiers of that property.
10. In relation to No.38 the proposed glazed screen at the northern end of the terrace would improve the level of privacy between the two properties. In addition as No.38 has a rear first floor extension and external landing and stairs the proposal would not have an overbearing impact on the living conditions of that property.
11. I conclude on this main issue that the proposal would materially and unacceptably harm the living conditions of the occupiers of the adjacent dwellings in Roedale Road due to loss of privacy. It would also materially harm the living conditions of the occupiers of 34 Hollingdean Road due to its overbearing visual impact. Accordingly the scheme would conflict with policies QD14 and QD27 of the Local Plan. These policies seek to ensure that new development does not cause significant harm to the living conditions of existing residents.

Conclusion

12. The conclusions on both main issues represent compelling reasons for dismissing this Appeal, which the imposition of conditions would not satisfactorily address.

Elizabeth Lawrence

INSPECTOR



Appeal Decision

Hearing held on 12 July 2011

Site visit made on 12 July 2011

by John Chase MCD Dip Arch RIBA MRTPI

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

Decision date: 19 August 2011

Appeal Ref: APP/Q1445/A/11/2147191

Land adjacent to No 481, Mile Oak Road, Portslade, East Sussex, BN41 2RE

- 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 Wilson Hunt against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/01967, dated 25 June 2010, was refused by notice dated 27 January 2011.
 - The development proposed is 2 semi-detached 3 bedroom houses with off-street parking.
-

Decision

1. The appeal is allowed and planning permission is granted for 2 semi-detached 3 bedroom houses with off-street parking at land adjacent to No 481, Mile Oak Road, Portslade, East Sussex, BN41 2RE in accordance with the terms of the application, Ref BH2010/01967, dated 25 June 2010, subject to the conditions in the schedule at the end of this decision.

Application for costs

2. At the Hearing an application for costs was made by Wilson Hunt against Brighton & Hove City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the development on 1) the living conditions of the residents of No 481 Mile Oak Road with particular respect to daylight and outlook, 2) the character and appearance of the area, 3) the living conditions of the future residents with respect to traffic noise from the A27 by-pass, and 4) protected species.

Reasons

Living conditions at No 481

4. The house at No 481 Mile Oak Road has an extension adjacent to the site, with windows facing the boundary at ground and first floor levels serving, respectively, a dining area with an inner living room, and a bedroom. Whilst the original planning approval for the extension may have had different window arrangements, the point at which enforcement action might be taken has elapsed, and the proposal is assessed in relation to the current situation.

5. With respect to the dining area, there is a patio door facing the rear garden of No 481, which provides adequate light and outlook without the need for the contribution of the side window. It is likely that the rearward projection of the new houses would have some effect on the amount of evening sun reaching the patio doors, but not so great as to have a significant effect on amenity. The inner living area is already a relatively dark space, being remote from the side window in the dining area. Artificial light would currently be necessary in this area to carry out most domestic functions, and the additional effect of the new development would not significantly alter the usability of this room.
6. At first floor level, the side window is the only source of light to a single bedroom. Neither main party has produced daylight calculations, but the Council considered it likely that the new building would intrude into a 25 degree line from the centre of the existing window, being the rule of thumb outlined in the Building Research Establishment (BRE) guide "Site Layout Planning for daylight and sunlight". Even if this is the case, additional daylight would be available on either side of the highest part of the new roof, and the BRE guide recognises that the daylight needs of bedrooms are less than living rooms. With respect to outlook, the new wall would obscure the present view from this room, but would not be so close as to be unreasonably overbearing. Whilst it is accepted that a bedroom may be used for day time purposes, this is a relatively minor room in the house, and any loss of light or aspect would not significantly impinge on the residents' overall living standards.
7. The development of the appeal site, which has hitherto been open, will have some effect on the neighbouring property. However, this does not amount to the material nuisance or loss of amenity liable to be detrimental to human health, referred to in Policy QD27 of the Brighton and Hove Local Plan (LP), adopted 2005. It is concluded on the first main issue that the development would not be unduly harmful to the living conditions of the residents of No 481 Mile Oak Road with particular respect to daylight and outlook.

Character and appearance

8. Two main points have been raised in relation to this topic: the effect of the loss of openness on the character of the area, and the relationship of the style and size of the houses to the adjoining development. On the first point, it is noted that the site has an unkempt and overgrown appearance, and makes a limited contribution to the landscape value of the area. It is not contiguous with other open land along the road frontage, being bordered by the semi-detached house at No 481, and by the tunnel entrance where Mile Oak Road passes under the A27. Unlike the open countryside on the opposite side of the road, the unbuilt nature of the site is not an important or intrinsic part of the distinctive character of the area, and there is not an overwhelming case to retain it in its present condition. Whilst it may originally have been part of the garden of No 481, there is no indication that this has been the case within recent times, and the Council have not raised an objection on the basis of the loss of garden land.
9. The new houses would not be substantially different from the semi-detached pair next door in terms of size and massing, but of a dissimilar style, and constructed of different materials. Whilst the existing houses, which date from the turn of the 20th century, may have local historical associations, there is not a compelling case for the new architecture to match the traditional appearance. Indeed, LP Policy QD1 discourages replicating earlier styles unless there is a distinctive historic style of architecture in the area, whereas the other housing

in the street is of varied age and character. A contrasting appearance would not be out of keeping. The proposed site coverage would not be dissimilar to other development in the area. Overall, there is not a compelling case to show that the scheme would be contrary to LP Policies QD1 and QD2, which require new design to be of a high standard, with due regard for its surroundings. The conclusion on the second main issue is that the development would not harm the character and appearance of the area.

The effect of traffic noise on future residents

10. The site abuts the A27 by-pass, which is at a higher level, separated by an embankment. There is a continuous level of noise from this road, and the appellants' noise survey indicates LAeq values of 54 and 51dBA during daytime and night time, placing the site into the A and B noise exposure categories, respectively. Planning Policy Guidance Note 24 recommends that, in the case of development within category B, noise should be taken into account in determining an application, with conditions imposed where appropriate. In this case, in order to meet a night time internal noise level of 30dBA, an attenuation of 21dBA would be required, which would be achievable with the use of standard double glazed windows and acoustic ventilation.
11. Criticisms of the survey methodology are noted, but there are not strong grounds to disregard its findings. Whilst noise levels may vary with wind direction, there is no specific data to prove that any effect would exceed the level of attenuation proposed by the appellants, which is above the identified requirement. Any noise arising out of the use of Mile Oak Road would also be adequately suppressed by the sound reduction measures. There would be background levels of noise in the garden areas, but not to an intolerable degree, and it is noted that there are other properties in the vicinity closer to the noise source. Overall, there is no reason why this aspect should not be effectively addressed by a planning condition to enforce the use of sound insulation, leading to the conclusion on the third main issue that there would not be harm to the living conditions of the future residents with respect to traffic noise from the A27 by-pass, in compliance with LP Policy SU10.

Protected species

12. The appellants produced three ecological reports, dated March and June 2010, and January 2011. The earliest report concluded that there was no evidence of badgers on the site, and that it did not contain suitable habitats for bats or reptiles, the conservation value of the land being low. This advice was modified in later reports, following re-survey of the land and representations from neighbours, to indicate the likelihood that badgers used the site for commuting from nearby setts, and that there was the possibility of slow worms on the land. A series of recommendations were made concerning procedures to protect species during clearance of the land and construction, to provide a badger route, and to introduce planting conducive to bio-diversity.
13. There is no indication that there is a badger sett on or in the immediate vicinity of the site, and the ecologist's assertion that badgers are tolerant to changes away from the sett, so that the development would lead to minimal disturbance, was not seriously challenged. Similarly, there were reasonable grounds to consider that any reptiles found on the site could be satisfactorily transferred to other habitats. Whilst some lessening of confidence may have arisen out of the changed findings of the progression of reports, it is also

accepted that their conclusions were limited by the data available at the time of the surveys, and that the time span over which they were prepared allowed a reasonably comprehensive assessment. There is not compelling evidence to contest the assertion that any harm to protected species could be adequately mitigated, which would be susceptible to control by planning conditions. Subject to this, the development would not cause demonstrable harm to protected species, complying with LP Policy QD18.

Other Matters

14. Reference was made to the likelihood of archaeological artefacts being found in the area, although it does not form part of an identified area of archaeological interest. In view of the lack of documentary support for this assertion, and the likelihood that the site was disturbed during the course of the engineering works to the road, there are not substantial grounds to dismiss the appeal on this basis, or to justify the use of planning conditions.
15. The appellants did not dispute that the site plan shows an incursion beyond the identified development site, into land beyond the settlement boundary. Whilst the extent of the discrepancy is not great, it is of more than minimal significance. The Council were content that the modifications to the layout could take place without changing the main characteristics of the scheme, and this decision comes to the same conclusion. A planning condition would be necessary to require the submission of amended details.

Conditions

16. In addition to the conditions referred to above, regard has been had to the Council's suggested conditions in relation to the advice in Circular 11/95. They are necessary to control external materials and require landscaping, for the benefit of the appearance of the development, and hard surfaces should have provision for drainage to avoid the risk of flooding outside the site. Plans are specified for the avoidance of doubt and in the interests of proper planning. The first floor bathroom window overlooking No 481 should be obscure glazed to maintain privacy. Compliance with the Code for Sustainable Homes is necessary to meet sustainability objectives, and the appellants confirmed at the Hearing that Code 5 would be achievable. Standard limitations on permitted development rights would protect neighbours' amenity with respect to overlooking from side windows without the need for a specific condition.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1010 E01, PO2A, PO3A, PO6A, PO7A, and PO8A, except as modified by compliance with these conditions.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a scheme of insulation from traffic noise from the A27 by-pass, to achieve internal LAeq levels of 35dBA

between 0700 and 2300 hours, and 30dBA between 2300 and 0700 hours, has been submitted to and approved in writing by the local planning authority. No house shall be occupied until its construction has been completed in accordance with the approved details.

- 5) All external hard ground surfaces shall either be constructed of porous materials, or provision made to direct the run-off of water to permeable areas within the curtilage of the property, and retained in that condition.
- 6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include hard surfacing, means of enclosure, planting proposals, and indications of all existing trees and hedgerows on the land with details of any to be retained, together with measures for their protection in the course of development. The scheme shall incorporate the bio-diversity proposals set out in the ecological report prepared by PJC Consultancy, dated 6 January 2011.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of either of the houses or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation. All hard landscaping and means of enclosure shall be completed in accordance with the approved details before occupation of the houses.
- 8) No development shall take place, including clearance of the land, until a scheme of measures for the conservation of protected species has been submitted to and approved in writing by the local planning authority. Such measures shall be based on the recommendations contained in the ecological report prepared by PJC Consultancy, dated 6 January 2011, and shall be implemented throughout the course of construction, with any permanent features retained thereafter.
- 9) The dwellings shall achieve Level 5 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 5 has been achieved.
- 10) Notwithstanding the details shown on the approved plans, no development shall take place until a revised site layout with the rear boundary in the location shown on drawing 1010 E01 has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11) The house on the south eastern side of the site shall not be occupied until the first floor window on the south eastern wall has been fitted with obscured glass, which shall thereafter be retained in that condition.

John Chase

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

J Cattell BA, MRTPI	Planning Consultant
M Downes	On behalf of appellants
A Tamblyn MA, MSc, MIEEM, FRGS	Ecology Consultant
R Zinzan RIBA	Architect
N Thomas BSc BArch, Reg.Arch	Architect

FOR THE LOCAL PLANNING AUTHORITY:

G Everest	Planning Officer, Brighton and Hove City Council
Cllr R Carden	Ward and City Councillor

INTERESTED PERSONS:

F Payne	Local Resident
B Payne	Local Resident
R McNicol	Observing
Cllr P MacCafferty	Chairman, planning committee

DOCUMENTS

- 1 Ecology reports by PJC dated March 2010 and January 2011
- 2 Site plan with overlay showing neighbours' assessment of effect on sunlight, and boundary positions.
- 3 SPD 08 referring to Sustainable Building Design



Costs Decision

Hearing held on 12 July 2011

Site visit made on 12 July 2011

by John Chase MCD Dip Arch RIBA MRTPI

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

Decision date: 19 August 2011

Costs application in relation to Appeal Ref: APP/Q1445/A/11/2147191

Land adjoining 481, Mile Oak Road, Portslade, East Sussex, BN41 2RE

- 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 Wilson Hunt for a partial award of costs against Brighton & Hove City Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for 2 semi-detached 3 bedroom houses with off-street parking.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

The submissions of the Parties

2. Wilson Hunt made the application in writing, claiming costs with respect to the third and fourth reasons for refusal of the planning application. The Council made their response in writing. Neither party wished to amend their statement at the close of the Hearing.

Reasons

3. 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 expense in the appeal process.
4. The third reason for refusal indicated that the residents of the new houses would not be able to achieve a reasonable level of amenity because of noise from the A27 by-pass. The appellants had submitted a noise report with the application, containing survey data, with recommendations of noise attenuation methods to produce an adequate living environment. The Council questioned the conclusions of this report, especially because it did not take account of variable wind conditions. Whilst the Council were entitled to form a different opinion, there was no indication of any technically derived data on which that opinion might have been based. Rather, the concern appeared to arise out of anecdotal information from neighbours.
5. As reported in the appeal decision, the appellants submitted a succession of ecology reports which progressively acknowledged the likelihood that protected species might be affected by the development, and which appeared to react to pressure from local residents. To this extent, there was some scope for scepticism on the part of the Council. On the other hand, the accuracy of any

individual report was clearly based on the conditions at the time of the survey and, in the end, the three reports, carried out over a period of 10 months, provided a reasonably comprehensive analysis of the ecological state of the site. The Council's evidence failed to provide any technical support for the assertion in the fourth reason for refusal that an appropriate site investigation had not been undertaken, and there was no clear evidence to rebut the appellants' contention that any harm could be adequately mitigated.

6. Paras. B16 and B20 of Circular 03/2009 require planning authorities to produce evidence to show clearly why development cannot be permitted, including in cases where the recommendation of officers has not been followed. Paras. B21 and B22 note the need for the views of local residents to be taken into account, but, to carry weight, those views must be supported by substantial evidence, and the possibility of overcoming the objection by the use of planning conditions should be considered (para. B25). Failure to follow these guidelines places the authority at the risk of costs.
7. For the reasons given above, there are adequate grounds to conclude that the Council failed to comply with the recommendations of the Circular, resulting in unreasonable behaviour with respect to the third and fourth reasons for refusal, and that the appellants suffered unnecessary expense as a result. An award of partial costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Brighton & Hove City Council shall pay to Wilson Hunt, the costs of the appeal proceedings limited to those costs incurred in responding to the third and fourth reasons for refusal on the Council's decision notice dated 27 January 2011, such costs to be assessed in the Senior Courts Costs Office if not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.

John Chase

INSPECTOR



Appeal Decision

Site visit made on 5 August 2011

by Megan Thomas BA Hons in Law, Barrister

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

Decision date: 7 September 2011

Appeal Ref: APP/Q1445/A/11/2152293
66 Woodbourne Avenue, Brighton, BN1 8EJ

- 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 Short against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/03139, dated 4 October 2010, was refused by notice dated 29 November 2010.
 - The development proposed is a change of use of the ground floor to a self-contained 2 bed flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues: whether or not there is sufficient evidence to show that a use within use classes A1-A5 at the appeal site would not be economically viable; and the effect of the proposal on the vitality and viability of the shopping parade.

Reasons

Economic viability

3. The appeal site is a mid-terrace two storey property located on the south side of Woodbourne Avenue. It has a commercial unit at ground floor level which is currently vacant and a residential flat at first floor level. The site forms part of a local parade of shops running from the corner of Beechwood Avenue along Woodbourne Avenue. There is a post office/shop in the corner unit. The appeal site is next to the Post Office. There is a vacant commercial unit next to the appeal site and then a Flooring shop next to that (Patcham Flooring Company). The parade originally comprised 6 commercial units and two (72 and 74 Woodbourne Avenue) have been converted to residential use. Those conversions were granted after a planning application and an appeal respectively.
 4. The appeal site has planning permission for Class A1 use. It also has planning permission to be a part Class A1 and part Class B1 unit (approved in August 2007) but it appears that this latter permission has never been implemented.
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5. The proposal is to convert the commercial unit to a self-contained 2 bedroomed flat with a new cycle store and refuse storage in the rear garden.
6. The property has been marketed since about June 2006 for either Class A1 or mixed A1 and B1 uses. The appellant indicates that a superstore development has taken place locally and has effectively stepped in to meet the local needs of local residents, thus undermining the viability of the local parade. However, the marketing evidence in the representations before me indicates that there has been a lot of interest from operators or potential operators of class A3 or class A5 uses. I note that policy SR7 of the Brighton & Hove Local Plan (adopted 2005) 'LP' has a permissive policy towards changes of use from class A1 to class A2, A3, A4 and A5 uses if various criteria are met. Whilst I appreciate that some A3 & A5 uses might only operate in the late afternoon and evening, they do bring footfall to a shopping parade and do fulfil a local need. Whether or not an A3 or A5 use would be permitted at the appeal site is beyond my remit and is not addressed in the evidence before me, but given the substantial interest from potential A3/A5 operators and given the very favourable position of the appeal site next door to the post office, I am not persuaded that the site would be unlikely to attract a user in the A1-A5 category.
7. I also note that the Flooring Shop appears to have opened in a previously vacant unit since the appellant appealed and, if that is correct, then that also indicates to me that the local parade has not, as the appellant puts it, "failed".
8. Therefore, on this issue, I conclude that there is insufficient evidence to show that a use within use classes A1-A5 at the appeal site would not be economically viable.

Vitality and viability

9. Saved policy SR7 of the LP relates to the appeal site as it deals with Local Parades. I consider that the term "local parade" is apt here as there is a cluster of at least 3 class A units, albeit that two are currently vacant. The policy indicates that in Local Parades changes of use at ground floor to residential will not be permitted. Whilst I acknowledge that vacant units in the parade do not attract pedestrian activity, there is the potential for them to do so in my view. Putting aside the future residential occupants of the proposal and their visitors, the development would not attract footfall and would be dead frontage in the parade. Moreover, the change of use of the appeal site to a residence would further harm the vitality and viability of the parade because of its mid-terrace position. The appeal site is next to the Post Office and is one of a run of 4 commercial units which emphasises the presence of a local parade and makes it visible and readily identifiable as a local commercial facility within a densely populated residential area.
10. The objectives of the policy include the desire to ensure that the local convenience needs of a neighbourhood are served within easy walking distance of dwellings. It is important to protect parades such as this and I am concerned about the permanent loss of footfall that would ensue if the use was changed to residential.
11. Therefore I conclude that the proposal would seriously harm the vitality and viability of the local retail parade and would be contrary to saved policy SR7 of

the LP in that it would allow a change of use of a ground floor unit to residential.

Conclusion

12. Having taken into account all representations made, including the views of the Council's Economic Development officer, I conclude that the appeal should be dismissed.

Megan Thomas

INSPECTOR



Appeal Decision

Site visit made on 23 August 2011

by Ann Skippers BSc (Hons) MRTPI

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

Decision date: 31 August 2011

Appeal Ref: APP/Q1445/D/11/2156904

20 Crown Street, Brighton, East Sussex BN1 3EH

- 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. Michael Palmer against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/00932, dated 29 March 2011, was refused by notice dated 31 May 2011.
 - The development proposed is a 'rear/side two storey extension'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the Montpelier and Clifton Hill Conservation Area.

Reasons

3. No 20 is a two storey terraced property on the eastern side of Crown Street, a small enclave of properties situated off Western Road and close to local amenities and transport links.
 4. It is proposed to construct a flat roofed two storey rear extension which would 'infill' an area between an existing two storey rear projection and the neighbouring property, No 19, a listed building. No 19 has a two storey projection along this common boundary with a mono-pitch roof.
 5. Whilst there are other examples of similar extensions along the terrace and in the wider area, the infilling of this space between the appeal property's existing rear projection and No 19's projection would destroy the plan form of the host property. The plan form is an important feature of many of the residential terraces in the Montpelier and Clifton Hill Conservation Area. The loss of the gap between the two properties would alter this important built form and pattern which is a distinctive and integral part of the townscape and the Conservation Area's character and appearance.
 6. In addition the Council points out that some of the other extensions along this part of the terrace do not seem to have the benefit of planning permission. In any case given No 20's location adjacent to a listed building and within the Montpelier and Clifton Hill Conservation Area, an extension of this scale and
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design in this position would not preserve or enhance the character and appearance of the Conservation Area.

7. The proposal would retain an area of patio/garden to the rear. I also appreciate that the proposed extension would only be visible from neighbouring properties and would not be visible from the street. However, this is not generally a satisfactory reason for allowing otherwise unacceptable development. The appellant also offers to revise the design of the roof, but I must determine the appeal based on the submitted plans as to do otherwise would prejudice the Council and third parties.
8. The Council has not raised any objections to the proposal based on its effect on living conditions of neighbouring occupiers and I agree with their assessment on this matter. A neighbour at No 15 Marlborough Street has raised concern about reduction in light as well as noise and disturbance during any construction period. I agree with the Council that given the distance between the two properties and their orientation, the relationship between the two properties would be acceptable. The latter issue could have been dealt with satisfactorily by condition had the appeal been allowed.
9. In conclusion, the proposal would not preserve or enhance the character or appearance of the Montpelier and Clifton Hill Conservation Area and would, in fact, be harmful to it. This would not accord with Policies QD14 and HE6 of the Brighton and Hove Local Plan 2005 which, amongst other things, seek well-designed and sited extensions and to preserve or enhance the character and appearance of Conservation Areas in line with the statutory requirement to have regard to the desirability of preserving or enhancing the character or appearance of the Montpelier and Clifton Hill Conservation Area in accordance with section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
10. For the reasons given above and having had regard to all other matters raised, the appeal should not succeed.

Ann Skippers

INSPECTOR



Appeal Decision

Site visit made on 30 August 2011

by Ann Skippers BSc (Hons) MRTPI

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

Decision date: 7 September 2011

Appeal Ref: APP/Q1445/D/11/2156921

Field End, 4 Founthill Road, Saltdean, East Sussex BN2 8AJ

- 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. Jeff Blundell of JKC Management Ltd against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/00726, dated 11 March 2011, was refused by notice dated 27 May 2011.
 - The development proposed is 'revisions to boundary wall refused under reference BH2010/0683 (retrospective)'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the host property and surrounding area.

Reasons

3. Field End is a detached property located along Founthill Road. At the site visit, I noted brick walls have been constructed to the western and eastern (side) boundaries and the southern (front) boundary. However, this proposal seeks permission for an amended scheme which seeks to overcome a previously refused scheme rather than the development which has been carried out.
 4. The immediate locality is characterised by mainly detached dwellings of varying sizes and designs. Founthill Road is characterised by a variety of boundary treatments of different styles and designs reflecting the diverse character of the area. However, in the main most boundary treatments are low walls or hedges which generally allow views of front gardens and the houses themselves to be glimpsed from the street. Where there are higher enclosures, houses tend to be closer to the road and are still visible from the road. The boundary treatment to the western, eastern and southern boundaries would be in sharp contrast. The height and unbroken solid nature of the walls would be very prominent completely at odds with the prevailing character and appearance of the street.
 5. The southern and eastern boundaries would be particularly prominent from the east as Founthill Road curves and rises steeply from this direction. This would mean that the boundary walls appear as a high and solid enclosure around the
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host property and its garden area and this would destroy the openness and feeling of spaciousness characteristic of this locality. This unfortunate effect would be exacerbated by Field End's set back location from the road which means that there would be a large length of wall around the front and side boundaries. Although the side walls would replace fencing which previously existed prior to the existing wall, the height would be slightly higher in places than this fencing and of a much more solid appearance due to the long length of brickwork.

6. I appreciate that the appellant has attempted to reduce the solid appearance of the front boundary wall by inserting decorative panels and to overcome the Council's objections by reducing the height of the piers, gate and wall. In addition, the appellant points out that, prior to the existing wall, there was a lawful front boundary wall constructed in 2000, but removed in 2010. The current appeal proposal is compared to that wall. From the information submitted which includes a photograph of the 2000 wall, it would appear that this wall had a simple and unfussy appearance with two vehicular entrances with wrought iron gates which, even with reed fencing or timber cladding, would have broken up the wall's solid appearance and the middle section was lower than the brick piers and gates to either side. Whilst the appeal proposal seeks to reflect this with a lower middle section, the length of the currently proposed wall would be considerably more because one entrance would be removed and replaced by a pedestrian gate. In addition, both the pedestrian and vehicular gates are high and of solid appearance. Therefore the appeal proposal differs significantly from the front boundary treatment constructed in 2000. I am also mindful that some form of enclosure could be constructed as 'permitted development'. However, even if there is a strong likelihood of a return to the lawful wall or 'permitted development', the appeal proposal would have a more harmful visual impact for the reasons given above.
7. The Council has raised concern about precedent and the appellant has drawn my attention to various boundary treatments in Saltdean. Each application and appeal must be considered on its merits and bearing in mind my comments about the diverse character and appearance of Founthill Road, other proposals of this nature are unlikely to be so similar as to create a precedent.
8. In conclusion, the boundary treatment would be prominent, appearing as an incongruous feature and at odds with, and starkly out of keeping with the character and appearance of the host property and the surrounding area. The proposal would not accord with Policy QD14 of the Brighton and Hove Local Plan 2005 which seeks to ensure, amongst other things, that alterations are well designed and take account of the host property and the surrounding area in terms of design, siting and detailing.
9. For the reasons set out above and having regard to all other matters raised, including the support from neighbours and local residents and the lack of objection from the Highways Authority, the appeal should not succeed.

Ann Skippers

INSPECTOR



Appeal Decision

Site visit made on 23 August 2011

by Ann Skippers BSc (Hons) MRTPI

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

Decision date: 31 August 2011

Appeal Ref: APP/Q1445/D/11/2157130

14 Frederick Street, Brighton, East Sussex BN1 4TA

- 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. Sefton Cohen against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/00009, dated 5 January 2011, was refused by notice dated 2 June 2011.
 - The development proposed is the 'erection of part single and part two storey rear extension incorporating a rooflight and sun pipe. Enclosure of front garden with 1800mm high fence'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has altered the description of the development and as this more clearly reflects the proposal, this description has been used.
3. At the site visit I also viewed the appeal property from Queensbury House.

Main Issues

4. There are two main issues in this case. The first issue is the effect of the proposed extension on the living conditions of the occupiers of Nos 13 and 15. The second issue is the effect of the proposed fence on the character and appearance of the North Laine Conservation Area.

Reasons

5. No 14 is a two storey mid terrace house situated on Frederick Street. At present there is a single storey kitchen at the rear with a small yard. It is proposed to replace this element with a two storey extension which would infill the rear yard. The adjacent property, No 15 has a single storey extension infilling the whole of the yard area. No 12, further away, has a two storey rear extension incorporating the entire rear area although this property differs from the terrace of three properties (Nos 13, 14 and 15) and is adjacent to a larger building to its southern boundary.
 6. Nos 13 and 14 are the only two properties that retain the yard area. The infilling of the rear yard area at single storey level would be difficult to resist as
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- No 15 has a similar extension and there would be no material effect on No 13 to the south. However, the combination of the width and height of the first floor element would harm the living conditions of the occupiers of Nos 13 and 15 because of the proximity, scale and height of the proposed extension.
7. The extension would be overbearing, reducing outlook from Nos 13 and 15's first floor windows creating a tunnelling effect for the occupiers of both dwellings. In addition, there would be some overshadowing and the levels of light reaching Nos 13 and 15's first floor windows would be reduced and whilst there might be, as the appellant suggests, some reflected light, this would not satisfactorily mitigate the overbearing effect and overall reduction in light. The proposal would also particularly affect the ground floor windows and yard area to No 13 causing overshadowing and reducing the levels of light reaching the windows and yard as well as having an overbearing presence. These harmful effects on the adjacent occupiers to either side of No 14 would be compounded by the presence of Queensbury House which adds to the sense of enclosure at the rear of these properties.
 8. On this first issue, the proposal would materially harm the living conditions of the occupiers of Nos 13 and 15 contrary to Policies QD14 and QD27 of the Brighton and Hove Local Plan 2005 (LP) which respectively, and amongst other things, require extensions to be well designed and sited in relation to adjoining properties and protect the amenity of nearby occupiers.
 9. Turning now to the second issue, Frederick Street has a varied character with different designs, heights and uses of buildings. There is no overall pattern or cohesion to this interesting street. However, with the exception of three properties with higher, more enclosed boundary treatment which the Council point out there are no records of consent for, front boundaries generally consist of low level picket fencing, railings or vegetation. In contrast, the proposal seeks permission for a 1.8m high fence. Whilst the appellant's desire to provide some privacy to this front area is understandable, a fence of this type and height would appear out of keeping and would not preserve or enhance the character or appearance of the North Laine Conservation Area and would, in fact, be harmful to it. This would not accord with LP Policies QD1, QD2, QD14 and HE6 which collectively seek a high standard of design, requiring alterations and new development to make a positive contribution to the visual quality of the environment and protect or enhance the character and appearance of Conservation Areas.
 10. It is accepted that No 14 is located in an area close to facilities and excellent transport links. However, this does not outweigh the harm caused by both elements of the proposal.
 11. For the reasons given above and having had regard to all other matters raised, including the lack of any representations from neighbours, the appeal should not succeed.

Ann Skippers

INSPECTOR



Appeal Decision

Site visit made on 5 August 2011

By Megan Thomas BA Hons in Law, Barrister

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

Decision date: 5 September 2011

Appeal Ref: APP/Q1445/A/11/2151946
120 Portland Road, Hove, East Sussex BN3 5DN

- 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 P Meredith against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/03755, dated 1 December 2010, was refused by notice dated 1 April 2011.
 - The development proposed is the change of use of the lower ground floor from office and storage (B1) to self-contained flat.
-

Application for Costs

1. An application for costs was made by Mr Paul Meredith against Brighton & Hove City Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for change of use of the lower ground floor from office and storage (B1) to self-contained flat at 120 Portland Road, Hove, East Sussex BU3 5DN in accordance with the terms of the application, Ref BH2010/03755, dated 1 December 2010, subject to the following conditions:
 - (1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - (2) The development hereby permitted shall not be occupied until the refuse facilities shown on drawing no. 10/617/04 and on the Block Plan (received 1/12/2010) have been provided. The facilities shall thereafter be retained for use at all times.
 - (3) The development hereby permitted shall not be occupied until the cycle storage facility shown on drawing no. 10/617/04 and on the Block Plan (received 1/12/2010) has been erected in the location shown and made available for use. The cycle storage facility shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
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Main Issue

3. The effect of the proposal on the living conditions of future occupants with regard to natural light and outlook.

Reasons

4. The appeal relates to the conversion of the lower ground floor of a building to use as a residential flat with access to it from the rear via steps down from ground floor level. The site lies in a mixed commercial and residential area of Hove where there are examples of shops and offices at ground floor level with flats at lower ground floor level and flats or maisonettes above at first floor and roof level.
5. The proposal would create a one bedroomed flat where access to the curtilage would be taken from a pathway running east/west behind the units on Portland Road. The main living area would be made up of two open plan rooms which I shall call the northern and southern rooms. Light would come into the southern room from the large French doors which serve as the entrance to the flat. Light would also penetrate the northern room of the flat through some glass bricks which have been inserted at pavement level in Portland Road. At the time of my site visit, a mirror had been fixed below the glass bricks to angle reflected light into the room.
6. Given the orientation of the flat towards the south with the French doors facing south and the two additional windows facing west, a sufficient amount of natural light would penetrate the flat in my view. Natural light to the northern room from the glass block arrangement alone is sparse. However, it is important to judge the light reaching the flat in the round. The open plan arrangement between the northern room and the southern room would allow more natural light to penetrate the northern room from the south. The window in the bedroom and the window adjacent to it would also bring light into the flat when the connecting door(s) were left open. Therefore, cumulatively I consider that the flat would enjoy sufficient natural light and this was borne out by what I observed on my site visit.
7. Turning to the outlook from the flat, for all practical purposes there would be no view of Portland Road from the northern room. However, views of the rear courtyard would be possible from several parts of the flat including the bedroom and when moving from the northern room towards the French doors. In this case, given the south-facing aspect and the nature and extent of views from inside to outside which I saw on the site visit, I am not persuaded that the future occupants would find living conditions unduly claustrophobic or feel enclosed. There would be sufficient opportunity to see outside.
8. I conclude that the proposal would not unduly harm the living conditions of future occupants of the flat with regard to outlook or natural light. It would not conflict with saved policy QD27 of the Brighton & Hove Local Plan (adopted 2005).

Conditions

9. I have considered the imposition of conditions in the light of Circular 11/95 *The Use of Conditions in Planning Permissions*. In order to encourage non-car uses

and to deter crime, I have imposed a condition on the permission requiring a cycle storage facility to be erected prior to occupation of the flat and to be retained thereafter. I have also required refuse bins to be provided as shown on plans, in the interests of the character and appearance of the area. Given the urban and commercial location of the site, it is not necessary in my view to specify that items such as cables and pipework should not be fixed to the elevation facing the highway. As it is a basement flat accessed via external steps, it is not practicable to meet Lifetime Homes criteria and so I do not consider that a condition relating to those standards is necessary in this case.

Conclusion

10. Having taken into account all representations made, I conclude that the appeal should be allowed.

Megan Thomas

INSPECTOR



Costs Decision

Site visit made on 5 August 2011

by Megan Thomas BA Hons in Law, Barrister

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

Decision date: 5 September 2011

Costs application in relation to Appeal Ref: APP/Q1445/A/11/2151946 Land at 120 Portland Road, Hove, East Sussex BN3 5DN

- 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 Mr Paul Meredith for a full award of costs against Brighton & Hove City Council.
 - The appeal was made against the refusal of planning permission for the change of use of the lower ground floor from office and storage (B1) to self-contained flat.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. 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.
 3. The appellant considers that the Council have not provided a respectable basis for their stance at the appeal. He points out that they have no quantifiable measures of what are acceptable living standards, published in a development plan, supplementary guidance or any other similar document. He is also of the view that other relevant professional officers' consultation responses could have been accepted and the appeal therefore avoided altogether.
 4. It is not a necessity for each local planning authority to have published guidance on what in planning terms constitutes acceptable living conditions in respect of matters such as how much natural light should reach a housing unit or what the extent and nature of views from a house or a garden should be. Those matters are often based on subjective judgments and it is not always possible to have analysis backed up by objective assessment. In this case, where the flat would be in a basement with few windows, and the northern room would have no window and rely primarily on light through glass blocks, it is understandable that the Council had concerns about whether or not future occupants of the flat might enjoy acceptable living conditions.
-

5. The fact that the Council's Environment Health section had not expressed concern or objection is not a determining factor. It is well within the remit of a planning officer to decide from a land-use planning perspective whether or not living conditions are likely to be satisfactory. An officer approaching the matter from the perspective of public health may come to different conclusions. Both may come to reasonable conclusions. The planning officer made a judgment about outlook and natural light as so often planning officers have to do. On balance, I do not consider that the contentions made in the reason for refusal or the matters set out in the evidence in the Council's written representations were so vague, generalised, or inaccurate that the Council's behaviour in refusing the appeal was unreasonable. The evidence on appeal, taken as a whole, provided a respectable basis for the authority's stance.
6. The appellant has also referred to the existence of other basement flats close by in Portland Road which have been granted planning permission and he points to the failure of the Council to determine like cases in a like manner and apply policy QD27 of the Brighton & Hove Local Plan (adopted 2005) consistently. I am satisfied, however, that the Council dealt in sufficient detail in their evidence with previous decisions relating to nearby flats. Without knowing, for example, the precise number of windows, glass blocks and room layout of other basement flats, it is not possible to say the living conditions in terms of natural light and outlook would be the same or no worse than the appeal proposal. The Council have determined the proposal on its individual merits and I do not agree that they have been inconsistent in applying policy QD27.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009, has not been demonstrated.

Megan Thomas

INSPECTOR



Appeal Decision

Site visit made on 30 August 2011

by Elizabeth Fieldhouse DipTP DipUD MRTPI

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

Decision date: 2 September 2011

Appeal Ref: APP/Q1445/D/11/2156342
313 Kingsway, Hove BN3 4LT

- 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 Michael Johnson against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/00551, dated 22 February 2011, was refused by notice dated 20 April 2011.
 - The development proposed is 'loft conversion, remodelled roof, new porch roof'.
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property is the centre of a group of three 20th century two-storey hip-roofed detached houses of similar design but with detailing differences due to more recent alterations. The area is mixed with frontage development having a range of hipped and gable ended roofs as well as building heights, including four storey flats nearby on the corner of Saxon Road.
4. The proposal would increase the ridge height of the dwelling by 0.915m and extend the ridge to new gable ends with the existing front hipped roof projection also changed to a gable and its height increased. The resultant gable end building would bear no resemblance to the adjacent properties but have a similar form to some of the detached houses to the east beyond Tandridge Road or the pair of semi-detached houses at 317 and 319 Kingsway. Nevertheless, the height of the proposed ridge that would be necessary to avoid a flat topped roof would not only dominate the immediate neighbouring dwellings but would be 0.3m higher than the ridge to nos.317 and 319.
5. The extended dwelling would appear over dominant and bulky in its location, by reason of the height of the main roof and the form and height of the front gable. Thereby it would be harmful to the character and appearance of this particular part of Kingsway. The glazed screen in the front gable would further draw attention to the uncharacteristic height and changed form of dwelling. The appeal property faces the sea over Hove Lagoon and therefore the

dominance of the extended dwelling would stand out, not only from Kingsway but from paths to, and along the esplanade.

6. The appellant has a Lawful Development Certificate for a roof conversion that would raise the side walls to a half hipped roof. The Council acknowledges that proposal would be inferior in design terms. There is no evidence that such a scheme would be implemented and it would not provide the floorarea in the proposal, the subject of this appeal. The scheme that would be lawful would not justify the scale of the increase in the ridge height from the proposal, which would dominate the height of the other dwellings between Saxon Road and Tandridge Road. By reason of its height compared to the adjoining properties, the proposal would harm the character and appearance of the area and would not accord with the Brighton & Hove Local Plan 2005 policy QD14 (a).
7. The proposed porch roof would have a gable end, rather than the current hipped roof, to reflect that which is proposed for the main roof. In the absence of the proposed roof remodelling, the proposed porch would be out of character with the existing building and therefore should not be approved. For the reasons given the appeal should fail.

Elizabeth Fieldhouse

INSPECTOR



Appeal Decision

Site visit made on 5 August 2011

by Megan Thomas BA Hons in Law, Barrister

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

Decision date: 7 September 2011

Appeal Ref: APP/Q1445/A/11/2152362
16 Scarborough Road, Brighton BN1 5NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Jones against the decision of Brighton and Hove City Council.
 - The application Ref BH2010/03249, dated 14 October 2010, was refused by notice dated 13 December 2010.
 - The development proposed is a roof extension to include new habitable floorspace.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the character and appearance of the host dwelling.

Reasons

3. Scarborough Road is a residential road located at a much lower level than residential properties in Kingsley Road. The appeal site is a first floor flat and it is located on top of another flat at ground floor level. Both flats are on a corner site and are accessed through a shared door on the street with the steps to the appeal site leading from the rear garden up to first floor level. The dwellings on Kingsley Road are visible from the rear elevation and rear garden of 16 Scarborough Road.
4. The appeal site has planning permission dated January 2003 for the erection of a pitched roof containing living accommodation, which the Council considers to be a valid and extant permission. I am told this grants permission for a smaller rear dormer structure than is sought in this appeal.
5. The building currently has a flat roof and the proposal is to construct a pitched roof with additional living space which the appellant states would be of real practical use. From the Scarborough Road vantage point, the building would blend in with its neighbours by matching the pitched roof form of adjoining buildings and this would in my view enhance the character of the building and the road.

6. The rear element of the new roof would in part be flat and would have two windows within an angled dormer structure. It would extend from eaves level to just below the proposed roof ridge, therefore appearing like an additional storey to the property with a flat roof. The cheeks of the dormer structure would be about 0.9m from the roof of 17 Scarborough Road and about 0.5m from the roof of 15 Scarborough Road. Given those dimensions and proximity to neighbouring buildings, from the rear the proposed development would dominate the appearance of 16 Scarborough Road, making it appear top heavy. It would appear too bulky and domineering. Dormers often need to be well contained within the roof profile so that the pitch of the surrounding roof remains prominent and the dormer is a subservient feature. In this case, the proposal would fail to meet those important design principles.
7. In coming to my view on this issue, I have had regard to other dormer development in the area but the structures I saw did not appear to me to be particularly sympathetic to the appearance or character of the area or their buildings. The fact that other unsympathetic development has been allowed in the area or has taken place does not provide good reason for allowing further such development and, in any event, I am obliged to determine the appeal on its own particular merits. That is the approach I have taken.
8. Consequently, I conclude that the proposal would unduly harm the character and appearance of rear views of the host dwelling. It would be contrary to saved policy QD14 of the Brighton & Hove Local Plan (adopted 2005) and advice in Supplementary Planning Guidance Note 1 *Roof Alterations & Extensions*. The harm would outweigh the enhancement to the front views of the appeal site to which I have referred in paragraph 5 above.

Conclusion

9. Having taken into account all representations made, including those of local residents, I conclude that the appeal should be dismissed.

Megan Thomas

INSPECTOR



Appeal Decision

Site visit made on 5 September 2011

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 7 September 2011

Appeal Ref: APP/Q1445/D/11/2156290

44 Crescent Drive South, Woodingdean BN2 6RB

- 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 Lee Phillips against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/00606, dated 10 February 2011, was refused by notice dated 24 May 2011.
 - The development proposed is to install a glass safety rail to a first floor flat roof area at the rear, adjacent to a dormer addition with French doors.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the consideration of this appeal are:
 - The effect of the proposal on the character and appearance of the area.
 - The effect on the living conditions of the occupiers of the adjacent dwellings in respect of overlooking and privacy.

Preliminary Matters

3. The proposed safety rail has already been installed but the appeal must, nevertheless, be considered strictly on its own merits. The Appellant indicates that the rail is shown on one of the drawings submitted with a previous planning application that was approved by the Council. If, as a result, the Appellant considers that planning is not needed, this is not a matter to be determined in the context of an appeal made under section 78 of the above Act. It is open to the Appellant to apply for a determination under section 191/192 of the above Act to determine this matter. The determination of this appeal under section 78 of the above Act does not affect the issuing of a determination under section 191/192 of the same Act.

Reasons

4. The appearance of dwellings in the vicinity of the appeal site varies significantly. As a result the metal rails with glass panels below, despite suggesting the presence of a balcony, do not disrupt any significant regularity of design. Furthermore, the balustrade is a subordinate feature set below the ridge and of modest size and scale in relation to the overall roofscape.
5. Despite such features not being found at most properties in the immediate vicinity, it is therefore concluded that the character and appearance of the area has not been harmed. In consequence, there is compliance with the underlying aims of Brighton and Hove Local Plan 2005, Policies QD1, QD2 and QD14, which include preventing such adverse effects.
6. It is acknowledged that there is a condition imposed on the previous permission preventing the use of the flat roof as an amenity area and allowing access only for maintenance or emergency purposes. The Appellant indicates that this has been complied with. However, there is no impediment to entry onto the roof, which is readily facilitated by the French doors and encouraged by the presence of the safety rail. The area is therefore available for use as an external amenity space. Even if the Appellant is able to ensure that it is not used as such, it is likely that future occupiers would access this pleasant outside area to enjoy the attractive views available in this elevated position despite the condition.
7. However, this would be at the undue expense of the privacy of adjacent occupiers. Although relatively small, the space is large enough for more than one person to stand on and enables particularly intrusive overlooking down into the patio areas immediately to the rear of the adjacent dwellings. It is also possible to see into the rear of the house itself at no. 46. Visibility from within the bedroom at no. 44 looking through the French doors is noticeably more restricted, giving significantly less scope for undue overlooking.
8. The undue impact is, in itself, sufficient reason to justify dismissing the appeal, given the substantial detriment to privacy. This is the case even if the balustrade cannot be seen from the patio areas of the adjacent dwellings so that concerns regarding perceived overlooking are not justified, as contended by the Appellant.
9. The level of privacy at no. 42 has been diminished to a degree by rooflights in the side of the roof at the appeal site. However, these do not affect no. 46 and the current proposal has, in any case, resulted in unacceptable overlooking in addition to that possible from the rooflights. As a result these openings provide no significant justification for the proposal.
10. For the above reasons, it is concluded that the privacy of the occupiers of the adjacent dwellings has been unacceptably compromised and living conditions have been harmed. In this respect there is conflict with Local Plan Policies QD14 and QD27, which, among other things, seek to avoid such detrimental impacts.
11. No significant evidence has been submitted to support the contention that the balustrade is justified to enable access onto the roof for maintenance or emergency purposes. The Appellant has referred to other balconies in the

area. However, the full details and background of these relatively isolated examples have not been provided. Consequently, no meaningful comparison can be made with the current proposal which must, in any event, be considered on its own merits. It is concluded that none of the above, or any other matter raised, including the absence of harm in relation to character and appearance, is sufficient to outweigh the unacceptable effect on living conditions. It is therefore determined that the appeal fails.

12. There have been letters of support for the proposal from local residents but the concerns of the immediate neighbours regarding privacy are well founded in this instance. The photographs submitted by the Appellant have been carefully considered in reaching this decision.

M Evans

INSPECTOR

New Appeals Lodged with the Planning Inspectorate

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

PRESTON PARK

BH2011/01677

5 York Villas, Brighton

Erection of single storey side extension.

APPEAL LODGED

11/08/2011

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HANGLETON & KNOLL

BH2011/01420

2 Hangleton Valley Drive, Hove

Installation of pitched roof dormer to front elevation.

APPEAL LODGED

11/08/2011

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WITHDEAN

BH2011/00336

227 - 233 Preston Road, Brighton

Change of Use of car showroom/workshop (SG04) to 2no retail units (A1) incorporating installation of external condenser unit, air conditioning units and an ATM machine.

APPEAL LODGED

11/08/2011

Planning Committee

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WISH

BH2011/00477

301 Kingsway, Hove

Erection of wooden fence on top of existing side and front boundary walls, erection of timber decking to front garden and associated alterations (Retrospective).

APPEAL LODGED

17/08/2011

Delegated

WARD
APPLICATION NUMBER NORTH PORTSLADE
ADDRESS BH2011/01479
10 Gorse Close, Portslade
DEVELOPMENT DESCRIPTION Erection of two storey rear extension and
installation of rooflight to rear.
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 17/08/2011
APPLICATION DECISION LEVEL Delegated

WARD
APPLICATION NUMBER ROTTINGDEAN COASTAL
ADDRESS BH2011/01153
30 Roedean Crescent, Brighton
DEVELOPMENT DESCRIPTION Erection of extension creating second floor
level, alterations to rear forming balcony
providing access to existing roof terrace.
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 18/08/2011
APPLICATION DECISION LEVEL Delegated

WARD
APPLICATION NUMBER REGENCY
ADDRESS BH2011/01202
26A Clifton Terrace, Brighton
DEVELOPMENT DESCRIPTION Erection of timber decked balcony with glass
balustrade, stainless steel rail and incorporating
double white UPVC doors at second floor rear.
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 23/08/2011
APPLICATION DECISION LEVEL Delegated

WARD
APPLICATION NUMBER HANOVER & ELM GROVE
ADDRESS BH2011/01309
84 Bernard Road, Brighton
DEVELOPMENT DESCRIPTION Erection of additional storey to existing dwelling
incorporating balcony.
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 24/08/2011
APPLICATION DECISION LEVEL Delegated

WARD
APPLICATION NUMBER PATCHAM
ADDRESS BH2011/01615
11 Old Farm Road, Brighton
DEVELOPMENT DESCRIPTION Demolition of existing conservatory and
erection of single storey extension.
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 31/08/2011
APPLICATION DECISION LEVEL Delegated

The current position regarding Planning Inquiries and Hearings

8 West Way, Hove

Planning application no: BH2010/03486

Description: Formation of additional storey at first floor level to create two 2no bedroom and two 1no bedroom residential units, ground floor extension at front and associated works.

Decision: Committee

Type of appeal: Informal Hearing

Date: 1st November 2011

Location: Hove Town Hall

PLANNING COMMITTEE

Agenda Item 64

Brighton & Hove City Council

Information on pre-application presentations and requests

Date	Address	Ward	Proposal
17 May 2011	N/A	N/A	N/A
07 June 2011	N/A	N/A	N/A
28 June 2011	N/A	N/A	N/A
15 July 2011	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 and erection of a helipad on top of the Thomas Kemp Tower.
09 August 2011	N/A	N/A	N/A
30 August 2011	N/A	N/A	N/A
20 September 2011	Ice Rink & No.11 Queens Square	St Peter's & North Laine	Demolition of former ice rink and no.11 Queens Square and erection of 5-6 storey building to provide ApartHotel (58 serviced apartments) with associated restaurant/café and alterations to public realm.
11 October 2011			
1 November 2011			
22 November 2011			
13 December 2011			
10 January 2012			

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 given after scheduled site visits, unless otherwise stated.

31 January 2012			
21 February 2012			
13 March 2012			
3 April 2012			
24 April 2012			
15 May 2012			