



**Brighton & Hove
City Council**

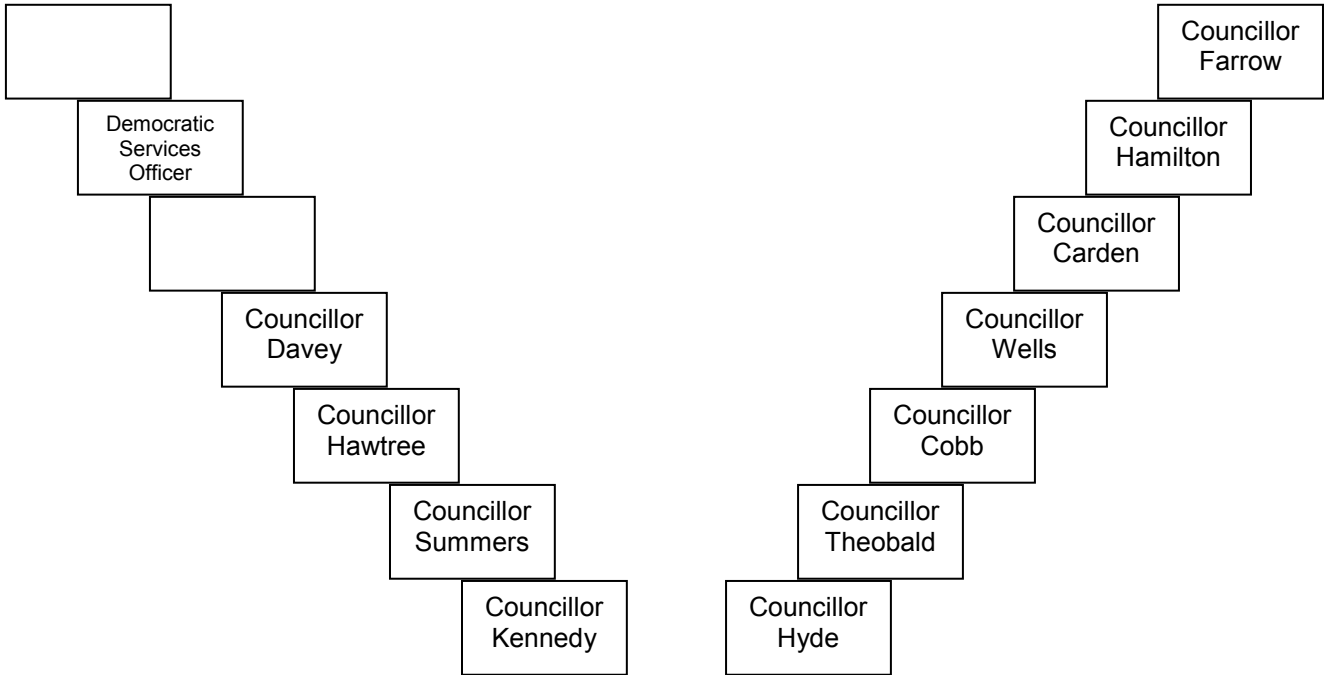
Planning Committee

Title:	Planning Committee
Date:	2 November 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>Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk</p>

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Democratic Services: Meeting Layout

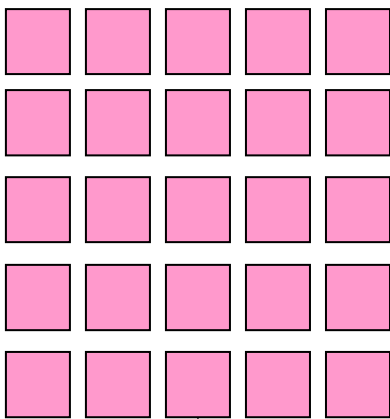
Senior Solicitor Chairman Head of Development Control



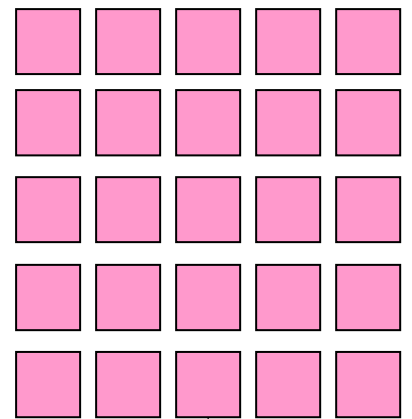
Chairman of CAG

Officers Officers

Press



Public Seating



Public Seating

AGENDA

80. 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 or Lobbying - All Members present to declare 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, and to declare any instances of lobbying they have encountered regarding items on the agenda.
- (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.

81. MINUTES OF THE PREVIOUS MEETING

1 - 18

Minutes of the meeting held on 12 October 2011 (copy attached).

82. CHAIR'S COMMUNICATIONS

83. APPEAL DECISIONS

19 - 54

(copy attached).

84. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

55 - 56

(copy attached).

85. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

57 - 58

(copy attached).

86. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

PLANNING COMMITTEE

(copy attached).

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

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

(copy circulated separately).

89. 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

90. TO CONSIDER AND NOTE THE CONTENT OF THE REPORTS DETAILING DECISIONS DETERMINED BY THE LOCAL PLANNING AUTHORITY INCLUDING DELEGATED DECISIONS

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.

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PLANNING COMMITTEE

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

Date of Publication - Tuesday, 25 October 2011

PLANNING COMMITTEE

Agenda Item 81

Brighton & Hove City Council

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 12 OCTOBER 2011

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors MacCafferty (Chair), Hyde (Deputy Chair), Carden (Opposition Spokesperson), Cobb, Davey, Farrow, Hamilton, Hawtree, K Norman, Summers and C Theobald

Officers in attendance: Jeanette Walsh, Development Control Manager; Paul Vidler, Deputy Development Control Manager; Pete Tolson, Principal Transport Planner; Annie Sparks, Environmental Health Manager; Nicola Hurley, Area Planning Manager (West); Claire Burnett, Area Planning Manager (East); Kathryn Boggiano, Senior Planning Officer; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

PART ONE

69. PROCEDURAL BUSINESS

69a Declarations of Substitutes

69.1 Councillor K Norman was present in substitution for Councillor Wells. It was noted that apologies had been received from Councillor Kennedy.

69b Declarations of interests

69.2 Councillor Mrs Theobald stated that she had a personal but not prejudicial interest in one of the applications set out in the report detailing decisions made by officers under their delegated powers. Councillor Theobald was advised that as the application had been determined and she had had no part in that process that she was not required to declare an interest.

69.3 Prior to this item being presented before Committee Councillor Hamilton declared a personal but not prejudicial interest in relation to Application BH2011/00142, 9

Hampton Place. During the course of the meeting he had become aware that he had taught the applicant some thirty years previously when teaching at a local grammar school. He confirmed that he remained of a neutral mind and that as such he would remain present during consideration of the application and would take part in the discussion and voting thereon.

69c Exclusion of the press and public

69.4 In accordance with Section 100A of the Local Government Act 1972 (“the Act”), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in 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.

69.5 **RESOLVED** - That the public be not excluded during consideration of any item of business on the agenda.

70. MINUTES OF THE PREVIOUS MEETING

70.1 Councillor Mrs Theobald referred to Application BH2010/03759, 10 – 14 Gloucester Place, stating that in addition to her remarks relating to the feasibility of providing additional car parking on site she had also expressed concern that two elm trees would be lost as a consequence of the development and wished those comments to be recorded.

70.2 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 21 September 2011 as a correct record subject to the amendment set out above.

71. CHAIR'S COMMUNICATIONS

71.1 There were none.

72. APPEAL DECISIONS

72.1 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.

73. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

74. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

75. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

76.1 There were none.

77. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST : 12 OCTOBER 2011**(i) MAJOR APPLICATIONS**

A. Application BH/2010/03999, Site J, Land East of Brighton Station, New England Quarter, Brighton - Mixed use development comprising 2973sqm commercial office space (Class B1), 94 bedroom hotel (Class C1), 147 residential units (Class C3) and 255sqm retail floor space/café/office (flexible use Class A1/A2/A3/B1) accommodated within 3 blocks (6-8 storey southern block and 5-8 storey central and northern blocks), Southern Site of Nature Conservation Interest, public square, private and public open spaces, associated landscaping, access, servicing, car and cycle parking, and provision of station link, including lift and stair access.

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

(2) The Deputy Development Control Manager, Mr Vidler gave a presentation detailing this final phase of the Brighton Station, New England Quarter by reference to drawings, photographs and plans. He explained the context of this element of the development within that of the overall scheme and referred to its planning history including the previous Beetham "tower" scheme which had been refused by the Committee in 2005 and had then been dismissed at a subsequent appeal to the Planning Inspectorate. All other sites within the Masterplan area, with the exception of the southern portion of Block K adjacent to the Jury's Inn hotel, had been built and occupied. Phases 1 and 2 of the highways infrastructure, including Flee Street, immediately to the east of the application site and Stroudley Road to the north, had been adopted by the Highway Authority. The Northern Site of Nature Conservation Interest, running parallel with Block G (Gladstone Row) to the listed former railway bridge over New England Road was complete and open to the public.

(3) The Deputy Development Control Manager explained that the proposed scheme represented a departure from the approved Masterplan consent, in terms of the proposed mix of land uses and the layout, with the inclusion of employment generating uses, including commercial space and introduction of housing. The proposal included a substantial part of the Southern Site of Nature Conservation and completed the link to the Station, the provision of children's equipped play space and key pedestrian routes across the site, with lift and stair access linking Brighton Station to the London Road. The proposed scheme would improve permeability and access across the Masterplan area and the wider area and the wider scheme and would provide employment opportunities and deliver new jobs.

- (4) The 53 units (36%) affordable housing to be provided by the scheme were welcomed as they offered an adequate mix of housing tenures and sizes. The proposed transport impact was considered acceptable and adequate compensatory measures had been made to provide for more sustainable modes of transport. Sustainable measures would be incorporate, biodiversity would be enhanced and provision would be made for disabled access and provision had been made for an equipped children's play area. The development accorded with Central Government Guidance, Adopted Local Plan policies and Supplementary Planning Guidance for the Brighton Station Site and would enhance the character and appearance of the surrounding area, would regenerate the locality and would complete the final phase of the New England Quarter and was therefore recommended for approval.

Questions, Debate and Decision Making Process

- (5) Councillor Davey referred to the planting proposed on site, as this seemed to be less than originally anticipated. He sought reassurance regarding the type of planting to be provided. It was explained that the planting shown including trees on the submitted drawings was indicative and that this would be secured through the Section 106 Agreement and conditions. Councillor Davey also sought clarification regarding the level of parking and for whom it was being provided. It was explained that the on site parking was for use of residents and additional disabled persons parking was provided on street.
- (6) Councillor Hawtree sought confirmation regarding the form the percentage for art contribution would take. It confirmed that this would be worked up according to the agreed procedures and the precise form this would take had yet to be agreed. Councillor Hawtree hoped that this could be incorporated as part of the strategy for the whole area. Councillor Mrs Theobald stated that this seemed a lot of money and it was explained that this figure represented an agreed percentage in relation to the overall scheme.
- (7) Councillor Mrs Theobald also sought details regarding the hours during which loading/unloading of deliveries to the hotel would take place. It was noted that and hotels "star" rating as 3 or 4 star had yet to be finalised although the rating was not something that the local planning authority could control.
- (8) Councillor Cobb sought confirmation regarding lighting/sunlighting across the site and whether lighting would be provided through the night.
- (9) Councillor Hyde sought clarification in relation to some elements of the sustainable transport assessment and in relation to the level of parking to be provided which she thought would be less than originally anticipated.
- (10) Councillor Davey stated that as a Local Ward Councillor he welcomed the scheme which would now complete the overall development and would provide a boost to the wider area. Councillors Hyde and Hawtree concurred in that view.

- (11) Councillor Hyde stated that whilst she would have preferred to see more parking, this scheme represented a significant improvement on the previous Beetham scheme and welcomed the housing and jobs that would be created.
- (12) Councillor Carden supported the scheme considering that it provided the right balance of jobs and homes. Councillor K Norman also welcomed the scheme.
- (13) A vote was taken and the 11 Members present voted unanimously that they were minded to grant planning permission in the terms set out below.

77.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Section 7 of the report and resolves that it is minded to grant planning permission subject to the applicant entering into a Section 106 legal agreement which applied the Heads of Terms and conditions and informatives set out in the report and also subject to the amendments set out in the "Late Representations List." Condition 17 (i) as amended would include the communal roof areas and allotments and a further informative would be attached indicating that the submitted bricks would be acceptable in respect of Condition 18 relating to external materials.

B. **Application BH2011/02181, Training Centre, Rosaz House & Cottage, 2 – 4 Bristol Gate, Brighton** – Demolition of Rosaz House and Rosaz Cottage and erection of a three storey building to accommodate the Sussex Macmillan Cancer Support Centre incorporating new vehicular accesses off Bristol Gate, 25 parking spaces and landscape works.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Senior Planning Officer, Ms Boggiano, gave a presentation setting out the constituent elements of the scheme by reference to detailed plans and elevational drawings, also perspectives indicating the appearance of the buildings when seen in profile from various locations within the neighbouring street scene.
- (3) The main considerations in determining the application related to the principle of the use, impact on the character and appearance of the area, impact on trees, impact on amenity, sustainable transport, ecological impacts, sustainability, contaminated land issues and archaeology. It was considered that the principle of the use was acceptable; services currently provided in the building would be located elsewhere on adjacent sites and the proposed use would provide a valuable community facility. The proposal would not adversely impact on the local highway network nor would it jeopardise highway safety. The loss of the protected tree was acceptable in this instance and subject to the suggested conditions there would be no adverse impacts on ecology. The proposal would not give rise to any significant adverse impacts on the amenity of neighbouring properties and approval was therefore recommended.

Questions, Debate and Decision Making Process

- (4) Councillor Hyde sought clarification regarding the materials and finishes proposed. She stated that in some instances the timber used for exterior cladding on developments

had either been unsuitable for use in an exposed position or had not been treated properly and in consequence had not weathered well, this in turn had been detrimental to the appearance of the building. Councillor Hyde enquired whether it would be possible to add conditions appertaining to exact materials and colours to be used. The Planning Officer responded that works could not commence on site until samples of materials and finishes to be used had been submitted. It was confirmed that white render would also be used.

- (5) Councillor Mrs Theobald sought clarification regarding the number of staff to be employed on site and the levels of parking/cycle parking to be provided. The Planning Officer explained that no car parking had been provided as staff would be subject to the same conditions as other staff within the hospital complex who could apply for and purchase a parking permit if they were eligible.
- (6) Councillor K Norman enquired regarding the consultation process which had taken place and it was confirmed that the occupiers of all adjacent properties had been consulted and that the nearest residential dwellings were situated at some distance from the development.
- (7) Councillor Summers noted that two aspects of policy in respect of sustainability had not been met enquiring whether it would be possible either to add a condition or to amend the existing in order to seek to ensure that that space for food collections could be facilitated within the waste and recycling storage area. The Legal adviser to the Committee stated that it would not be appropriate to add a condition but that an informative could be added if Members wished.
- (8) Councillor K Norman enquired whether the council could control this matter and it was explained that although the council could not an informative would encourage the applicants to adopt that approach. Councillor Cobb stated that she did not support the addition of the proposed informative and the report indicated that there was insufficient space on site for composting facilities to be provided.
- (9) Councillor Summers stated that she wished to add an informative to be added to underline the Committee's aspiration that the development should be as sustainable as possible. Councillor Farrow concurred in that view. Following further discussion, Councillor Summers proposed an informative seeking the facilitation of food waste collections. This was seconded by Councillor Hawtree. A vote was taken and addition of the proposed informative was lost on a vote of 5 to 6.
- (10) Councillor Mrs Theobald stated that whilst it was regrettable that Rosaz House was to be demolished the proposals would provide a well designed modern building. Councillor Hyde agreed stating that the design was well thought out and that the services provided on site would provide a wonderful local facility. Councillor Hawtree stated that in this instance loss of the existing building was justified in consequence of the facilities that would result.
- (11) A vote was taken and the 11 Members present voted unanimously to grant planning permission in the terms set out below.

- 77.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 7 of the report and resolves to grant planning permission subject to the Conditions and informatives also set out in the report and subject to the amendments set out in the "Late Representations List".
- C. Application BH2010/03128, 19 – 27 Carlton Terrace, Portslade**, Outline application for demolition of existing buildings and erection of 4 blocks of mixed flats/houses totalling 15 units.
- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
 - (2) The Area Planning Manager (West), Mrs Hurley gave a presentation detailing the constituent elements of the proposed scheme which included photographs and aerial photographs of the existing development on the site. She explained that as this was an outline application, it sought to establish the principle of change of use to enable the site to be used for housing, all other matters were however, reserved for future approval.
 - (3) Floor plans and elevational were displayed relating to each of the four blocks proposed on site, although it was noted that these were indicative. The site had been marketed for employment purposes for 2 years without success. Marketing information had been submitted and it was considered that the site was redundant for employment purposes and use of the site for housing was therefore welcomed. A financial assessment accompanying the application had concluded that use of the site for 100% affordable housing would be unviable and the Housing Strategy and Economic Development Team had confirmed that they considered the assumptions made in the assessment were reasonable. The applicants had however offered to provide 4 affordable units. In this instance it was considered acceptable for development of the site to provide an affordable element of approximately 27%.
 - (4) Notwithstanding that this was an outline application on which all matters were reserved, the illustrative drawings indicated that a scheme could be developed on the site which would be acceptable in terms of traffic impact, appearance and impact on residential amenity. Approval was therefore recommended.

Questions, Debate and Decision Making Process

- (5) Councillor Davey sought confirmation that the worked up scheme would be brought back before the Committee for approval and it was confirmed that it would. Councillor K Norman sought confirmation that this would also be the case in respect of on site parking and it was confirmed that it was.
- (6) Councillor Mrs Theobald sought confirmation in respect of how the sum of £69,951 in relation to Education would be spent, and was advised that was yet to be determined.
- (7) Councillor Cobb referred to the telecommunications mast on land adjoining the site enquiring whether it met the necessary safety requirements. It was confirmed that the mast would have needed to comply with all measures in place at the time permission was given to locate it there.

- (8) Councillor Hawtree stated that broadly he supported the application urging that distinctive modern buildings be provided on site.
- (9) Councillor Carden stated that whilst the loss of employment use was regretted there was a need for more homes in the city and he hoped that the site would be used to its full potential stating that there was a need for more three bedroom units.
- (10) Councillor Hamilton welcomed the scheme citing the fact that it would be returned to use after having sat vacant for three years. It was disappointing that only 4 affordable units were proposed across the site, but he accepted the rationale for this.
- (11) Councillor Cobb stated that she felt unable to support the application. Commercial space continued to be lost across the city. Whilst recognising the need for housing there was also a need for leisure and other facilities. In her view the proposed balconies were very small and the overall amenity space proposed on site was insufficient.
- (12) A vote was taken and on a vote of 10 to 1 by the Members present the Committee voted that they were minded to grant planning permission in the terms set out below.

77.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out and in the policies and guidance in section 7 of the report and resolves that it is minded to grant planning to permission subject to a Section 106 Agreement and to the conditions set out in the report.

Note: Councillor Cobb voted that the application be refused.

D. Application BH2011/02303, The Royal Pavilion, 4 – 5 Pavilion Buildings, Brighton
– Temporary ice rink on Royal Pavilion Eastern Lawns during winter for a five year period. Structure to include ancillary buildings for a restaurant, café, toilet facilities, skate hire and associated plant.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager (East) Ms Burnett gave a presentation detailing the application for grant of temporary permission for a five year period following use of the Royal Pavilion Eastern Lawns as a temporary ice rink the previous winter. The permission included the provision of ancillary buildings for use as a restaurant, crèche, café, toilet facilities skate hire and associated plant. The rinkside and roadside structures would have aluminium frames and glazing. There would be no cover on the rink itself and other than on the toilet block, the other areas would have transparent PVC roof sails.
- (3) It was considered that the proposed development would provide the City with a much needed and welcome seasonal ice rink serving residents and visitors to the City. No physical alterations would be made to the Royal Pavilion itself and the entry access arrangements had been amended slightly from the previous year. As a temporary facility during the winter period, and subject to conditions, it would not significantly

harm the setting of the listed Royal Pavilion and gardens or the wider conservation area, would generate income to the benefit and future upkeep of the Royal Pavilion and gardens and would cause no significant harm to the amenity of the surrounding properties, approval was therefore recommended.

Questions, Debate and Decision Making Process

- (4) Councillor Davey referred to the references that had been made to the financial benefits which would accrue for the Royal Pavilion Estate enquiring whether the level of revenues received and how they had been spent was known. The Deputy Development Control Manager, Mr Vidler explained that whilst this could not be precisely quantified the same justifications as used the previous year did still apply. Undoubtedly, the rinks location in close proximity to the Royal Pavilion had contributed to increased visitor numbers.
- (5) Councillors Hyde and Mrs Theobald expressed their support for the scheme which they considered would generate income and encourage visitors to the Pavilion. Councillor Hyde stated that she was pleased to note that there would be fewer tented buildings than the previous year. Councillor Mrs Theobald whilst fully supporting the scheme hoped that any damage sustained to the grass would be reinstated swiftly following the use.
- (6) Councillor Hawtree expressed support for the proposal stating that the Pavilion could sometimes be treated too reverentially/. This use was in keeping with the buildings quirky and unique nature and that of the spirit of the city itself.
- (7) Councillor K Norman also expressed support for the scheme.
- (8) Councillor Summers in expressing her support for the proposal stressed that it was important that in giving permission for this temporary use, which was welcomed, sight was not lost of the longer term aspiration of providing a permanent facility at an appropriate location in the city.
- (9) A vote was taken and the 11 Members present voted unanimously that temporary planning permission be granted for a five year period in the terms set out in the report.

77.4 RESOLVED – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out and with the policies and guidance in section 7 of the report and resolves to grant planning permission subject to the conditions and informatives also set out in the report.

(ii) **MINOR APPLICATIONS**

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

- (1) The Area Planning Manager (East), Ms Burnett gave a presentation detailing the application by reference to photographs and plans. It was noted that consideration of the application had been deferred at the previous meeting of the Committee to enable correct drawings to be submitted. Amended plans had since been received.

- (2) A similar application had been refused the previous year and notwithstanding that some amendments had been made to that scheme it was still considered that the application did not accord with agreed planning policy. It was considered that the proposed two storey extension by virtue of its design, massing, bulk and siting on the shared common boundary with no 9 Ainsworth Avenue would significantly reduce the visual gap between the two neighbouring properties which would be to the detriment of the visual amenities of the Ainsworth Avenue street scene. The proposed extension in conjunction with the front and rear dormer windows would, by virtue of its design and massing, including a large flat roof section result in a bulky and intrusive addition to the side of the property which would be unsympathetic to the visual amenities of the existing dwelling and Ainsworth Avenue itself. It was also considered that the formation of a balcony in association with the proposed front dormer would be contrived and incongruous both in its relationship to the host dwelling and the prevailing street scene. For these reasons the application was recommended for refusal.

Questions, Debate and Decision Making Process

- (3) Councillor Theobald Mrs Theobald sought confirmation of the dimensions of the proposed extension. Councillor Cobb sought clarification that there the ground floor of the property had already been extended and the difference in height between the existing garage and the proposed extension.
- (4) Councillor Hyde enquired whether the proposed rear extension would dovetail with the existing building line or would project forward of it.
- (5) Councillor Hawtree stated that whilst recognising that a variety of building styles were be seen in Ainsworth Avenue the proposed development would involve a lot of adaptations to the existing structure. Having heard the applicant's presentation at the previous meeting he was of the view that a permanent structure of a significant size was proposed in response to a temporary situation. He therefore supported the officer's recommendation that the application be refused.
- (6) A vote was taken and of the 11 Members present planning permission was refused on a vote of 10 with 1 abstention for the reasons set out below.

77.5 **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 proposed two storey extension, by virtue of its design, massing, bulk and siting on the shared common boundary with no.9 Ainsworth Avenue, would significantly reduce the visual gap between the two neighbouring properties, which would be of detriment to the visual amenities of Ainsworth Avenue street scene. The development is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance of Roof alterations and extensions (SPGBH1);
2. The proposed two storey extension, in conjunction with the front and rear dormer windows, by virtue of its design, including a large flat roof section, and massing

would result in a visually intrusive and bulky addition to the side of the property which is unsympathetic to the visual amenities of the existing dwelling and Ainsworth Avenue. The proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1); and

3. The formation of a balcony, in association with the proposed front dormer, would result in a contrived and incongruous addition to the existing property, to the detriment of the visual amenities of the existing dwelling and the Ainsworth Avenue street scene. As such the proposal is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

Informatives:

1. This decision is based on drawing no. 01RevE received on the 26 September 2011.

Note : Councillor Hyde abstained from voting in respect of the above application.

- F. Application BH2011/02406, 122 Valley Drive, Brighton** – Erection of three storey rear extension, loft conversion incorporating hip to gable roof extension and rooflights and new hard standing and associated alterations.
- 77.6 It was noted that this application had been withdrawn by the applicants.
- G. Application BH2011/02407, 124 Valley Drive, Brighton** – Erection of three storey rear extension, loft conversion incorporating hip to gable roof extension and front rooflight and associated alterations.
- 77.7 It was noted that this application had been withdrawn by the applicants.
- H. Application BH2011/00142, 9 Hampton Place, Brighton** – Application for variation of condition 2 of application BN80/146 (change of use from disused garage to snack bar café) to allow opening hours between 08.00 to 23.00 Monday to Saturday and between 08.00 to 22.30 on Sundays.
- (1) The Area Planning Manager (West), Mrs Hurley gave a presentation by reference to photographs and plans detailing the proposals. She also referred to the planning history of the site stating that the main consideration in determining the application was whether the proposed variation of condition 2 of approval BN80/1416 to extend opening hours of the café would result in undue harm to neighbouring amenity. It was considered that the opening hours requested were acceptable on a temporary basis to allow further monitoring of the use and its impact on adjoining properties and the wider surrounding area. Conditions were recommended in relation to hours during which outdoor seating could be used, in relation to the opening of rear windows and the playing of music to protect neighbouring amenity, approval was therefore recommended.

- (2) It was noted that noise complaints during the period of the consent could be investigated under the provisions of the Environmental Protection Act, 1990 and Licensing Act , 2003.

Public Speakers

- (3) Mr Killick spoke on behalf of neighbouring objectors. His property was located immediately to one side of the party wall, there had been some noise penetration in the past and he was concerned regarding the potential impact that could result from the increased opening hours. Hampton Place itself was residential with a mix of families and professionals who worked from home. Whilst residents had no objections to the current use there were concerns in relation to the disturbance which could result from longer hours of operation, not just directly from the premises itself but also as a result of people noise from people leaving the premises or standing outside.
- (4) Councillor Kitcat was unable to be present, having recently become a father. In his absence the Chair had agreed that as an exception a letter received from him could be read out for the benefit of the Committee. Councillor Kitcat's letter submitted in his capacity as a Local Ward Councillor re-iterated his concerns at the potential impact another evening venue in the area which was predominantly residential. He expressed concern at the impact on the adjacent dwelling located to the other side of the party wall. It was understood that the sound proofing works carried out provided protection from noise penetration to the flat above but not to neighbouring properties. The applicant had taken on the premises having been aware that there were long standing restrictions on it and it was considered unfortunate that work had started and evening opening had been advertised in advance of any Committee permission being forthcoming.
- (5) Mr Fox the applicant spoke in support of his application. He explained that he had advertised evening events to indicate the type of events he hoped to mount if planning permission was given. All necessary measures would be undertaken to ensure that no noise or other nuisance occurred in consequence of his operation. It was intended that the café would attract local clientele who also used the facility during the daytime and would be community based.

Questions, Debate and Decision Making Process

- (6) Councillor Cobb enquired why additional works had not been carried out to the party wall and Mr Fox explained that he sought expert advice and had been told that the level of any noise break out through the party wall would be at a de-minimus level such that did not require further works. All necessary works had been carried out.
- (7) Councillor Davey enquired whether the premises was currently licensed and it was confirmed that it was.
- (8) Councillor Cobb sought confirmation of the hours during which alcohol was to be sold.
- (9) Councillor Hawtree expressed concern that the premises and already been advertised as an evening venue. He shared the concerns which had been expressed regarding the impact on the neighbouring residential properties.

- (10) Councillor Mrs Theobald enquired regarding the soundproofing works which had been carried out and it was explained that works had been carried out to the rear of the building. The existing plastic corrugated roof had been removed and works had been carried out to avoid noise break out from the rear of the property. Councillor Mrs Theobald considered that the application was a borderline one and enquired whether it would be appropriate to grant a shorter temporary permission, for six months. Councillor Hawtree also considered a temporary permission for six months might be appropriate.
- (11) The Legal Adviser to the Committee, Mrs Woodward explained that a temporary permission had to be granted for a reasonable timeframe and six months would be too short.
- (12) Councillor Davey expressed concern at the impact that the proposed use could have, as a permission was attached to a premises rather than a person and if granted there was no guarantee that the low level use applied for would continue. This had been his experience in his own ward.
- (13) Councillors Hyde and Cobb stated that on balance they considered the application to be acceptable, particularly as the permission would be temporary for a year
- (14) A vote was taken and of the 11 Members present on a vote of 5 to 5 with 1 abstention the application was refused on the Chair's casting vote. A further recorded vote was then taken.

77.8 **RESOLVED** – That the Committee has taken into consideration the reasons for the recommendation set out and in Section 7 of the report but resolved to refuse planning permission on the grounds that the extended opening hours have the potential to cause harmful noise and disturbance for occupiers of adjoining residential properties, particularly those at first floor level (above the restaurant) and at 11 Hampton Place. It has not been demonstrated that noise generated by extended use of the restaurant could be appropriately mitigated and would not lead to significant harm for occupiers of adjoining properties. The proposal is considered contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.

Note 1: A vote was taken and of the 11 members present on a vote of 5 to 5 with 1 abstention planning permission was refused on the Chair's casting vote. A recorded vote was then taken.

Note 2: Councillor Davey proposed that the application be refused on the grounds set out above. This was seconded by Councillor Hawtree. A vote was then taken. Councillors Carden, Cobb, Hyde, Hamilton and K Norman voted that planning permission be granted. Councillor MacCafferty (Chair), Davey, Farrow, Hawtree, and Summers voted that planning permission be refused. Councillor C Theobald abstained. Councillor MacCafferty the Chair, used his casting vote and therefore permission was refused on the grounds set out above.

- I. **Application BH2011/02231, 15 Bishopstone Drive, Saltdean** – Erection of a single storey rear extension with raised terrace, glazed balustrading and steps to garden. Loft

conversion incorporating raised ridge height, hip and barn end roof extensions, rear dormer, rooflights and associated works.

- (1) The Area Planning Manager (East), Ms Burnett gave a presentation detailing the proposed scheme by reference to plans and photographs. It was explained that the application related to a detached bungalow located on the southern side of Bishopstone Drive. Due to the gradient of the site, the property was set lower than Bishopstone Drive and the rear garden was set at a lower level than the ground floor level of the property. Despite amendments which had been made to the application, the roof alterations did not accord with the Council's Supplementary Planning Guidance on Roof Alterations and Extensions as the proposed roof form was incongruous in the street scene by virtue of its appearance and bulk. The Area Planning Manager also referred to a letter received from the applicant's agent which had been circulated to members.
- (2) It was considered that the proposed rear dormer window extension, by virtue of its excessive size and design, which included large areas of cladding, would be overly bulky, oversized, poorly designed, related poorly to the host building and would be detrimental to its visual amenity. Overall it was considered that the proposal failed to accord with the Council's policies in relation to Roof Alterations and Extensions and refusal was therefore recommended.

Public Speakers

- (3) Mrs Yallop the applicant spoke in support of her application. She explained that permission was sought in order to enable her to raise a family in the area by remaining in her existing property. There was no single prevailing building style within Bishopstone Drive and it was not therefore considered that the proposals would be out of keeping with others in the neighbourhood.

Questions, Debate and Decision Making Process

- (4) Councillor Hawtree sought confirmation from the applicant regarding the number of bedrooms the property had currently, Mrs Yallop explained that there were two and a box room. Councillor Hawtree also asked whether discussions had taken place with officers to seek to reach an acceptable compromise. Mrs Yallop explained that discussions had taken place, however the proposals which officers had indicated would be acceptable to them would result in an under utilisation of the available roof space, which would result in an accommodation which was insufficient for their needs.
- (5) Councillor Hyde asked why slate roofing had indicated on the submitted drawings when this had not been used on other properties in the vicinity. Mrs Yallop explained that this had been included at the suggestion of their architect, they would be happy to amend this element of the scheme.
- (6) Councillor Farrow asked to see photographs of the neighbouring street scene in order to ascertain the diversity of building styles. The Area Planning Manager explained that although these were varied the properties in the immediate vicinity of the application site were bungalows.

- (7) Councillor Hyde stated that she had driven past the site recently and had observed a very similar extension on a property very nearby and a number of other rear extensions in Bishopstone Drive. She considered it might be beneficial for Members to visit the site prior to determining the application.
- (8) Councillor Hyde proposed that a site visit take place prior to the application being determined, this was seconded by Councillor Mrs Theobald. A vote was taken and on a vote of 6 to 5 it was agreed that determination of the application should be deferred pending a site visit.
- 77.9 **RESOLVED** – That consideration of the above application be deferred pending a site prior to the next scheduled meeting of the Committee.

J Application BH2011/02122, 32 The Cliff, Brighton – Installation of new dormer window to front facing roof slope.

- (1) The Area Planning Manager (East), Ms Burnett gave a presentation detailing the scheme. She explained that the site contained a detached two storey property set in a spacious garden plot to the south of The Cliff. The property had been extended to the rear previously with a conservatory and a flat roofed addition. There were dormers to the rear a side dormer and a dormer to the front of the property.
- (2) It was considered that the proposal by reason of its size, proportions and design would result in a bulky and overly dominant alteration, which in conjunction with the existing unsympathetic roof alterations would result in a cluttered and visually discordant appearance to the front roof slope that would detract from the appearance and character of the host building and the surrounding area and was contrary to policy. Refusal was therefore recommended.

Public Speakers

- (3) Mr Dean, the applicant's architect spoke in support for the scheme stating that the applicant had reduced the size of the dormer and had sought to address the objections raised by planning officers.

Questions, Debate and Decision Making Process

- (4) Councillor Hyde sought confirmation that the scheme was supported by Roedean Residents Association and it was confirmed that it was. Councillor Hyde was in agreement with the residents association that the proposed alterations would provide balance to the front elevation and improve the appearance and character of the property.
- (5) Councillor Farrow stated that there appeared to be a history of multiple alterations to the property, some of them unauthorised. He was inclined to support the officer's recommendations.
- (6) Councillor Hawtree stated that he concurred with the officer's recommendation and agreed that the application should be refused.

- (7) A vote was taken and on a vote of 9 to 2 planning permission was refused for the reasons set out below.

77.10 **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 reason :

1. The proposal, by reason of its size proportions and design would result in a bulky and overly dominant alteration, which in conjunction with the existing unsympathetic roof alterations would result in a cluttered and visually discordant appearance to the front roofslope that would detract from the appearance and character of the building and the surrounding area, contrary to policies QD1, QD2, and QD14 Of the Brighton & Hove Local Plan and the Supplementary Planning Guidance on Roof Alterations and Extensions.

Informatives

1. This decision is based on drawing nos.1121-01A and 1121-02B received on 23 September 2011.

Note: Councillors Hyde and Mrs Theobald voted that the application be granted. .

K Application BH2011/02227, Land to rear of 71 Lustrells Crescent, Saltdean –
Erection of two storey three bedroom house,

- (1) It was noted that a letter in support of the application had been sent to Members of the Committee by the applicant's agents. It was also noted that a letter of objection had been received from Councillor Smith, one of the Local Ward Councillors.
- (2) The Area Planning Manager (East), Ms Burnett gave a presentation detailing the scheme by reference to photographs, plans and elevational drawings. She explained that the proposal to subdivide the plot in order to accommodate the new dwelling would have a detrimental effect on the spacious nature of the site and represented overdevelopment. The subdivision of the existing plot failed to make adequate provision for private usable amenity space for the present occupiers of 71 Lustrells Crescent and the resulting space was considered to be out of keeping with the neighbouring street scene. It was considered that the development if permitted would have a strong adverse impact on the character of the surrounding area and could set a precedent which if repeated would significantly and detrimentally alter the character of the area. It was therefore recommended that the application be refused.

Public Speakers

- (3) Mrs Lintot spoke as an objector to the scheme stating that that the proposal represented a cramped overdevelopment of the site which was out of keeping with the properties in Lustrells Crescent and neighbouring Saxon Close. It was considered that it would also exacerbate existing parking problems, would result in loss of light and overshadowing and would give rise to a sense of enclosure and would overwhelm neighbouring properties. Mrs Lintot referred to restrictive covenants and to the title deed in relation to the site.

- (4) Mr Sheehan, the applicant spoke in support of his application stating that the property was intended for his own use and that there would be sufficient delineation between the original dwelling house and the proposed development, each property would have its own amenity space, the development was not considered to be out of keeping with neighbouring properties.

Questions, Debate and Decision Making Process

- (5) Councillor Hawtree enquired whether any restrictions included in the title deed were relevant in determining the application. The Legal Adviser to the Committee, Mrs Woodward explained that this was not a relevant planning consideration.
- (6) Councillor Farrow enquired whether the council's ecologist had visited the site and had determined that there were no badgers living nearby and it was confirmed that they had. Councillor Hyde confirmed that she was aware that the badgers who were living in the vicinity had been relocated elsewhere sometime previously.
- (7) A vote was taken and the 11 Members present voted unanimously that the application be refused on the grounds set out below.

77.11 **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 subdivision of the plot to accommodate a new dwelling would have a detrimental effect on the spacious nature of the site and represents overdevelopment. It would have a strong adverse impact on the character of the surrounding area, setting a precedent that, if repeated elsewhere, would greatly alter the area's character contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan; and
2. The subdivision of the existing plot fails to make adequate provision of private usable amenity space for the present occupiers of 71 Lustrells Crescent. The resulting amenity space is considered to be out of character for Lustrells Crescent, where neighbouring properties benefit from generous rear gardens, contrary to policy QD27 and HO5 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 0143EXG.001, 0143EXG.002, 0143.PL.00, 0143.PI.001, 0143.PL.002, 0143.PL.003, 0143.PL.004, Design and Access Statement, Planning Statement, Waste Minimisation Statement, Biodiversity Checklist, Sustainability Checklist received on 26 July 2011, and additional letter from the agent received 7 September 2011.

78. **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**

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

Application:	Requested by:
BH2011/02231, 15 Bishopstone Drive, Saltdean	Councillor Hyde

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

79.1 **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.]

The meeting concluded at 6.10pm

Signed

Chair

Dated this

day of

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J. PATCHAM

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L. EAST BRIGHTON

Application BH2011/00423, Land adjacent to 23 Alan Way, Brighton – Appeal against refusal to grant planning permission for erection of a detached two-storey residential dwelling. **APPEAL ALLOWED** (delegated decision). **47**

M. ROTTINGDEAN COASTAL

Application BH2010/012879, Land rear of 75 Tumulus Road, Saltdean, – Appeal against refusal to grant planning permission to erect a new bungalow **APPEAL DISMISSED** (delegated decision). **51**



Appeal Decision

Site visit made on 23 September 2010

by Simon Poole BA(Hons) DipArch MPhil MRTPI

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

Decision date: 3 October 2011

Appeal Ref: APP/Q1445/D/11/2158607

10 Gorse Close, Portslade, Brighton, East Sussex BN41 2YX

- 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 Geoffrey Doyle against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/01479, dated 20 May 2011, was refused by notice dated 24 June 2011.
 - The development proposed is the erection of a two storey rear extension.
-

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues in this case are the effects of the proposal on:
 - (i) the living conditions of the occupiers of 9 Gorse Close, with particular regard to outlook and natural light; and
 - (ii) the character and appearance of the host property, its semi-detached partner and the surrounding area.

Reasons

3. The appeal property is a semi-detached house situated at the end of a residential cul-de-sac. The surrounding area contains properties of similar design with upper floors partly accommodated in the roof space and prominent street-facing dormers and more modest rear-facing dormers. The proposal would replace a conservatory with a full-width, 2-storey rear extension with a flat roof.
 4. I recognise that a small number of nearby properties have 2-storey rear additions, all of which were either built or granted planning permission before the adoption of the Brighton and Hove Local Plan (LP) in 2005. In addition the extension at 21 Gorse Close is not directly comparable to the appeal proposal in terms of its siting and relationship to its attached neighbour. I therefore attribute limited weight to these matters.
-

Living conditions

5. The proposal would protrude a significant distance beyond the original rear building line of the appeal property and its attached pair and would be sited directly next to the boundary between the 2 properties. As a result of its height, siting and depth, it would significantly enclose the rear of No. 9 and have an unacceptable effect on outlook from, and daylight to, the rear facing rooms and the conservatory. For these reasons I conclude that the proposal would have an unacceptable effect on the living conditions of the occupiers of No. 9. It therefore fails to comply with LP Policies QD14 and QD24 which resist development that would result in a loss of outlook or daylight to adjacent residents.
6. As the proposal would be sited to the north of No. 9's rear garden and would be a reasonable distance from No. 11, I am satisfied that it would not cause unacceptable levels of overshadowing. This does not however overcome the harm I have identified above.

Character and appearance

7. The proposal would extend above the height of the eaves at the rear of the appeal property and protrude a significant distance beyond the entirety of the original rear elevation. Due to its height, width and depth, in my judgement the proposal would be an overly dominant addition which would have a poor relationship to the relatively diminutive host property and its pair. For these reasons I conclude that the proposal would have an unacceptable effect on the character and appearance of the appeal property, its semi-detached partner and the surrounding area. It therefore fails to accord with LP Policies QD1 and QD14 which seek extensions that are of a high standard of design and which are well designed, sited and detailed in relation to the property to be extended, adjoining properties and the surrounding area.

Conclusion

8. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

Simon Poole

INSPECTOR



Appeal Decision

Site visit made on 23 September 2010

by Simon Poole BA(Hons) DipArch MPhil MRTPI

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

Decision date: 3 October 2011

Appeal Ref: APP/Q1445/D/11/2157790

2 Hangleton Valley Drive, Hove, East Sussex, BN3 8AP

- 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 Darren Logan against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/01420, dated 10 April 2011, was refused by notice dated 24 June 2011.
 - The development proposed is the installation of pitched roof dormer to the front elevation.
-

Decision

1. I dismiss the appeal.

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 the surrounding area.

Reasons

3. The appeal property is a 2-storey semi-detached house situated in a residential area. It forms the end property of a group of essentially identical pairs of semi-detached houses with prominent gables facing the street and substantial pitched roofs. These properties have an attractive appearance partly due to the uniformity of their roof forms, a matter to which I attach significant weight.
4. The proposal would involve the installation of a dormer on the front roof pitch of the appeal property immediately next to the party wall with No. 2a. This would have a pitched roof and would be clad in tiles to match the roof. I recognise that the dormer would be a relatively small element compared to the overall size of the roof and the gables of the semi-detached pair. However, in my judgement, due to its siting on a street-facing roof of a property that forms part of a uniform group of attractive houses, the proposal would be an incongruous element in the street scene which would have an unacceptable effect on the appearance of the host property, its pair and the surrounding area.

5. I conclude therefore that the proposal fails to accord with Policy QD14 of the Brighton and Hove Local Plan (2005) which, amongst other matters, seeks extensions and alterations to existing buildings that are well sited. The proposal also fails to comply with Supplementary Planning Guidance Note 1: *Roof Alterations and Extensions* which seeks to prevent new dormers on front roof slopes in a uniform terrace or group if visible from a street.
6. I note that the property opposite the appeal site includes tile hung dormers and there are other such additions on other properties in the wider area. I also recognise that the room in the roof adds, albeit marginally, to the mix of dwelling sizes in the area. However, these matters do not outweigh my conclusions set out above.
7. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

Simon Poole

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/11/2156725
139 Shirley Drive, Hove BN3 6UJ

- 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 David Vaughan against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/01277, dated 3 May 2011, was refused by notice dated 24 June 2011.
 - The development proposed is 'front porch and dormer (resubmission of BH/2011/00466)'.
-

Decision

1. The appeal is dismissed insofar as it relates to the front dormer. The appeal is allowed insofar as it relates to the front porch and planning permission is granted for the front porch at 139 Shirley Drive, Hove BN3 6UJ in accordance with the terms of the application, Ref BH2011/01277, dated 3 May 2011, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with approved plan no. 477/05.

Main Issue

2. The effect of the proposed development on the character and appearance of the dwelling and thereby the street scene.

Reasons

3. The appeal property is a one of a pair of detached bungalows in an area of mixed development of detached houses and bungalows with, generally, no uniformity of design. The neighbouring bungalow has the benefit of a similar front dormer window, porch and roof lights to the proposal. They were granted planning permission in the mid 1980's.
4. The proposed dormer extension would project from the existing ridge and have a hipped pitched roof that would be reflected in the roof of the proposed porch. The dormer window would be wider than the proposed porch over which it

would be sited and thereby fail to accord with the Council's Supplementary Planning Guidance SPGBH note 1 *Roof Alterations & Extensions* (SPG). It requires dormer windows to be kept small and no wider than the window below. By reason of its design and scale, particularly its width, the proposed dormer extension would not appear subservient but overly bulky and harmful to the appearance of the bungalow. Thereby the dormer extension would fail to accord with policy QD14 of the Brighton & Hove Local Plan 2005 (LP) and the SPG.

5. The proposed front porch would infill between the existing hip roofed bay windows. It would project just over 1m from the dwelling and extend slightly in front of the bay windows. Nevertheless, the proposed hipped roof would have a lower ridge than those to the bay windows and by reason of its scale and height would appear subservient to the bay window elements. In the absence of a dormer extension, the proposed porch together with the bay windows would not give a cluttered or harmful appearance to the dwelling or the street scene. In this respect the provisions of LP policy QD14 would be met. The front porch could be permitted in isolation from the remainder of the proposal.
6. Overall, by reason of its width and scale, the proposed front dormer window would give the front elevation a top heavy appearance. The front dormer extension, together with the proposed porch, would result in the dwelling having a cluttered appearance. This would harm the character and appearance of the building and thereby be detrimental to the street scene. In totality the proposal would not accord with LP policy QD14 or the SPG.
7. The front dormer extension and porch to the neighbouring bungalow do not justify the proposal but demonstrate the effect of the proposal on the appearance of the bungalow. Added to which that proposal was considered under the provisions of earlier development plan policies. In view of the mix of development in the area, it is not necessary for the extensions of two dwellings to reflect each other to be compatible with the area.
8. In respect of the front porch, I have considered whether conditions are necessary in the light of the advice in Circular 11/95. In the interests of the visual amenities, external materials should match those existing. For the avoidance of doubt and in the interests of proper planning, the approved plan should be identified.

Elizabeth Fieldhouse

INSPECTOR



Appeal Decision

Site visit made on 23 September 2010

by Simon Poole BA(Hons) DipArch MPhil MRTPI

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

Decision date: 3 October 2011

Appeal Ref: APP/Q1445/D/11/2157856
301 Kingsway, Hove, East Sussex BN3 4LQ

- 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 O Adeosun against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/00477, dated 14 February 2011, was refused by notice dated 18 May 2011.
 - The development proposed is the erection of a wooden fence on top of the existing side and front boundary walls, erection of timber decking to the front garden and associated alterations.
-

Procedural Matters

1. I have used the description of development provided on the Council's decision notice as I consider it more accurately and succinctly describes the proposal.
2. The timber decking within the front garden has been installed and, at the time of my visit, fence posts were in place behind the boundary walls.

Decision

3. I dismiss the appeal in so far as it relates to the erection of a wooden fence on top of the existing side and front boundary walls and associated works to the appeal site's boundaries. I allow the appeal insofar as it relates solely to the erection of timber decking to the front garden at 301 Kingsway, Hove, East Sussex BN3 4LQ in accordance with the terms of the application, Ref BH2011/00477, dated 14 February 2011, and the plans submitted with it so far as relevant to that part of the development hereby permitted subject to the following condition:
 - 1) The development hereby permitted shall be in accordance with approved drawing 1102010/OLU1 Revision A.

Main Issue

4. The main issue in this case is the effect of the proposal on the character and appearance of the street scene and the surrounding area.
-

Reasons

5. The appeal property is an end of terrace 2-storey house which fronts Kingsway and has a long side boundary facing Norman Road. Its front and side boundaries are formed by approximately waist-high brick walls surmounted by decorative panels set between brick piers. Whilst the design and materials of boundary structures enclosing nearby properties varies considerably, in general they are no taller than those at the appeal property.
6. The proposal would include the erection of timber fencing above the boundary walls to a height of about 1.8m above pavement level. The majority of the fencing facing Norman Road would comprise timber panels whilst that enclosing the front garden is intended to be open-boarded.
7. Due to its height, materials and siting predominately around the front of the property, the fencing would be an incongruous element in the street scene which, in my judgement, would have an unacceptable effect on the character and appearance of the area. For this reason I conclude that this aspect of the proposal fails to accord with Policies QD2 and QD14 of the Brighton and Hove Local Plan (2005) which require all new development to take into account local characteristics and the space around buildings.
8. I recognise the appellant's desire for enhanced privacy and an improved sense of security. I also note that the property has been sensitively renovated and faces a busy noisy road. However these matters do not outweigh my conclusions set out above.
9. The timber decking within the front garden is largely hidden behind the boundary walls and is therefore an inconspicuous element in the street scene. I am satisfied that this element of the proposal is acceptable and accords with the Local Plan. I consider that the timber decking is clearly severable and physically and functionally independent from the proposals relating to the boundaries. I therefore issue a split decision in this case.
10. As the decking is already in place there is no need to impose the standard condition requiring implementation within 3 years of approval. However, for the avoidance of doubt and in the interests of proper planning it is necessary that the development accords with the approved drawing so a condition has been imposed to that effect.

Simon Poole

INSPECTOR



Appeal Decision

Site visit made on 23 September 2010

by Simon Poole BA(Hons) DipArch MPhil MRTPI

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

Decision date: 3 October 2011

Appeal Ref: APP/Q1445/D/11/2158200
5 York Villas, Brighton, East Sussex BN1 3TS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jonathan Taylor against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/01677, dated 7 June 2011, was refused by notice dated 2 August 2011.
 - The development proposed is the demolition of an existing garage and erection of a single storey side extension
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Decision

1. I allow the appeal and grant planning permission for the demolition of an existing garage and erection of a single storey side extension at 5 York Villas, Brighton, East Sussex BN1 3TS in accordance with the terms of the application, Ref BH2011/01677, dated 7 June 2011, 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 be carried out in accordance with drawings 5YV2/1, 5YV2/2, 5YV2/3, 5YV2/4, 5YV2/5, 5YV2/6, 5YV2/7 and 5YV2/8.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

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

Reasons

3. The appeal property is an end of terrace house situated in a residential street primarily comprising imposing semi-detached villas with narrow gaps between each pair. To the side of the appeal building there is an uncharacteristically wide gap, within which there is a detached garage and a garage attached to
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the next door property. The proposal would comprise the removal of the former and its replacement by a single-storey side extension.

4. The proposal would be taller and have a larger footprint than the building it replaces. However, it would be located a significant distance behind the front building line of the appeal property and its neighbours. As a result of this, the sloping nature of the street and the high front boundary wall and gates, the proposal would be largely hidden in views looking along the street. As a consequence I am therefore satisfied that it would be a subordinate addition to the host property which would be a secondary and a relatively inconsequential element in the street scene in terms of its height, bulk and width.
5. I note that the appeal property forms part of a terrace of well-preserved period houses that are characterised by intricate detailing, bay windows and a strong vertical emphasis. Whilst the proposal would have a predominately horizontal emphasis, due to its siting and relatively diminutive height it would not, in my judgement, have an unacceptable effect on the architectural integrity of the host property or the terrace. I am also satisfied that the proposal's flat roof would not have a harmful effect on the appearance of the host property or the street scene.
6. For the reasons set out above I therefore conclude that the proposal would have an acceptable effect on the character and appearance of the host property, the street scene and surrounding area. It therefore complies with Policies QD1, QD2 and QD12 of the Brighton and Hove Local Plan (2005) which seek development that takes into account the height, scale, bulk and design of existing buildings and is well designed, sited and detailed.

Conditions

7. In order to protect the character and appearance of the area a condition requiring materials to match those of the existing dwelling has been imposed. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plan, for the avoidance of doubt and in the interests of proper planning.

Conclusion

8. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Simon Poole

INSPECTOR



Appeal Decision

Site visit made on 4 October 2011

by **C J Leigh** BSc(Hons) MPhil(Dist) MRTPI

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

Decision date: 17 October 2011

Appeal Ref: APP/Q1445/D/11/2155636
166 Portland Road, Hove, BN3 5QL

- 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 Florida Property Holdings Ltd, against the decision of Brighton and Hove City Council.
 - The application Ref BH2010/03221, dated 6 October 2010, was refused by notice dated 26 January 2011.
 - The development proposed is the erection of a two storey 2 bedroom semi-detached house.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 166 Portland Road, Hove, BN3 5QL in accordance with the terms of the application, Ref BH2010/03221, dated 6 October 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) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alterations of the dwellinghouse shall be carried out.
 - 4) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
 - 5) No development shall take place until details of the reinstatement of the footway and kerb have been submitted and approved in writing by the local planning authority, and the dwelling shall not be occupied until that work has been constructed in accordance with the approved details.
 - 6) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction
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of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 7) No development shall commence until:
 - a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for the dwelling has been submitted to and approved in writing by the local planning authority.
 - b) A Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for the dwelling has been submitted to, and approved in writing by, the local planning authority.
- 8) The dwelling hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the dwelling built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the local planning authority.
- 9) The development hereby permitted shall be carried out in accordance with the following approved plans: 11/457 & 11/457A.

Main issues

2. The first main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area. The second main issue is whether satisfactory living conditions would be provided for future occupants of the proposed house, with particular reference to amenity space.

Reasons

Character and appearance

3. The proposed house would be erected through an extension to an existing two storey property that extends along Raphael Road, away from commercial premises fronting Portland Road. An existing garage would be demolished. Other properties along Raphael Road are residential and of an unassuming, suburban character.
4. The design and scale of the proposed house, and consequent extension to the existing row of buildings, would not upset the existing character of the area. The design shows a step-down in eaves and ridge height from the adjoining properties. This is an appropriate design approach that would provide a visual distinction to the new dwelling from the existing buildings, and reflects the step-down that currently exists from the Portland Road frontage. The slight projection from the existing building line would again provide definition to the extended frontage as seen from Raphael Road, and the incorporation of a bay is similar to the adjoining property.
5. These features would therefore provide a suitably-designed end to the extended terrace of buildings, creating a well-balanced and appropriate street scene. The existing gap to the adjoining Raphael Road property would be reduced to a certain degree, but not to the harm of the area: the retention of

the gap formed by the access to the garage court would maintain sufficient spaciousness in the street and ensure there would not be any cramped appearance to the area.

6. The proposed development would therefore not be harmful to the character and appearance of the area and so be consistent with the Council's policies that, amongst other matters, seek to ensure new development is of a high standard of design and makes a positive contribution to the visual quality of the environment, namely Policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan 2005.

Living conditions

7. Policy HO5 of the Local Plan requires the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. The supporting text to the policy states that an element of usable private amenity space should be provided.
8. The proposed development shows a small balcony for the two bedroom house. The Council considers this is inappropriate. I have not been informed of any numerical requirements or standards that the Council seek for amenity provision, nor information relating to the provision of public open space in the area. I have therefore assessed this matter on the basis of the facts presented to me and the characteristics of the appeal site.
9. The proposed house would be located close to a busy commercial area on a site of limited dimensions, and future occupants would be aware of the absence of private amenity space, save for the balcony. There is a public recreation ground within close walking distance which I saw at my site visit. Given the size of the house and its location, I concur with the appellant that the limited amount of private amenity space in this instance would be appropriate to the scale and character of the development.
10. The proposed development would therefore provide satisfactory living accommodation for future occupants and so would satisfy Policy HO5 of the Local Plan.

Other considerations

11. The design of the proposed dwelling, the distance to adjoining properties and positioning of windows would ensure no loss of privacy or overbearing effect to adjoining existing residents. I note the Council's observation that the submitted drawings show a discrepancy on the rear elevation relating to windows at first floor; I have assumed the floor plan is the intended situation, since that shows a small bathroom ventilated by a fan.
12. The development would result in the loss of existing off-street parking but, with the reinstatement of the dropped kerb in front of the appeal site that serves the existing garage (as required by the Highways Authority), this would result in an on-street parking place. No on-site car parking would be provided for the new house, but cycle parking would be provided. The Highways Authority do not object to the proposed development. The appeal site is well located for reaching local facilities by means of travel other than the private car, and I find no reason to disagree with the Highways Authority that the absence of on-site car parking would not lead to any significant increase in parking demand in the

area or harm to highway safety. I note the Highway's Authority request for a financial contribution towards up-grading of dropped kerbs on Raphael Road, but no planning obligation has been submitted. Whilst information has been provided regarding the Council's general approach to seeking contributions towards sustainable transport measures, no evidence has been provided as to why up-grading of other dropped kerbs along the road is necessary to make the proposed development acceptable in planning terms or is directly related to the development. A payment as sought by the Highways Authority is therefore not necessary.

Conclusions and conditions

13. The proposed development would therefore be consistent with the objectives of the Local Plan for the reasons given and the appeal is allowed.
14. I have attached the Council's suggested conditions requiring submission of details relating to the submission of details for the refuse store and materials, to ensure a satisfactory appearance to the development. I agree that in this instance the removal of permitted development rights is appropriate, due to the limited dimensions of the site and the need to control future alterations.
15. I have attached a condition relating to the provision of the cycle parking facilities and the reinstatement of the dropped kerb in front of the appeal site, in the interests of parking provision and highway safety. I have attached conditions relating to the construction of the development to the Code for Sustainable Homes, since that is supported by Local Plan Policy SU2 and the Council's Supplementary Planning Document SPD08. Finally, I have also imposed a condition identifying the approved plans because, otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. A number of conditions have been modified in the interests of precision and enforceability.

C J Leigh

INSPECTOR



Appeal Decision

Site visit made on 26 September 2011

by **JP Roberts BSc(Hons), LLB(Hons), MRTPI**

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

Decision date: 10 October 2011

Appeal Ref: APP/Q1445/D/11/2158748
26A Clifton Terrace, Brighton BN1 3HB

- 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 Ian Pointer against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/01202, dated 23 April 2011, was refused by notice dated 30 June 2011.
 - The development proposed is a new second floor balcony.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appeal was accompanied by an amended plan which showed screening to the balcony and a wooden door. As neither the Council nor local residents have had the opportunity to comment on the amended plan, it is not appropriate for me to take this plan into account, although I shall refer to the matters it includes in relation to possible conditions below.

Main Issue

3. The effect of the proposal on the living conditions of neighbouring residential occupiers with particular regard to overlooking.

Reasons

4. It is proposed to construct a balcony at the rear of the property at second floor level, to be positioned in the angled gap between 27A Clifton Terrace and the building at 9-10 Victoria Road. From the balcony, views would be had of nearby patios / terraces of neighbouring properties. In particular, anyone standing at the balcony edge would have very clear views of the terrace immediately below at 27 Clifton Terrace and of the terraces at the rear of 9-10 Victoria Road.
5. Whilst I recognise that the area is typified by densely grouped houses, where balconies and terraces are commonplace, and some degree of overlooking of neighbouring properties is not unusual, in this case, I consider that being able to look directly down on large areas of private amenity space would be highly unneighbourly. Even if people using the balcony were sitting down, their presence would be likely to be audible to neighbours using the lower terraces and there would be a perception of being overlooked which would cause material harm to their privacy.

6. I saw on my visit the closeness of the proposed balcony to the second floor window to 27 Clifton Terrace, but the angle between them would be such that it would be difficult to obtain significant views into the property, and the Council indicates that it is a secondary window, and I therefore agree that the balcony would not result in material harm as far as this relationship is concerned.
7. However, this does not affect my finding that the balcony would result in harmful overlooking of neighbouring terraces. This would conflict with saved Brighton and Hove Local Plan Policy QD27, which says that planning permission will not be granted for any development which, amongst other things, would cause a material loss of amenity to adjacent residents.
8. Although not featured as a reason for refusal, both the Council and a neighbour have expressed concerns about the use of a UPVC door in a conservation area. The appellant has indicated a willingness to provide a timber door, and had the appeal been allowed, this could reasonably have been required by the imposition of a condition.
9. I have given consideration to whether a condition could be imposed to screen the balcony, but the Council's reservations about doing so, expressed in the delegated report, appear to me to be sound. To require an effective screen would result in a material change to what is a modest proposal, and would possibly negate some of the purpose in seeking a balcony in the first instance. This would be contrary to the advice in Circular 11/95 *The Use of Conditions in Planning Permissions*.
10. For the reasons given above, I conclude that the appeal should be dismissed.

JP Roberts

INSPECTOR



Appeal Decision

Site visit made on 4 October 2011

by **C J Leigh** BSc(Hons) MPhil(Dist) MRTPI

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

Decision date: 10 October 2011

Appeal Ref: APP/Q1445/D/11/2159136
84 Bernard Road, Brighton, BN2 3EQ

- 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 Rob Lane, against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/01309, dated 9 May 2011, was refused by notice dated 11 July 2011.
 - The development proposed is described as 'an additional storey to an existing dwelling house to create a second floor'.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are the effect of the proposed development on, firstly, the character and appearance of the surrounding area and, secondly, the living conditions of adjoining occupiers with particular reference to light and outlook.

Reasons

Character and appearance

3. I am informed the appeal property originated as the rear closet wing section to 54 Hartington Road, but is now a self-contained dwelling. It is, though, still attached to that dwelling and, although there have been alterations and lateral extensions, there remains a strong visual relationship with the Hartington Road properties. This relationship stems most strongly from the height of the rear wing which, at two storeys, is consistent with the closet wing projection to the adjoining property of 56 Hartington Road to which it is attached, and the other two storey rear projections along the terrace. The other consistent elements is the fact that the two storey rear projections are all flat roofed and do not raise above the eaves level of the main buildings facing Hartington Road. This allows the roofs of the Hartington Road properties to be appreciated and leads to little visual prominence to the rear closet wings.
 4. The proposed extension to 84 Bernard Road would see an additional storey. I acknowledge that the contemporary architecture and the form of the extension have been designed to give the impression of a separate building to the original house, and that such an approach was chosen instead of a pitched roof design.
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But the resulting increase in height would lead to a discordant imbalance with the adjoining property and with the others in the Hartington Road terrace: those properties would remain with rear projections that rise no higher than eaves height, whereas the altered appeal property would appear much at odds with this established character. The disparity and excessive height above the eaves level of the main property would thus appear intrusive and unduly prominent in the area.

5. The existence of the three storey properties on the opposite side of the road does not alter this conclusion: those were clearly designed as a small infill development fronting the street and display a different relationship with their neighbours to the harmful one that would occur from the scheme proposed in this appeal. Similarly, the granting of permission for contemporary extensions at other properties in the City does not alter the findings in this case, which has been determined on its own merits.
6. The conclusion on the first issue is therefore that the proposed extension would be harmful to the character and appearance of the surrounding area, and this would be contrary to Policies QD2 and QD14 of the Brighton and Hove Local Plan 2005, and the Council's Supplementary Planning Guidance Note 1: Roof Alterations & Extensions (1999) which, amongst other matters, seek to ensure well designed development and alterations to properties, which emphasise and enhance the positive qualities of the local neighbourhood.

Living conditions: light and outlook

7. There is a dormer window to the rear of the adjoining property of 56 Hartington Road. The proposed extension would be sited around 1m away from this window and run the depth of the appeal property: along the party wall with the projection to No. 56 which would remain two storey height, and across which that dormer has an outlook.
8. The appellant has submitted drawings demonstrating shadow patterns reaching the dormer window, and has drawn attention to a guideline figure contained within Policy QD14 of the Local Plan which refers to the Building Research Establishment (BRE) publication Site Layout Planning for Daylight and Sunlight (1991). I acknowledge that some of the information submitted by the appellant appears to show some conformity with the BRE guidance. However, from observations on site and review of the submitted drawings, it does appear that the proximity of the proposed extension combined with its height and projection do have the potential to materially harm the levels of light to occupiers of No. 56. Furthermore, those features of the extension also lead to concerns regarding the effect upon the outlook of occupiers and the question of whether there would be an unduly overbearing impact. Without a full and detailed assessment of the effect of the proposals on these matters then it cannot safely be concluded that the proposed extension would not be harmful to the levels of light and outlook to neighbouring residents.
9. Based on the submitted information, on the second issue the conclusion is therefore that the proposed extension would be harmful to the living conditions of adjoining occupiers and so be contrary to Policy QD14 of the Local Plan.

C J Leigh

INSPECTOR



Appeal Decision

Site visit made on 19 September 2011

by J O Head BSc(Econ) DipTP MRTPI

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

Decision date: 7 October 2011

Appeal Ref: APP/Q1445/D/11/2157940

47 Rugby Road, Brighton, East Sussex BN1 6EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Lyon against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/01568, dated 31 May 2011, was refused by notice dated 26 July 2011.
 - The development proposed is a loft conversion incorporating rooflights to front and rear and raising of ridge height.
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Decision

1. **The appeal is dismissed.**

Procedural matter

2. The planning application is described as "to create a second floor bedroom with an ensuite bathroom". The description in the heading above is that used by the Council, which more accurately reflects the alterations proposed.

Main Issue

3. The appeal property is a substantial 2-storey terraced house on the north side of Rugby Road, within the Preston Park Conservation Area.
4. The main issue is the impact of the proposed development on the character and appearance of the building and the street scene and whether, as a result, it would preserve or enhance the character or appearance of the conservation area.

Reasons

5. Rugby Road is part of a mature Victorian/Edwardian residential suburb on a hillside location to the east of Preston Park. It rises steeply from Stanford Avenue towards Ditchling Road and is lined with terraced and semi-detached houses which are staggered to follow the gradient. The resulting pattern of eaves and ridge lines creates an interesting roofscape and gives a distinctive character to the street scene. There are no existing roof alterations noticeable from the street in Rugby Road, other than a small dormer and some rooflights. The majority of these alterations are on the opposite side of the road to the appeal property.

6. The proposal involves raising the front and rear ridges of the 'M' section main roof of No 47 and linking these by a flat roof that would replace the existing internal valley. This would create a larger area of visible roof slope which, from the front, would appear incongruous in the context of the neighbouring houses and out of proportion with the design of the front elevation of the building. The resulting higher ridge line would interrupt the regular stepping down of ridges that is a particular feature of the local roofscape. In angled views from lower down the street it would be apparent that the new front ridge line would no longer align with the chimney stacks, which would create a discordant and awkward appearance, out of keeping with the existing roofs. The submitted drawings do not give full details of how the side elevations of the roof would be treated. However, from down the hill, the roof of the appeal property is seen as projecting above that of No 45. From that location it would be evident that the original 'M' roof form had been replaced by a flat roof and, presumably, a built up party wall. The proposal also includes the installation of rooflights to the new front and rear roof slopes which, whilst of "conservation" style, would not align with the fenestration below.
7. The Council's supplementary planning guidance *Roof Alterations and Extensions* advises that, where there are uniform terraces and groups of buildings, altering a roof's basic form or ridge height would not be appropriate and the presence of other inappropriate alterations in the street will not be accepted as a precedent. Guidance is also given on rooflights, which, in conservation areas, will not be accepted on prominent roof slopes visible from the street and should relate well to the scale and proportions of the elevation below. The appellants acknowledge that the proposed development would not comply with this guidance but consider that its impact would be minimal.
8. However, for the reasons given above, both the alterations to the shape of the roof and the installation of the proposed rooflights would be poorly related to the design of the existing building, incongruous in the context of the adjoining buildings, and harmful to the townscape and roofscape of the conservation area. That harm would be significant and in conflict with the requirements of Policies QD14 and HE6 of the adopted Brighton & Hove Local Plan. The proposed development would harm both the character and appearance of the building and the street scene and would fail to preserve or enhance the character or appearance of the conservation area. It is, accordingly, unacceptable and the appeal does not succeed.

John Head

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: 10 August 2011

Appeal Ref: APP/Q1445/D/11/2155154

3 Brangwyn Way, Brighton, East Sussex BN1 8XA

- 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 Derek Simmons against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/00942, dated 25 March 2011, was refused by notice dated 1 June 2011.
 - The development proposed is a 2 storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for a 2 storey extension at 3 Brangwyn Way, Brighton, East Sussex BN1 8XA in accordance with the terms of the application, Ref BH2011/00942, dated 25 March 2011, 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 be carried out in accordance with the following approved plans: 7751, 7751/1 & 7751/2.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling and on the streetscene.

Reasons

3. The appeal site is a two-storey detached dwelling with two bedrooms. It has a front and rear garden and forecourt area and a detached garage to the north side of the house. It is located on Brangwyn Way which is a residential road running parallel to London Road. It is visible from London Road as there are no houses opposite the appeal dwelling.
 4. The form of the house is somewhat unusual in that it has a projecting front gable and to the northern side a long cat-slide roof from ridge line to first floor
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level. There are two dormer windows in that sloping roof facing the neighbouring house. In my view any two storey extension to the house presents a challenge to the designer.

5. The proposal consists of a two storey front extension which would also project beyond the northern flank wall by about 1.3m. It would sit slightly in front of the existing front gable by about 0.3m. Whilst it would undoubtedly change the appearance of the house, I do not consider that it would unduly harm its appearance. The lower ridge line of the proposed extension and the hipped roof would mean that it would not overwhelm the front gable, despite its bulk and massing. Moreover, the black and white detailing on the upper part of the gable contrasted with the use of matching brick on the extension would help to maintain the prominence of the gable. The use of first floor pitched roof half-dormers at eaves level would also help to lower the impact and would echo the shape of the front gable.
6. In my view, the new extension is likely to be equally as prominent as the front gable and views of the cat-slide roof would be concealed from the front. Again, the character of the house would be changed but I would not judge this to be detrimental. In fact, views of the existing dormers and the fenestration in the recessed front facade are not particularly attractive and the extension would eradicate or mask those elements. This would be beneficial.
7. Turning to the appearance of the house from the side (north) elevation and from the rear (west) elevation, the dual pitch roof profile created by the proposal would not be unduly fussy or unattractive. Views of it from the public realm would in any event be very limited.
8. In respect of the streetscene, I agree with the Council that the design and style of dwellinghouses within the locality varies significantly but the majority are either detached or semi-detached. As a result there are many contrasting roof profiles and the houses are not uniformly orientated towards the street in a regimented fashion. The extension would sit reasonably well back from the footpath with a front forecourt remaining. Taking into account all these factors, the proposed extension would not intrude into or unduly impose itself upon the character of the streetscene.
9. I conclude therefore that the proposal would not unduly harm the character or appearance of the host dwelling or the streetscene and would not be contrary to policies QD2 and QD14 Brighton & Hove Local Plan 2005 or SPG note 1 *Roof Alterations & Extensions*.

Conditions

10. I have considered the imposition of conditions in the light of advice in Circular 11/95 *The Use of Conditions in Planning Permissions*. In the interests of the appearance of the completed development, I have imposed a condition requiring materials used in the external surfaces of the new extension to match those in the existing building. For the sake of clarity and in the interests of proper planning I have attached a condition specifying that the scheme shall be built in accordance with the approved plans.

Conclusion

11. Having taken into account all representations made, I allow the appeal.

Megan Thomas

INSPECTOR



Appeal Decision

Site visit made on 7 October 2011

by **C J Leigh** BSc(Hons) MPhil(Dist) MRTPI

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

Decision date: 10 October 2011

Appeal Ref: APP/Q1445/D/11/2159495

11 Old Farm Road, Brighton, BN1 8HE

- 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 R Reeve, against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/01615, dated 2 June 2011, was refused by notice dated 28 July 2011.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 11 Old Farm Road, Brighton, BN1 8HE in accordance with the terms of the application, Ref BH2011/01615, dated 2 June 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 477/01 & 477/02.

Reasons

2. The main issue in this appeal is the effect of the proposed development on the living conditions of adjoining occupiers. There is an existing conservatory to the rear of the appeal property which evidently causes some degree of intrusion to the neighbouring property of 12 Old Farm Road: they have erected a screen the full depth within their garden to prevent overlooking, and the depth and height of the conservatory/screen is appreciable in the outlook from No. 12 and levels of light to that property.
 3. The proposed development would see the demolition of the existing conservatory. The new extension would be to the same depth and have very similar eaves height. There would consequently be no material difference to the levels of light or degree of outlook to No. 12. The removal of the glass conservatory wall would represent an improvement to levels of privacy to No. 12. The occupiers of No. 12 have raised no objection to the proposal, provided sympathetic materials are used and building occurs on the correct boundary.
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The distance retained to the other adjoining property of No. 10 is sufficient to ensure no harmful effect upon the living conditions of those occupiers.

4. The proposed development would therefore be consistent with the objectives of Policies QD14 and QD27 of the Brighton and Hove Local Plan 2005, which seek to ensure all new development is not harmful to the amenity of neighbouring properties. Permission is granted with a condition attached requiring matching materials to ensure a satisfactory appearance to the development. I have also imposed a condition identifying the approved plans because, otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

C J Leigh

INSPECTOR



Appeal Decision

Site visit made on 19 September 2011

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

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

Decision date: 13 October 2011

Appeal Ref: APP/Q1445/A/11/2153764

Land adjacent to 23 Alan Way, Brighton, East Sussex BN2 5PF

- 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 Greenplan (Construction) Ltd (now Greenplan Designer Homes Ltd) against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/00423, dated 8 February 2011, was refused by notice dated 14 April 2011.
 - The development proposed is the erection of a detached two-storey residential dwelling.
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Decision

1. **The appeal is allowed** and planning permission is granted for the erection of a detached two-storey residential dwelling on land adjacent to 23 Alan Way, Brighton in accordance with the terms of the application, Ref BH2011/00423, dated 8 February 2011, subject to the conditions set out in the appended schedule.

Main Issues

2. The main issues are the impact of the proposed development on the character and appearance of the locality; and whether adequate amenity space would be provided for the future occupiers of the proposed dwelling.

Reasons

3. The appeal site is in a hilly location near to Brighton Racecourse. It comprises a triangular piece of land, with a frontage to Wiston Road, which is currently part of the side garden of the semi-detached house at No 23 Alan Way. Existing dwellings in the vicinity are a mixture of semi-detached and terraced 2-storey houses and bungalows of various designs and set at varying levels in relation to the roads. The appeal site is below the level of Wiston Road but at a significantly higher level than the adjoining parking area at the rear of Nos 28-36 Nuthurst Place.
4. The Council does not object to the detailed design of the proposed dwelling, which would be of traditional style and broadly reflective of the design and appearance of the properties in the surrounding area. The amended drawings submitted with the appeal show the roofs of the proposed first floor dormers to be hipped, rather than gabled as shown on the application plans. This would be a better reflection of the roof designs in the locality, particularly those in

Alan Way, and is a minor alteration that would not be prejudicial to the interests of any party. Compliance with the amended drawings could be ensured by condition if the appeal were to be allowed.

5. The proposed house would be seen primarily in the context of the development in Wiston Road and would have little impact on the street scene in Alan Way other than at the road junction, where it would appear set back from and lower than the semi-detached pair of houses at Nos 21 & 23 and would be an appropriate and unobtrusive termination to the development on the west side of the road. From the west along Wiston Road, the first floor and roof of the house would be prominent on the rising ground and above the car park and landscaping area of Nuthurst Place. There are, however, a significant number of trees and shrubs along the western boundary of the appeal site which would soften the appearance of the house. Although prominent, the proposed house would not appear out of keeping or unduly overbearing in relation to Nuthurst Place, nor would its siting appear incongruous in relation to the street scene in Wiston Road.
6. From the north, along Desmond Way, the appeal site is a terminal feature at the road junction. The proposed house would reduce its present openness. Nevertheless, because of the lie of the land and the siting of the house below the level of Wiston Road, the characteristic views across Brighton towards the sea from this end of Desmond Way would still be possible above and around the building. The proposed garden space to the front and side would be sufficient to provide an appropriate setting for the house and to prevent a cramped appearance in the street scene, whether seen in the context of Wiston Road, Desmond Way or Alan Way.
7. For these reasons, the proposed development would be of a sufficiently high standard of design to meet the requirements of Local Plan Policy QD1. It would make a positive contribution to the visual quality of the environment and would take proper account of the local characteristics as required by Policy QD2. There would be no harm to the character or appearance of the locality.
8. Turning to the second issue, the Council has no set standard for the provision of private amenity space, Local Plan Policy HO5 saying only that the provision of private useable amenity space in new residential development should be "appropriate to the scale and character of the development". The proposals show a private patio area to the rear of the house¹ and a triangular side garden of reasonable size, together with a small front garden that includes a car parking space. Although the whole of the frontage to Wiston Road can be overlooked from the higher level pavement, suitable landscaping or fencing within the site could ensure that part of the side garden could also function as private useable amenity space.
9. The data submitted by the appellant illustrates that the total area of amenity space to be provided around the building would exceed that of a number of the existing dwellings in Wiston Road and Nuthurst Place. Some existing dwellings in the vicinity also have small rear gardens and the majority of their amenity space to the front and side. The amenity space for the proposed dwelling would be well distributed around the building and the arrangement would not be an uncharacteristic one for the locality.

¹ Adjacent to the rear garden of No 23 and the landscaped area at Nuthurst Place.

10. To some extent, the quantum of external amenity space to be provided is a matter for the marketing judgment of the developer and the preference of potential occupiers of the dwelling. A certain minimum will, however, be necessary in order to ensure that adequate living conditions are created and that the character of the surroundings is not adversely affected. Subject to a landscaping condition, the appeal proposal would provide a level of private and useable amenity space that would be appropriate to the scale and character of the dwelling, in accordance with Policy HO5. Adequate living conditions would be provided for the future occupiers of the dwelling and the proposal would reflect the spatial standards that apply in the locality.
11. The Council's Traffic Engineer has no objection to the proposed access, car parking and cycle parking provision and it is agreed that the proposal would have no significant impact on neighbouring properties by way of overlooking or loss of light. As a private residential garden, the appeal site is no longer classified as previously-developed land and the proposed development would not contribute to the Government's target that 60% of new housing should be provided on such land. Nonetheless, the location is a reasonably sustainable one and the proposal would make efficient and effective use of the site without harming the character and quality of the surroundings. On the appellant's figures, which are not challenged, the density of development at the site would be well within the range already established in the surrounding area and the proposal would not represent overdevelopment or "town cramming". It would meet the requirements of Local Plan Policy QD3 and would make a small, but useful, addition to the city's housing stock. Subject to appropriate conditions, the proposed development is, accordingly, acceptable and the appeal is successful.
12. No conditions have been suggested by the Council or the appellant in the event that the appeal is allowed. Nevertheless, the conditions in the Schedule below are necessary in order to comply with statutory requirements, to cover the matters raised above and to ensure compliance with other policies of the Local Plan. Condition 1 is the statutory time condition. Condition 2 is to ensure that the development takes place in accordance with the approved plans (as amended), for the avoidance of doubt and in the interests of proper planning. To ensure a satisfactory appearance Conditions 3 and 4 require details of external materials and of the level of the ground floor of the building to be agreed. For the same reason and to address the matter of privacy in the side garden, Condition 5 deals with landscaping, fencing and boundary works. Conditions 6 & 7 are to ensure that refuse & recycling and car and cycle parking facilities are provided and maintained and that the refuse & recycling facilities have a satisfactory appearance. Condition 8 is in accordance with the Council's indication that achievement of Level 4 of the Code for Sustainable Homes would be acceptable for the development.

John Head

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Except where amended in compliance with any condition below, the development hereby permitted shall be carried out in accordance with the following approved plans: TA 566/ – 01D; 02A; 03A; 04A; 05B; 10G; 11C; 12B; 13D; 14C; 15E; 16C.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the ground floor level of the proposed building in relation to the levels of the surrounding land have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Notwithstanding the details shown on Drawing No TA566/10G, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include hard surfacing materials; boundary works and any walls or fences within the site. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of the dwelling, or in accordance with a programme agreed with the local planning authority.
- 6) No development shall take place until details of the proposed refuse and recycling store have been submitted to and approved in writing by the local planning authority. The refuse and recycling store shall be provided in accordance with the approved details before the dwelling is occupied.
- 7) The car and cycle parking facilities shown on Drawing No TA566/10G shall be provided before the dwelling is occupied and shall be kept available thereafter for their intended purpose.
- 8) The dwelling shall achieve Level 4 of the Code for Sustainable Homes and shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.



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: 22 September 2011

Appeal Ref: APP/Q1445/A/11/2153010

Land rear of 75 Tumulus Road, Saltdean, East Sussex BN2 8FR

- 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. M. Trower against the decision of Brighton and Hove City Council.
 - The application Ref BH2010/02879, dated 26 July 2010, was refused by notice dated 16 November 2010.
 - The development proposed is '1 no. new bungalow'.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues in this case. The first is the effect of the proposal on the character and appearance of the area and the setting of the adjacent South Downs National Park. The second is the effect on the living conditions of the occupiers of No 75 Tumulus Road.

Reasons

3. The site lies within the built-up area boundary defined in the Local Plan. It is within an established area of residential development. The site currently forms part of the garden area of No 75 Tumulus Road. No 75 is a bungalow situated on the corner of Tumulus Road and Wivelsfield Road which curves around the corner. One of the most noticeable characteristics of the locality is the distinctive and strong building line of properties in Tumulus Road and Wivelsfield Road which have gardens that back onto and adjoin the open countryside which forms part of the South Downs National Park (SDNP).
 4. The subdivision of this prominent corner plot into two smaller plots would be at odds with the prevailing pattern and character of development. Although the proposed bungalow would take its access from, and front, Wivelsfield Road rather than Tumulus Road, it would be prominent from a number of viewpoints. Whilst there is another dwelling, No 64 Wivelsfield Road, to the opposite side of the road, this reads as part of the existing townscape because it follows the curvature of the road and is situated between Nos 71 and 73 Tumulus Road and a pair on the corner of Wivelsfield Road. Therefore whilst No 64 is opposite the SDNP, it clearly reads as part of the built-up area. In contrast, the appeal proposal would read as an isolated and prominent building inserted
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- onto a small sub-divided plot which would poorly relate to its neighbours and not reflect the prevailing grain and pattern of development around it.
5. This unfortunate effect would be exacerbated by the site's location on the edge of the built-up area adjacent to the SDNP and the change in land levels. Its position would not physically encroach into the SDNP, but it would harm its setting bringing built development much closer to its boundaries in an unacceptable way as the land rises up and away from the appeal site. Furthermore this would reduce the important visual separation between properties and the SDNP created by the garden areas.
 6. In addition whilst some properties nearby have a similar site size, the smallness of this particular site's proposed amenity area and its orientation would not reflect the typical garden or plot sizes of its neighbours and relate poorly to No 75. The unsuitability of the development is further illustrated by the proposed siting of the bungalow, closer to the road and close to a common boundary with No 75.
 7. On the first issue, the proposal would have a harmful effect on the character and appearance of the area and the setting of the adjacent SDNP. This would not accord with Policies QD1, QD2 and QD3 of the Brighton and Hove Local Plan (LP) 2005 which, amongst other things, require development of a high standard of design which takes account of local characteristics and makes a positive contribution to the visual quality of the environment and LP Policies NC7 and NC8 which resist development which would have an unacceptable impact on the SDNP.
 8. Turning now to the second issue, the flank wall of the proposed bungalow would extend across much of the useable garden area left for No 75 which would be close to the road. At some points it would appear that the two properties would only be some four metres away from each other. This would be very close, leaving little space around No 75 and have a harmful impact on the living conditions of the occupiers of No 75 by creating a far greater sense of enclosure and overbearing effect contrary to LP Policy QD27 which seeks to protect the amenities of neighbouring occupiers.
 9. There are also changes in land levels across the site and whilst one of the plans indicates the proposed new bungalow would be situated higher than No 75 which would exacerbate the harmful impact, there is insufficient detail on how the land levels would be dealt with. In addition a replacement garage for No 75 is shown on the plan, but no elevational details are provided. This lack of information adds to doubt and uncertainty about how the changes in land levels would be dealt with not just in order to determine the impact on neighbouring properties, but also the adjoining SDNP and are too important to be satisfactorily dealt with by way of condition. This therefore adds to my concerns about the proposal.

Other Matters

10. The Council has also raise concern about whether the proposal would achieve lifetime homes standard in accordance with LP Policy HO13 and level 5 of the Code for Sustainable Homes (CfSH). LP Policy HO13 requires new dwellings to be built to lifetime homes standard. LP Policy SU2 states that permission will be granted for proposals which demonstrate a high standard of efficiency in the
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use of energy, water and materials. Supplementary Planning Document (SPD) 08 *Sustainable Building Design* has been adopted by the Council and sets out various recommendations including the need for schemes of this nature to achieve CfSH level 5. In this case, it would not be appropriate to seek compliance with such a high level because the Code is voluntary and the Supplement to Planning Policy Statement (PPS) 1 *Planning and Climate Change* states that any local requirements, such as this, must be set out in a development plan document rather than a SPD. In any case, whilst the appellant has indicated a willingness to accept conditions to require both these elements, there is insufficient information at this stage to persuade me that lifetime homes standard could be met or that a lower CfSH rating could be achieved and therefore this adds to my overall concerns about the proposal.

11. The appellant has drawn my attention to a number of other properties in the locality and No 57 Falmer Road in Rottingdean, a neighbouring village and I saw this site after the appeal site visit. The development at No 57 Falmer Road is in a very different context to the appeal site, is for a terrace of properties and for these reasons is not directly comparable to the appeal proposal. In any case each application and appeal must be considered on its own merits.
12. I have also had regard to the advice in PPS1 *Delivering Sustainable Development* and PPS3 *Housing*. Since the changes to PPS3, the appeal site is no longer defined as previously developed land. That said PPS3 indicates that efficient and effective use should be made of land, but both PPSs make it clear that development which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of the area should not be accepted. This proposal does not reflect the high standard that national planning policy requires. Accordingly the proposal should be resisted in line with PPS1 and PPS3 and the development plan policies outlined above.
13. For the reasons given above and having had regard to all other matters raised, the appeal should be dismissed.

Ann Skippers

INSPECTOR

NEW APPEALS RECEIVED**WARD****APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2011/01899

95 Loder Road, Brighton

Erection of single storey rear extension

APPEAL LODGED

26/09/2011

Delegated

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

BH2011/01031

54A Upper Lewes Road, Brighton

Erection of extension at second floor level to form additional 2no bed flat.

APPEAL LODGED

23/09/2011

Delegated

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

BH2011/01298

19 Braybon Avenue, Brighton

Certificate of Lawfulness for a proposed single storey rear extension.

APPEAL LODGED

28/09/2011

Delegated

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

BH2011/00767

22 Queens Road, Brighton

Change of use of lower ground floor from ancillary office storage (B1) to 1no one bedroom flat with associated external alterations.

APPEAL LODGED

30/09/2011

Delegated

WARD**APPLICATION NUMBER****WITHDEAN**

BH2011/01738

<u>ADDRESS</u>	41 Wayland Avenue, Brighton
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing bungalow and erection of 2no 5 bed detached dwelling houses with detached garages.
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	03/10/2011
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	WITHDEAN
<u>APPLICATION NUMBER</u>	BH2010/02425
<u>ADDRESS</u>	Land to the rear of 47 Surrenden Road, Brighton
<u>DEVELOPMENT DESCRIPTION</u>	Conversion and extension of existing garage and store to form a private two bedroom dwelling house incorporating alterations to existing access.
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	30/09/2011
<u>APPLICATION DECISION LEVEL</u>	Delegated

INFORMATION ON APPEALS/PUBLIC INQUIRIES**2 November 2011**

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

227 - 233 Preston Road

Planning application no: BH2011/00336

Description: 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.

Decision: Committee

Type of appeal: Informal Hearing

Date: 8th November 2011

Location: Brighton Town Hall Council Chamber

56-58 St James's Street

Planning application no: BH2011/00346

Description: Change of Use of part of ground floor from restaurant (A3) to self contained flat (C3) incorporating revised fenestration to North elevation.

Decision: Committee

Type of appeal: Informal Hearing

Date: 30th November 2011

Location: Committee Room 2, Hove Town Hall

