





**Brighton & Hove
City Council**

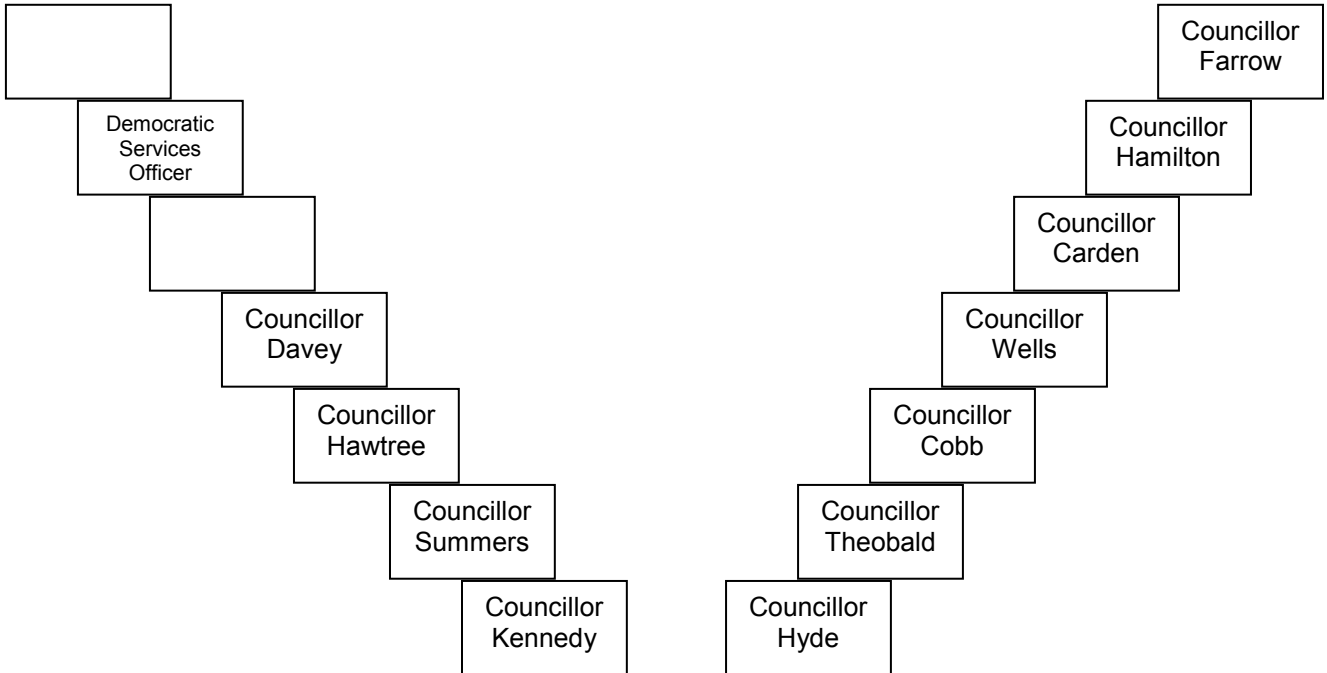
Planning Committee

Title:	Planning Committee
Date:	14 December 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

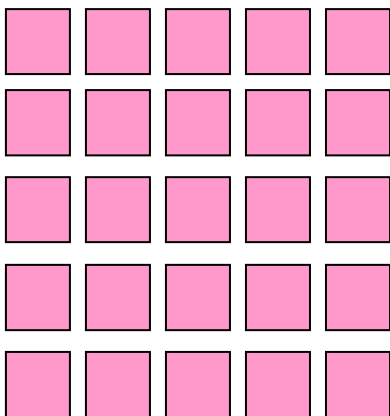
Senior Solicitor Chairman Head of Development Control



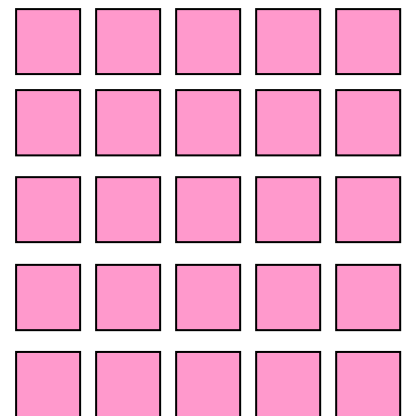
Chairman of CAG

Officers Officers

Press



Public Seating



Public Seating

AGENDA

102. 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.

103. MINUTES OF THE PREVIOUS MEETING

1 - 26

Minutes of the meeting held on 23 November 2011 (copy attached).

104. CHAIR'S COMMUNICATIONS

105. APPEAL DECISIONS

27 - 52

(copy attached).

106. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

53 - 56

(copy attached).

107. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

57 - 58

(copy attached).

108. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

PLANNING COMMITTEE

(There are none).

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

110. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST :14 DECEMBER 2011

(copy circulated separately).

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

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

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at:

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

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

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

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PLANNING COMMITTEE

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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, 6 December 2011

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 23 NOVEMBER 2011

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Co-opted Members Mr Graham Towers, CAG

Officers in attendance: Paul Vidler, Deputy Development Control Manager, Nicola Hurley, Area Planning Manager (West); Claire Burnett, Area Planning Manager (East), Steven Lewis, Planning Officer, Pete Tolson Principal Transport Planner, Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

PART ONE

91. PROCEDURAL BUSINESS

91a Declarations of substitutes

91.1 There were none.

91b Declarations of interests

91.2 There were none.

91c Exclusion of the press and public

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

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

92. MINUTES OF THE PREVIOUS MEETING

92.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 2 November 2011 as a correct record.

93. CHAIR'S COMMUNICATIONS

93.1 There were none.

94. APPEAL DECISIONS

94.1 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.

95. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

96. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

97. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

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

Application:	Requested by:
BH2011/02417 Former Co-op Building, 94 – 103 London Road, Brighton	Deputy Development Control Manager

BH2011/02824 Portslade Aldridge Community Academy (PACA), Chalky Road, Portslade was also requested by the Deputy Development Control Manager

99. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST: 23 NOVEMBER 2011

(i) MAJOR APPLICATIONS

A. Application BH2011/02857, "Aldi", Carlton Terrace Portslade – Application for variation of conditions 11 and 12 of application BH2010/1684. Variation of condition

11 to provide 2 car parking spaces for residential use and variation of condition 12 to provide 2 hours of free car parking to all visitors of the Portslade Shopping Centre.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Officer, Steven Lewis, gave a presentation detailing the scheme by reference to photographs and site plans. Reference was made to the planning history of the site and the earlier refused application to remove all residents parking spaces from the site. It was considered the proposed variation of condition 12 of BH2010/01684, to shorten the period of free parking from three to two hours would provide some additional parking capacity for the store and the new parking arrangements would continue to support the function of the District Shopping Centre by providing parking that can be used in combined shopping trips.
- (3) However, the proposed variation of condition 11 of BH2010/01684, to reduce the requirement to provide five residents parking spaces to two, would fail to ensure adequate car parking provision to serve the residential occupiers of the development and being sited within the District Centre the loss of parking would be likely to cause additional displaced parking. In this instance therefore the Committee were being requested to make a split decision as approval was recommended to vary condition 12 but to refuse to vary condition 11.

Public Speakers

- (4) Mr Close was present on behalf of the applicants but stated that he had nothing to add to the rationale for the recommendation referred to in the officers report.

Questions, Debate and Decision Making

- (5) Councillor Mrs Theobald asked whether the residents' parking bays to be provided by the earlier (2004) permission had been provided.
- (6) Councillor Carden stated that to his knowledge the residents' bays had never been clearly delineated. He was in agreement with the officers recommendations. He considered it was appropriate to vary condition 12 but only if condition 11 was retained and the applicants were required to mark out the residents parking bay.
- (7) Councillor Hamilton referred to the extant permission stating that irrespective of whether the Guinness Trust, who had responsibility for the residential element of the scheme, had agreed to loss of residential parking, it should be retained.
- (8) Councillor Hamilton concurred with Councillor Carden that the residential car parking had never been marked out or properly signposted. This had been a condition of the original permission and should be upheld. The Planning Officer referred to Section 3 of the report and explained that on-going investigations were taking place with a view to taking enforcement action and or serving a Breach of Condition Notice if appropriate. Councillor Hamilton stated that he was concerned that a number of conditions of the earlier permission did not appear to have been adhered to. He enquired whether the earlier conditions could be re-imposed. It was confirmed relevant conditions would

need to be reimposed. However, in response to a suggestion that permission to vary condition 12 should be contingent on prior compliance with the condition to mark out the spaces Legal Adviser to the Committee stated that it would not be considered appropriate as it would represent unnecessary duplication, particularly as enforcement action could be taken.

- (9) Councillor Mrs Theobald agreed with all that had been said considering that residents parking should be retained and should be properly marked out.
- (9) Councillor Summers referred to the survey carried out by the applicants. It was noted that that the Sustainable Transport Team had identified weaknesses in it and therefore only agreed with it in part.
- (10) A vote was taken separately on part A and part B of the recommendation set out in the Report and on a vote of 9 to 3 planning permission was granted in accordance with part A as set out below.

99.1.1 **RESOLVED -A** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set below and the policies and guidance in section 7 of the report and resolves to grant planning permission to vary condition 12 subject to the conditions and informatives set out in the report.

Informatives:

1. This decision to grant planning permission has been taken:

(i) having regard to policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

(full list set out in section 7 of the report); and

(ii) for the following reasons:

The variation of condition 12 of BH20210/01684, to shorten the period of free parking from three to two hours would not unduly harm the viability and vitality of the Boundary Road District Shopping Centre. The changes would provide some additional parking capacity for the store and the new parking arrangements would continue to support the function of the district shopping centre by providing parking that can be used in combined shopping trips.

- () A further vote was taken and members voted unanimously that planning permission to vary condition 11 be refused for the reasons set out below

99.1.2 **RESOLVED -B**-That the Committee has taken in to consideration and agrees with the reasons to refuse planning permission to vary condition 11 for the following reason:

Refuse to vary:

Condition 11 loss of residents' parking spaces:

1. The loss of three residential parking spaces would fail to ensure adequate car parking provision to serve the occupiers of the residential portion of the development. The development is within a District Shopping Centre and the loss of parking would be

likely to cause additional displaced parking. This is contrary to policies TR1, TR2 and TR19 of the Brighton & Hove Local Plan.

(ii) **MINOR APPLICATIONS**

B. Application BH2011/01431, 34 Hove Park Road, Hove – Demolition of existing dwelling and erection of 3 storey four bed dwelling house with flat roof.

- (1) The Area Planning Manager (West), Mrs Hurley gave a presentation detailing the scheme by reference to plans and elevational drawings, also photographs showing views across the application site and from the rear showing it in the context of the surrounding area and its impact on the street scene. It was considered that the development by reason of its form, scale, detailing and materials would appear visibly cramped and create a contrast and sense of bulk, in relation to adjoining properties and the wider surrounding area, that would harm the existing character and appearance of Hove Park Road. Refusal was therefore recommended.

Public Speakers

- (2) Mr Mikhail spoke on behalf of the applicant in support of their application. He stated that the applicant had been in discussion with planning officers for seven months in relation to the application. He considered that the view that the proposal was unacceptable was highly subjective. The materials and finishes proposed would be of a very high standard and would be highly sustainable.
- (3) Councillor Brown spoke in her capacity as a Local Ward Councillor setting out her objections to the scheme. She and her fellow Ward Councillor, Councillor Bennett considered that the proposed house with a flat roof would be totally out of character with the surrounding houses which all had brick and rendered facades and tiled roofs. The large rear terrace at first floor level would cause severe overlooking of no 32.

Questions, Debate and Decision Making Process

- (4) Councillor Kennedy expressed concern that the scheme would only meet a Level 3 Codes for Sustainable Homes rating which did not represent a high degree of sustainability as had been suggested. She did not feel able to support the application as many of the issues in relation to the sustainability of the development seemed uncertain. If the Committee were minded to approve the application she considered that a Level 4/5 should be sought.
- (5) Councillor Davey sought clarification regarding the footprint of the proposed development. He considered that whilst reference had been made to the bulk and massing of the development most of reasons for refusal set out in the report related to its design, which was subjective. He considered the building was of an acceptable design.
- (6) Councillor Mrs Theobald enquired regarding the location of the front boundary, it appeared from the plans that it would sit forward of the existing building line. She considered that the proposed development was boxy and completely out of keeping

with the neighbouring development and out of character with the prevailing street scene.

- (7) Councillor Wells stated that to him the proposed scheme looked similar that which had been proposed (in the past) for the Old Market Arts Centre. It was an attractive building but was completely unsuitable for its proposed location.
- (8) Councillors Hyde and Cobb were also of the view that the development should be of a design more suitable to its surroundings and could be more sustainable.
- (9) Councillor Hawtree referred to the proposed development citing two other developments in the locality which were of a more contemporary design than their neighbours and could be considered to be at variance with the neighbouring street scene. He considered that the intended development was acceptable.
- (10) A vote was taken and planning permission was refused on a vote of 9 to 3.

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

1. The development by reason of its form, scale, detailing and materials would appear visibly cramped, representing an incongruous addition, and create a contrast and sense of bulk, in relation to adjoining properties and the wider surrounding area, that would harm the existing character and appearance of Hove Park Road. The development is therefore considered contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on a Design and Access Statement, Sustainability Checklist, Arboricultural Report and Waste Minimisation Statement received 18 May 2011; drawing nos AL(0) 001, 222 AL (O), 100 222, AL(O), 200 & 222 AL (O) 201 received 23 May 2011; and drawing nos. AL(1) 100, AL(1) 101, AL(1) 200, AL(1) 201 & AL(1) 300 received on 6 September 2011.

- C Application BH2011/00635, 12 Meeting House Lane, Brighton** – Application to extend time limit of previous approval BH2007/02518 for the conversion and extension of existing 1st, 2nd and 3rd floor residential unit to form 5 flats and 1 retail unit at ground floor levels.
- (1) The Area Planning Manager (West) gave a presentation detailing the scheme. An aerial photograph was displayed showing the application site as were drawings indicating the existing and proposed elevations and floor plans showing the scheme for which approval had originally been given and any amendments subsequently made. The original permission had required a contribution of £2,500 towards off-site works to improve the sustainable transport infrastructure in the vicinity of the site.
 - (2) It was explained that there had been no changes to the adopted development plan or other relevant material considerations to indicate that the proposal was no longer acceptable. The development would make more efficient and effective and effective

use of land within the built up area without causing detriment to the Listed Building or the wider character and appearance of the Old Town Conservation area and approval was therefore recommended.

Public Speakers

- (3) Mr Brynin spoke as an objector to the scheme. He stated that in addition to being at variance with the character of the Conservation Area, the provision of multiple residential properties would create access difficulties down the narrow side lane adjacent to the development, and disruption to delivery arrangements along the side lane. There were also concerns regarding the level of disruption which would occur during the building works and the impact they could have on the integrity of adjoining structures. Potential problems were also envisaged relating to cycle and refuse storage as the land on which these facilities were to be placed was not in the applicant's ownership.
- (4) Councillor Kitcat spoke in his capacity as a Local Ward Councillor re-iterating the points raised by the objector. The location proposed for location of the refuse and cycle parking was insufficient as well as being outside the control of the applicant.

Questions, Debate and Decision Making Process

- (5) Councillors Hawtree and Wells sought clarification as to why the previous application had been dealt with under officers' delegated powers and it was explained that it would have needed to have met the trigger for consideration by the Committee at that time.
- (6) Councillor Mrs Theobald enquired as to any differences between the current and proposed schemes and Councillor Cobb referred to the fact that the proposed development and access to it could impact on the busy commercial area in which it was located where servicing of the shops and public houses/licensed premises nearby was required across varied hours and with which there could also be significant people traffic.
- (7) In view of the apparent complexities associated with the location Councillor Hyde proposed that a site visit would be beneficial, this was seconded by Councillor Mrs Theobald. A vote was taken and the Committee voted that further consideration of the application should be deferred pending a site visit.
- (8) The Chair, Councillor MacCafferty, stated that it should be noted that the permitted speaking rights in respect of this application had been used.

99.3 **RESOLVED** - That consideration of the above application be deferred pending a site visit.

D. Application BH2011/00652, 12 Meeting House Lane, Brighton – Application to extend time limit of previous approval BH2007/02608 for the conversion and extension of existing 1st, 2nd and 3rd floor residential unit to form 5 flats and 1 retail unit at ground floor levels.

99.4 **RESOLVED** - That consideration of the above application be deferred pending a site visit.

E. Application BH2011/02561, 54-55 Meeting House Lane, Brighton – Erection of first floor rear extension, formation of balustraded roof terrace to first floor, new shop front, and internal alterations including creation of ground/first floor mezzanine level in entrance lobby, revised ground floor fire exit and associated works (part retrospective).

(1) The Area Planning Manager (West) gave a presentation detailing the scheme by reference to elevational drawings, site plans and photographs in respect of the proposed scheme which was part retrospective. It was considered that the proposed first floor rear extension and roof terrace would appear as incongruous and unsympathetic features detrimental to the appearance of the building, the surrounding area and the wider Old Town Conservation Area. Furthermore the proposed roof terrace would have a detrimental impact on the living conditions of the occupiers of neighbouring properties by reason of noise and disturbance. The application was therefore recommended for refusal.

Public Speakers

(2) Councillor Kitcat spoke in his capacity as a Local Ward Councillor expressing his support for the application. The site was dilapidated and its external appearance at the front was marred by the larger metal roller shutter which was susceptible to graffiti. In his view the proposal would improve the appearance of that part of The Lanes and would assist the premises on becoming a more effective and financially sustainable venue. In premises had had a troubled past and he believed that the revised layout, smoking area, new entrance and other provisions would effect significant improvements.

(3) Mr Craig the applicant spoke in support of his application. He stated that since taking over the venue he had sought to improve the premises and to operate them in a more neighbourly way. He had no immediate residential neighbours and the terrace, which could be used as a smoking area was supported by the Police as it resolved issues of customers taking alcohol outside the premises and addressed the problems caused as a result of smokers congregating outside the premises. This area was not visible to the public and no complaints had been received in relation to noise breakout or people noise.

Questions, Debate and Decision Making

(4) Councillor Davey enquired regarding the height and materials used for the balustrade, the applicant explained that this was of 2m in height and constructed of obscure glazed panels. It was explained that the height of the balustrade had been increased in order to prevent rubbish from being thrown from the upper area which had given rise to complaints in the past. Councillor Davey was of the view that significant improvements had been carried out to preserve and enhance the front of the building. Concerns related to the terrace to the rear, this had however been in use for a few months, without giving rise to problems or complaints and was located in a part of the city associated with night time activity.

- (5) Councillor Cobb asked the applicant why glass had been used for the balustrade and it was explained that following consideration of various solutions this had been considered to be the most appropriate option.
- (6) Councillor Hawtree sought clarification regarding the type of operation proposed and its hours of operation. It was explained that although the premises could operate until 3.30am over the past three years it had ceased at 11.00pm. It was aimed at a mature clientele and operated as a café bar with a similar ethos to Hotel DuVin.
- (7) Councillor Farrow considered that insufficient discussions had taken place with planning officers and queried whether consideration of the application could be deferred to enable further discussions to take place. Whilst the solution proposed was not perfect, it was acceptable.
- (8) Councillor Kennedy asked regarding the existing and proposed conditions in relation to the shop front.
- (9) Councillor Hawtree stated that whilst the building had a magnificent façade the rear was “motley”, the applicant was seeking to improve its appearance and to address and balance a number of differing requirements.
- (10) Councillor Summers stated that notwithstanding that she would have had concerns in respect of potential noise nuisance she was satisfied that the application was acceptable in view of the facts that no complaints had been received.
- (11) Councillor Mrs Theobald sought clarification of the times when the terrace would be in use for smoking/drinking and regarding the amount of seating provided. Councillor Cobb enquired regarding the current use of the terrace and the Deputy Development Control Manager explained that this was set out in Condition 5 of the existing permission.
- (12) Councillor Hyde stated that if planning permission was granted the opportunity should be taken to apply an appropriate set of conditions.
- (13) A vote was taken and Members voted unanimously that planning permission be granted in the terms set out below.

99.5 **RESOLVED** – That planning permission be granted as the proposed development is considered to be satisfactory in the context of its surroundings. The alterations proposed to the front will enhance the conservation area and those to the rear will preserve the same. Subject to compliance with conditions the proposed development will not have an unacceptable impact on the amenity of occupiers of adjacent buildings.

Note 1: Members voted unanimously that planning permission be granted. A recorded vote was then taken.

Note 2: Councillor Kennedy proposed that planning permission be granted. Councillor Carden seconded the proposal. All 12 members of the Committee were present when the vote was taken and voted unanimously that planning permission be granted in the terms set out above.

Reasons for Granting:

The proposed development is satisfactory in the context of its surroundings. The alterations proposed to the front will enhance the conservation area and those to the rear will preserve the same. Subject to compliance with conditions the proposed development will not have an unacceptable impact on the amenity of occupiers of adjacent buildings.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings nos 2011/0030/A, 0030-2/C, 0030-3/A, 0031/C, 0031-2/D, 0031-3/A received on 06 September 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. No development shall take place in connection with the new shopfront hereby permitted until large scale drawings of the new shopfront have been submitted to and approved in writing by the local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

3. The external finishes to the first floor rear extension hereby permitted shall be carried out within 6 months from the date of this permission in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

4. The roof terrace hereby permitted shall not be brought into use until details of the opaque glass balustrade panels have been submitted to and approved in writing by the local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and safeguard the amenities of the occupiers of neighbouring properties and to comply with policies HE6 and QD27 of the Brighton & Hove Local Plan.

5. The roof terrace hereby permitted shall only be used by customers between the hours of 09.30 and 03.30 the following day and chairs on the terrace shall be stacked and unavailable for the use by customers between the hours of 23.00 and 09.30 the following day.

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

F. Application BH2011/02710, 6 Glendor Road, Hove – Installation of first floor front balcony over existing garage (retrospective).

(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 scheme by reference to photographs showing the application site within the context of Glendor Road and views along it showing other properties which had balconies. None of them related to properties of the same type as the application site. Notwithstanding

that letters of support had been received it was considered that the roof terrace and associated balustrade would appear as an uncharacteristic and incongruous addition to the host property and the wider street scene. Further, the roof terrace would provide a level of sitting/standing out space which would have potential to cause significant noise and disturbance and overlooking to residents of no.4 Glendor Road. Refusal was therefore recommended.

Public Speakers

- (3) Mrs Blacklaw-Taylor, the applicant, spoke in support of her application. She explained that following purchase of the property her family had sought to improve upon a number of unsympathetic earlier alterations to the property. A number of properties had balconies, which were part of the fabric of the area, She did not consider that their balcony was out of keeping with the prevailing street scene of this quiet residential road. In answer to questions Mrs Blacklaw-Taylor explained that there was a degree of mutual but oblique and restricted overlooking into/from neighbouring properties. The balcony did not change or worsen that.

Questions, Debate and Decision Making

- (3) Councillor Carden sought clarification of the views from the balcony towards the neighbouring property and the applicant. Mrs Blacklaw –Taylor explained that there were oblique views into the side of the front bay window, however that was the same as the view from the upstairs front bedroom.
- (4) Councillor Hawtree queried whether the garage to this and the neighbouring property was a later addition to the original property but this could not be confirmed. Councillor Hawtree stated that he considered the balcony enhanced and improved the appearance of the property and served to make the appearance of the garage less dominant, he was therefore minded to support the application.
- (5) Councillor Mrs Theobald asked whether the balcony was completed and whether the applicants would be prepared to paint it white rather than leaving it unpainted.
- (6) A vote was taken and on a vote of 6 to 3 with 3 abstentions, planning permission was granted. A recorded vote was then taken and planning permission was granted on the grounds set out below.

99.6 **RESOLVED** – That the planning permission be granted for the proposed development which is considered acceptable in terms of its impact on the character of the property and the street scene and would not result in a significant loss of amenity to nearby properties.

Note 1: A vote was taken and on a vote of 6 to 3 with 3 abstentions planning permission was granted. A recorded vote was then taken.

Note 2: Councillor Hawtree proposed that planning permission be granted. This was seconded by Councillor Summers. A recorded vote was then taken. Councillor MacCafferty (the Chair) and Councillors Carden, Farrow, Hamilton, Hawtree and Summers voted that planning permission be granted. Councillors, Cobb, Hyde and C

Theobald voted that planning permission be refused. Councillors, Davey, Kennedy and Wells abstained, therefore planning permission was granted.

Reason for Granting:

The proposed development is acceptable in terms of its impact on the character of the property and the street scene and would not result in a significant loss of amenity to nearby properties.

Condition:

1. The development hereby permitted shall be carried out in accordance with unnumbered drawing by 'Mel Humphrey' received on 12th September 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

Informative

The applicant is advised that the Planning Committee considers if the balustrade is painted, it should be finished in a white colour.

G. Application BH2010/02909, 4 Roedean Heights, Brighton – Demolition of existing house and construction of 8 residential apartments.

- (1) The Area Planning Manager (East) made a presentation detailing the scheme. She referred to the additional representations received following preparation of the report. She explained that notwithstanding that there were issues in common between this application and that for no 5 Roedean Heights they were two separate schemes and would be presented as such and voted on separately although she would also refer to the elements and issues which they had in common.
- (2) Elevational drawings, plans and contextual photographs of both sites and the neighbouring vicinity including Ocean Heights now built to the west were shown as part of the officers' presentation. The submitted plans were inaccurate to some degree and further information would be required to fully demonstrate the impact of the proposed development. Notwithstanding that, the proposed development would have an inappropriate appearance which would detract from the appearance of the Roedean Way and Roedean Heights street scenes, and would harm views from the National Park to the north. It was considered that the bulk and scale of the building would appear as an overdevelopment of the site which would fail to respect the site constraints and context. The bulk of the proposed building would harm neighbouring amenity, increased overshadowing would result, for these reasons refusal was recommended.

Public Speakers

- (3) Mr Copping spoke on behalf of objectors including neighbouring residential objectors, including Ocean Heights and the Roedean Residents Association. He stressed that the proposed form of development was considered to be totally inappropriate by virtue of its bulk, size and massing and represented a total overdevelopment of the site which was un-neighbourly and compromised the amenity of neighbouring residential properties.

- (4) Councillor Mears spoke in her capacity as a Local Ward Councillor stating that in her view the design was inappropriate out of context and detrimental to the character with the prevailing street scene. To permit either both of the developments proposed would destroy the existing cul de sac of detached pitched roof dwellings replacing it with higher contemporarily designed flat roof buildings.
- (5) Mr Coomber spoke on behalf of the applicants in support of their application. He stated that it was disappointing that it had taken over a year to process the application and for officers to decide that it warranted refusal. He referred to the Ocean Heights development which had been built nearby. A precedent had been set for the building of blocks of flats in the area, this block and that proposed at 5 Roedean Heights were only marginally higher and a Planning Inspector would take account of this when determining a future appeal in respect of either of these application sites.

Questions, Debate and Decision Making

- (6) Councillor Hyde stated that she considered the proposed development very different from that built at Ocean Heights which faced onto a busy main road, this was a quiet cul de sac. She was in agreement with the officers' recommendation considering that this was bulky and of keeping with its surroundings.
- (7) Councillor Mrs Theobald also concurred in that view. She considered that the proposed development would also generate unacceptable increases in traffic volume.
- (8) Councillor Hawtree stated that he was not opposed to appropriately designed new buildings in the right location. This was not the right location, the development was of monolithic proportions when viewed in the context of neighbouring development.
- (9) A vote was taken, all twelve members were present and voted unanimously that planning permission be refused.

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

1. The proposed development represents an overdevelopment of the site. The scale, bulk and appearance of the proposed building is excessive and fails to respect the immediate and wider context of the application site, and would appear as an incongruous addition to the area which would also harm views from the South Downs National Park to the north of the site. The proposal is therefore contrary to policies HO4, QD1, QD2 QD3. QD4, NC7 and NC8 of the Brighton & Hove Local Plan.
2. The proposed building would have an overbearing impact and create a sense of enclosure when viewed from the dwellings and gardens to either side. Increased overshadowing of neighbouring dwellings and garden areas would also be caused. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.
3. The proposed development has the potential to cause harm to a site of identified potential archaeological significance. In the absence of sufficient information to demonstrate otherwise, the proposal is contrary to policy HE12 of the Brighton &

Hove Local Plan and the guidance set out in PPS5 (Planning for the Historic Environment).

4. In the absence of a legal agreement which secures improvements to sustainable transport infrastructure in the vicinity of the site, and the implementation of double yellow lines to ensure that the turning head of Roedean Heights remains clear at all times, the development makes inadequate provision for the increase in demand for travel which would be created, would be likely to cause a highway safety risk, and is therefore contrary to policies TR1 and TR7 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. TA510/01, 03, 04A and 05A received on the 13 September 2010, nos 06 and 07 received on the 28 September 2010 and nos. 02e, 10D, 11D, 12D, 13C, 14C 15C, 16C, 17C, 18D, 20E, 21E, 22D and 23D received on the 16 August, the Design and Access Statement received on 13 September 2010, Car lift and biomass heating system details received on 22 December 2010 and the Daylight and Sunlight Impact Assessment received on 17 May 2011.
2. The submitted plans are inaccurate; front and rear elevation drawings and section drawings show the Ocean Heights building as being sited square with nos.4 and 5 Roedean heights. The Ocean Heights building is in fact set at an angle in relation to that at no.4. The application has been considered in terms of layout as shown on the proposed block plan.

G. Application BH2010/02910, 5 Roedean Heights, Brighton – Demolition of existing house and construction of 8 residential apartments.

- (1) The Area Planning Manager (East) gave a presentation detailing the constituent elements of the proposed scheme by reference to plans, elevational drawings and photographs which showed the site in the context of the neighbouring street scene and in longer views showing the National Park which lay to the north.
- (2) Notwithstanding that the submitted plans contained inaccuracies, based on the information provided the proposal was considered to represent overdevelopment which would be bulky and of a scale which did not respect the constraints of the site itself or the neighbouring properties which would be overshadowed and would suffer loss of amenity. It was also considered that the development would harm a site of identified archaeological interest, nor in the absence of a planning legal agreement would it make adequate provision by the demand for travel created by it and would create a highway safety risk, therefore refusal was recommended.

Public Speakers

- (3) Ms Cattell spoke on behalf of neighbouring objectors and the Rodean Residents Association setting out their objections to the scheme. She stated that based on the submitted drawings which were acknowledged as being incorrect it was clear the development represented overdevelopment and would have a negative impact on the prevailing street scene. If accurate plans had been submitted they would have indicated that impact would have been considerably worse. Ocean Heights did not represent a precedent as it had built almost entirely to the footprint of the previous

development, whereas this proposal would have a considerably larger footprint than the previous building on site.

- (4) Councillor Mears spoke in her capacity as a Local Ward stating that she had little to add to her earlier objections except to reiterate them and to comment on the potential transport/traffic difficulties which would be created not least for City Clean when seeking to carry out their regular refuse and waste collections from the site. Those who would eventually occupy the flats would have a very poor quality of amenity, this was considered unacceptable.
- (5) Mr Coomber spoke on behalf of the applicants in support of their scheme. He disagreed that the amenity space provided by the development would be inadequate and refuted that the development proposed would be “monolithic” in that it would only be marginally higher than the existing Ocean Heights development. He re-iterated that an Inspector would be mindful of the development when considering any future appeal.

Questions, Debate and Decision Making

- (6) In responding to questions by Councillor Cobb, the Legal Adviser to the Committee explained that a Planning Inspector would take account of the Ocean Heights Development when/if considering future planning appeals as that development was part of the built environment.
- (7) Councillor Cobb stated that when making their decisions the Committee were often told that applications did not set a precedent and should be judged on their own merits and yet Members had now been told that in this case an earlier decision did have weight. The Legal Adviser to the Committee stated that the Committee were required to judge each application on its individual merits. However an Inspector would take neighbouring development into account and would attach some weight to that when making their decisions.
- (8) Councillor Hawtree enquired why the application had taken so long to process and it was explained that this had been due in part to discussions which had taken place with the applicant’s architect following early identification of inaccuracies in the submitted plans.
- (9) Councillor Kennedy stated that she did not understand why the proposals had been submitted as two separate applications rather than one, although by so doing they had circumvented the need to provide any affordable housing on either development as would have been the case had an overall scheme been submitted. She supported the officer’s recommendation and considered that the scheme should be refused.
- (10) Councillor Hawtree considered that it was bad form that the applicants had made much of what they supposed would be the outcome of a future planning appeal. The Lawyer to the Committee confirmed that it was not appropriate to try and second guess what a local planning authority might decide since, although an applicant’s right of appeal was always a possibility, it was the Committee’s role and responsibility to determine applications brought before them on robust planning grounds.

(11) A vote was taken and members voted unanimously that planning permissions be refused on the grounds set out below.

99.8 **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 development represents an overdevelopment of the site. The scale, bulk and appearance of the proposed building is excessive, fails to respect the immediate and wider context of the application site, and would appear as an incongruous addition to the area which would also harm views from the South Downs National Park to the north of the site. The proposal is therefore contrary to policies H04, QD1, QD2, QD3, QD4, NC7 and NC8 of the Brighton & Hove Local Plan.
2. The proposed building would have an overbearing impact and create a sense of enclosure when viewed from the dwellings and gardens to either side. Increased overshadowing of neighbouring dwellings and garden areas would also be caused. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.
3. The proposed development has the potential to cause harm to a site of identified potential archaeological significance. In the absence of sufficient information to demonstrate otherwise, the proposal is contrary to policy HE12 of the Brighton and Hove Local Plan the guidance set out in PPS5 (Planning for the Historic Environment).
4. In the absence of a legal agreement which secures improvements to sustainable transport infrastructure in the vicinity of the site, and the implementation of double yellow lines to ensure that the turning head of Roedean Heights remains clear at all times, the development makes inadequate provision for the increase in demand for travel which would be created, would be likely to cause a highway safety risk, and is therefore contrary to policies TR1 and TR7 of the Local Plan.

Informatives:

1. This decision is based on drawing nos. TA510/01, 03, 04 and 05 received on 13 September 2010, nos 06 and 07 received on the 28 of September 2010, and nos. 02C, 10B, 11B, 12B, 13B, 14B, 15A, 16B, 17B, 18C, 20C, 21C, 22C and 23B received on 22 December, the Design and Access Statement received on 13 September 2010, Car lift and biomass heating system details received on 22 December 2010, and the Daylight and Sunlight Impact Assessment received on 5 August 2011.
- 2 The submitted plans are inaccurate; front and rear elevation drawings and section drawings show the Ocean Heights building as being sited square with nos. 4 and 5 Roedean Heights. The Ocean Heights building is in fact set at an angle to the dwellings alongside, the proposed building at no. 5 would also be set at an angle in relation to that at no.4. The application has been considered in terms of layout as shown on the proposed block plan.

I. Application BH2011/01736, 3 The Broadway, Brighton – Change of use from retail (A1) to hot food take-away (A5).

- (1) The Area Planning Manager (East) gave a presentation detailing the proposed change of use from retail (A1) to hot food take-away. It was acknowledged that the unit had been marketed for a period of time and that little interest had been lodged. There were currently a number of vacant units in the local shopping centre. The proposal would not result in a significant break in the retail frontage of the centre and, additionally, the

applicant had demonstrated that the amenity of neighbouring occupants would not be significantly impacted by noise or odour. It was therefore considered that a change of use to A5 (hot food takeaway) would be acceptable and approval was therefore recommended.

Public Speakers

- (2) Mrs Pyke spoke as an objector to the scheme stating that she lived in the flat above the proposed premises and expressed concern regarding the nuisance and serious detrimental impact on amenity which could arise in terms of odour, litter and late night noise and nuisance. There was already a proliferation of late night fast food outlets in the area and there was no need for another. The garden to the rear of the premises belonged to her flat which was above the shop, her enjoyment of this space would be compromised and there were also concerns regarding waste disposal from the premises.
- (3) Mrs Pyke expressed concern the application had been brought before Committee as she understood that her lease agreement gave her "rights of veto" in respect of any activities which took place in the premises beneath, she had exercised that right in the past. The premises had remained unlet for some time as refurbishment works had been necessary following a fire.

Questions, Debate and Decision Making Process

- (4) Councillor Hawtree referred to the previous planning history of the site referring to previous refusals and to any "rights of veto" by neighbouring residents. The Legal Adviser to the Committee explained that the reference to a "right of veto" may be a reference to a provision in the speaker's lease and, as such, was a landlord and tenant matter on which separate legal advice should be sought and was not germane to consideration of the planning application.
- (5) Councillor Hyde sought clarification of how long the premises had remained vacant following the fire and the date at which works had been completed to enable it to be marketed for re-let. Reference had also been made to plans to attach a flue pipe to Mrs Pyke's wall without seeking her permission. It was confirmed that the need to enter into a party wall agreement was not a planning matter.
- (6) Councillor Davey referred to the garden area which notwithstanding information provided by the applicant's agent appeared to be in the ownership of the flat above, also in relation to the re-letting process and to odour control. It was confirmed that a door to the rear of the premises gave access to the garden and that subject to the conditions proposed Environmental Health had no objections.
- (7) Councillors Summers and MrsTheobald sought confirmation of the hours during which the premises would be permitted to operate.
- (8) Councillors Hyde and Kennedy considered that more information was required in order to determine the application. Councillor Hyde proposed that it be deferred and this was seconded by Councillor ?Kennedy. The Committee were in agreement.

99.9 **RESOLVED** – That the above application be deferred in order to enable ownership of/access arrangements in respect of the garden to be established, details of the hours of operation of other hot food take ways in the area to be provided and for more information in respect of the refusal for change of use in 1996 to also be provided.

J. Application BH2011/02946 162 Elm Grove, Brighton – Installation of a new shop front (retrospective)

(1) The Area Planning Manager (East) Ms Burnett gave a presentation detailing the scheme by reference to photographs showing the shop front and its location within the street scene. The shop front by reason of its design, proportions, materials and colour had a visually intrusive appearance which was out of keeping with the appearance of the building and adversely affected the visual amenity of the surrounding area. The roller shutter and box housing were bulky and prominent and obscured the shopfront and window display. When down, the shutter created an unattractive dead appearance to the frontage, refusal was therefore recommended.

Public Speakers

(2) Mr Dereas, the applicant, spoke in support of his application, he explained that he had adopted bright colours for his shop front as a number of other premises in the area had a number which were similar. A number of houses were also brightly painted and he considered this to be part of the character of the area. The dimensions of the new shop front were the same as the previous one and in answer to questions Mr Dereas stated that he would be prepared to amend the current colour scheme if required to do so in order to obtain planning permission.

Questions, Debate and Decision Making

(3) Councillor Hawtree stated that in his experience most of the buildings in the vicinity were painted white.

(4) Councillor Carden stated that he considered the scheme would be acceptable if the existing colour scheme was toned down. Councillor Mrs Theobald sought clarification as to whether the roller shutter was painted and it was confirmed it was not.

(5) Councillor Farrow stated that he was not happy with the manner in which the application had been handled, but the Chair and Councillor Kennedy stated that applications needed to be dealt with according to an agreed process.

(6) Councillor Hawtree was in agreement that if the existing colour scheme was more muted, with a white background, that would be more in keeping with the area and would be acceptable.

(7) Councillors Cobb and Wells stated that they considered the existing scheme to be acceptable.

- (8) Councillor Hamilton agreed that a more neutral colour scheme would be appropriate, but considered that the shutter needed to remain in order to protect the business; stock when the premises was closed.
- (9) The Chair, Councillor MacCafferty, stated that it appeared that Members concerns appeared to be focused around the colour of the shopfront and that they might be minded to grant permission on the basis of more muted colours being used.
- (10) Eleven of the members of the Committee were present when the vote was taken and on a vote of 8 to 1 with 2 abstentions planning permission was granted on the grounds set out below.
- 99.9 **RESOLVED** – That planning permission is granted as subject to the conditions attached the appearance of the shop front is considered acceptable in the context of the property itself and the street scene.

Note 1: A vote was taken and of the eleven members present planning permission was granted on a vote of 8 to 1 with 2 abstentions. A recorded vote was taken.

Note 2: Councillor Hawtree proposed that planning permission be granted. It was seconded by Councillor Wells. Councillors Carden, Cobb, Farrow, Hamilton, Hawtree, Summers, C Theobald and Wells voted that planning permission be granted. Councillor Kennedy voted that planning permission be refused. Councillors MacCafferty (Chair) and Hyde abstained. Councillor Davey was not present when the vote was taken.

Reasons for Granting:

Subject to the conditions attached the appearance of the shop front is considered acceptable in the context of the property itself and the street scene.

Conditions:

1. The development hereby permitted shall be carried out in accordance with drawing nos. 1003-100P1, 101P1, 102P1, 103P1 received on the 30th September 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Notwithstanding the details hereby permitted, the shopfront shall be repainted within 3 months from the date of this permission in a colour agreed in writing by the Local Planning Authority and thereafter permanently retained as such.

Reason: To safeguard the appearance of the property and to comply with policy QD10 of the Brighton & Hove Local Plan.

Informative:

The applicant is advised that the Planning Committee considers the colour of the shopfront should be more subdued and muted than the existing bright yellow. The applicant should write to the Head of Development Control with a suggested alternative colour to comply with Condition 2.

K. Application BH2011/01611, Block B, London Road, Brighton – Erection of additional storey to form 2 three bedroom flats each with roof garden and associated cycle store.

- (1) The Area Planning Manager (East) gave a presentation detailing the scheme by reference to plans and photographs. It was noted that although letters had been received from the freehold company stating that the applicant had no permission to attach another storey to the building and from the applicant's solicitor also in respect of that matter, these were not planning matters and any planning consent did not override the rights of the current landowners.
- (2) It was considered the proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of nearby residential occupiers and subject to planning conditions would provide an acceptable level of sustainability, transport measures, lifetime homes and refuse and re-cycling facilities. There would be no adverse impact on the protected pipistrelle bat roost and the development would be in accordance with the policies of the adopted local plan. Approval was therefore recommended.

Public Speakers

- (3) Councillor G Theobald was unable to attend the meeting due to another commitment, however, the Chair had agreed to read out a letter prepared by Councillor Theobald which was read out in his absence. The letter re-iterated his objections to the scheme and those of his ward colleague, Councillor Pidgeon. It stated that they remained of the view that the proposal was inappropriate and should be refused. The blocks had been built with a uniform appearance of 4 storeys. If the additional floor was added this block would be higher than its neighbours and would be detrimental to the neighbouring street scene and the Priory itself. There was only one narrow vehicular access, with restricted right turning, any additional building would exacerbate the existing access/egress arrangements.

Questions, Debate and Decision Making

- (4) Councillor Mrs Theobald stated that she considered the proposals to be completely inappropriate, those occupying the top flats had bought them never dreaming that an additional storey would be built above their homes. She also referred to the on-site parking arrangements which would be placed under additional pressure in consequence of additional units being placed on site.
- (5) Councillor Cobb concurred with Councillor Mrs Theobald's views stating that she did not understand why additional weight needed to be given to the earlier decision of the Planning Inspector. The Area Planning Manager (East) stated that in this instance the earlier appeal decision was relevant as it related to very similar scheme. The Legal Adviser to the Committee concurred in that view.
- (6) A vote was taken and of the 8 members present when the vote was taken planning permission was granted on the Chair's casting vote. There being a vote of two for, two against and 4 abstentions.

99.10 **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 to grant planning permission subject to the conditions and informatives set out in the report.

L. Application BH2011/02874, Flat 1, 100 St George's Road, Brighton – Erection of first floor extension over existing flat roof.

(1) The Area Planning Manager (East), Ms Burnett detailed the plan by reference to plans and photographs in relation to the site. It was considered that the proposal would form a bulky, excessively tall and intrusive element in the St George's Road Street scene and would detract from the historic character and appearance of the East Cliff conservation area and the setting of the nearby listed buildings, Refusal was therefore recommended.

(2) Councillor Cobb sought clarification of the fenestration and roof detailing.

(3) A vote was taken and of the eight members present when the vote was taken the application was refused on a vote of 7 with 1 abstention.

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

1. The proposed extension, due to its height, bulk, massing, fenestration and prominent location would form an intrusive and incongruous feature that would significantly harm the existing property and the street scene as well as detract from the surrounding conservation area and the setting of the adjoining listed buildings. The development is therefore contrary to policies QD1, QD2, QD14, HE3 and HE6 of the Brighton & Hove Local Plan.
2. Insufficient information has been submitted with the application regarding the structural stability of the ground floor unit. The applicant has therefore not demonstrated that the additional storey can be built without adverse impact to the shop below. The development is therefore contrary to policies QD1, QD2, QD14 & HE6 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 01 and un-numbered site plan received on 23 September 2011.

M. Application BH2011/02480, Badgers Walk, Ovingdean Road, Brighton – Erection of detached single storey building containing swimming pool.

(1) The Area Planning Manager (East) detailed the scheme by reference to plans showing the layout and photographs which showed the proposed scheme within a wider local context. It was considered that the proposed development would not have a detrimental impact upon the visual amenities of the parent property, the Ovingdean Road street scene or the wider area including the setting of the adjacent Site of Nature Conservation importance or the South Downs National Park, approval was therefore recommended.

Questions, Debate and Decision Making

- (1) Councillor Hawtree enquired regarding the differences between a previously refused scheme and this one. He expressed concern regarding the extent of the proposed building work but it was explained that the building would be set down into the site, the proposed building would be surrounded by substantial grounds.
 - (2) Councillor Hyde enquired regarding the height and dimensions of the building and stated that she was supportive of the scheme provided conditions were put into place to ensure that for the life of the building it continued to be used as a swimming pool.
 - (3) A vote was taken and the eight members of the Committee who were present voted unanimously that planning permission be granted, together with an additional condition that development must remain as ancillary to main building.
- 99.13 **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 to grant planning permission subject to the conditions and informatives set out in the report.

Conditions:

The detached single storey building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Badgers Walk.

Reason: To ensure that the building remains ancillary to the residential use of the existing dwelling to safeguard the residential amenities of the locality and to comply with policies QD3 and QD27 of the Brighton & Hove Local Plan.

N. Application BH2011/01029, Coombe Farm, Westfield Avenue North, Saltdean, Brighton – Change of use of agricultural building to a caravan storage place (B8).

- (1) The Area Planning Manager (East) detailed the scheme by reference to plans and photographs. It was understood that the previous agricultural use had ceased some months previously. Subject to compliance with the attached conditions it was considered that the proposal would not have an adverse impact on the visual amenities of the area, including the settling of the adjacent South Downs National Park or the Site of Nature Conservation Importance located within the vicinity of the site. Neither was it considered that the amenities of the neighbouring residential properties would be significantly affected by the proposal, approval was therefore recommended.

Questions, Debate and Decision Making

- (2) Councillor Hyde confirmed she was aware that the previous use had ceased some time previously. In answer to further questions it was explained by the officer that no caravans would be stored other than in the barn area.
- (3) In answer to questions by Councillor Carden it was confirmed that no more than 40 caravans would be permitted to be stored on the site at any one time and that a condition to that effect would form part of any permission granted.

- (4) Councillor Hawtree sought confirmation regarding how the site would operate e.g., that caravans would over winter there prior to being taken to other locations during the Spring/Summer months. He considered that a more congenial and less visually obtrusive use should be found for this former agricultural land, he felt unable to support the application.
- (5) A vote was taken at which time eight members were present. Planning permission was granted on a vote of 7 to 1.
- 99.14 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and the policies and guidance in Section 7 of the report and resolves to grant planning permission subject to the conditions and informatives also set out in the report.

Note: Councillor Hawtree voted that the application be refused.

- O Application BH2011/02555, The Level, Ditchling Road, Brighton** – Erection of single storey building comprising of café, public toilets and gardeners mess room with associated landscaping.
- (1) The Area Planning Manager (East), Ms Burnett gave a detailed presentation in respect of the proposals by reference to details plans, drawings and photographs. It was noted that demolition of the existing building had been approved under application BH2010/01878 and therefore removal of the building and the impact on roosting bats did not fall within the remit of the current application. However, it had been confirmed that the provision of bat and bird boxes would form part of the overall activity plan for the park
- (2) It was considered that subject to compliance with the proposed conditions it was considered that the new building, which would provide a new cafe and gardeners/attendance facilities for the park, would not have a detrimental impact upon the visual amenities of the comprehensive park, nor on the Ditchling Road, Union Road and Lewes Road street scenes or the wider area including the surrounding Valley Gardens Conservation Area and the listed buildings located within the locality of The Level. In addition the proposal would enhance the biodiversity of the site whilst providing new improved facilities, approval was therefore recommended.

Public Speakers

- (3) Mr Morris spoke on behalf local objectors and local amenity groups. He was of the view that the proposals ran counter to the principles of Heritage Lottery Funding in that rather than preserving and enhancing the character of the open space were at variance with it and would present a large and discordant building in the wrong location away from the family areas sited at the other end of the park. The design and site orientation were inappropriate and out of keeping and the building itself would be far too large.
- (4) Mr Jonker spoke on behalf of the applicants in support of their application. He explained that the proposed scheme would form part of the overall improvements to The Level intended to refurbish update it, and make it a more welcoming family space

whilst preserving its character. The scheme had been devised following a consultation process and would better meet the needs of park users in an area of high footfall where there would be natural surveillance, it had received widespread support.

Questions, Debate and Decision and Making

- (5) Councillor Hawtree referred to the security shutters proposed seeking details regarding the materials to be used, their appearance etc. The Area Planning Manager explained that the precise details of this element of the scheme would be subject the subject of further discussion and the materials/finishes to be used would need to be submitted to and approved by the Planning Authority.
- (6) In answer to further questions it was explained that the architects engaged were experienced in designing cafés located in historic parks.
- (7) Councillor Summers expressed concern that the view had been expressed that the scheme was contrary to heritage lottery funding criteria. However, the Chair, Councillor MacCafferty, stated that was not a planning consideration.
- (8) Councillor Hyde sought further information in respect of the rubber roof proposed and its proposed dimensions. In her view this was not a material which weathered well, it was not durable and tended to fade in direct sunlight.
- (9) Councillor Mrs Theobald asked regarding the location of the CCTV equipment proposed and regarding the number of Birch trees to be lost. It was explained that these were to be replaced and that there had been correspondence with those who had donated trees.
- (10) Councillors Cobb and Hyde expressed concern as it appeared that a large number of rose trees would be lost, the “Rose Walk” was a significant feature within The Level and they did not consider it was appropriate for it to be compromised. Councillor Kennedy requested to view plans showing the context and extent of the “Rose Walk” and the amount which was to be lost.
- (11) In answer to further questions by Councillor Farrow regarding the views of the Conservation Team, the Deputy Development Control Manager explained that these were as set out in the report and that he had no knowledge of an internal e mail expressing a contrary view as referred to by the objector. The Conservation Advisory Group had also expressed support for the scheme.
- (12) Councillor Wells stated that he did not support the proposals as he did not consider them appropriate or in keeping with the park and considered that the café would be a “white elephant” particularly as it situated away from the children’s play area.
- (13) Councillor Davey stated that this open space was in his ward and that he supported the proposals which he considered would effect much needed improvements. Although much loved, the current lack of facilities and anti-social behaviour deterred many people from using the park, these improvements would make a positive contribution.

- (14) Whilst generally welcoming the proposals, Councillor Hyde stated that she did not agree that it was necessary to compromise the Rose Walk in order to make those improvements and for that reason she was unable to support it. Councillor Mrs Theobald stated that she was torn as whilst welcoming the scheme overall, including the improved toilet facilities, she was concerned that a large number of mature rose bushes would be lost.
- (15) Councillor Hawtree stated that he had concerns regarding the appearance of the proposed shutters when they were down and the impact they could have on the appearance of the host building.
- (16) A vote was taken and on a vote of 4 to 3 with 4 abstentions planning permission was granted in the terms set out below.

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

100. 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

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

Application:	Requested by:
BH2011/02417/ Former Co-Op Building, 94 - 103 London Road, Brighton	Deputy Development Control Manager

BH2011/02824 Portslade Aldridge Community Academy (PACA), Chalky Road, Portslade was also requested by the Deputy Development Control Manager

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

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 7.45pm

Signed

Chair

Dated this

day of

APPEAL DECISIONS

Page

A. CENTRAL HOVE

Applications BH2009/03120 (A) and BH2009/03105, Medina House, King's Esplanade, Hove – Appeal against (a) refusal to grant listed building consent for demolition of the building at the site and (B) refusal to grant planning permission to build a new 9 storey development including 9 residential units, ground and first floor restaurant and basement parking. **BOTH APPEALS DISMISSED** (delegated decision)

B. CENTRAL HOVE

Application BH2011/01793, 38 Walsingham Road, Hove – Appeal against refusal to grant planning permission to construct a hip to gable alteration, a rear dormer extension and the insertion of rooflights to the front. **APPEAL DISMISSED** (delegated decision)

C. HOVE PARK

Application BH2010/03875, 19 Shirley Drive, Hove – Appeal against refusal to grant planning permission for subdivision of the site and construction of a detached dwelling. **APPEAL DISMISSED** (delegated decision)

D. WESTBOURNE

Application BH2010/03221, 166 Portland Road, Hove – Appeal against refusal to grant planning permission for erection of a two storey 2 bedroom semi-detached house. **APPEAL DISMISSED** (delegated decision)

E. HOLLINGDEAN & STANMER

Application BH2011/00517, 66 Wolseley Road, Brighton – Appeal against refusal to grant planning permission for demolition of existing garage and erection of two storey dwelling. **APPEAL DISMISSED** (delegated decision)



Appeal Decisions

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: 8 November 2011

Appeal A: APP/Q1445/E/11/2154457

Medina House, King's Esplanade, Hove, East Sussex BN3 2WA

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Mr Sirius Taghan, Globe Homes against the decision of Brighton & Hove City Council.
- The application Ref BH2009/03120, dated 17 December 2009, was refused by notice dated 29 December 2010.
- The demolition proposed is that of the existing building at the site.

Appeal B: APP/Q1445/A/11/2154459

Medina House, King's Esplanade, Hove, East Sussex BN3 2WA

- 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 Sirius Taghan, Globe Homes against the decision of Brighton & Hove City Council.
 - The application Ref BH2009/03105, dated 17 December 2009, was refused by notice dated 29 December 2010.
 - The development proposed is a new build 9-storey development including 9 residential units, ground and first floor restaurant and basement parking.
-

Decisions

1. **APPEAL A: The appeal is dismissed.**
2. **APPEAL B: The appeal is dismissed.**

Main Issues

3. The appeals relate to the proposed erection of a 9-storey building on the site of the existing Medina House, a locally listed Victorian building that is the surviving part of the former Hove (Medina) Baths. It is within the Cliftonville Conservation Area.
4. The main issue in both appeals A and B is whether the proposed development would preserve or enhance the character or appearance of the Cliftonville Conservation Area. In considering that issue, it is necessary to assess the contribution which the existing building makes to the character or appearance of the area, and the contribution that would be made by the proposed replacement building.

5. Further issues in Appeal B are the impact of the proposed development on the living conditions of the occupiers of the neighbouring properties, with particular reference to visual impact and sense of enclosure; and whether it has been adequately demonstrated that the site is unsuitable for modern employment needs.

Reasons

Impact on the Conservation Area (Appeals A & B)

6. The appeal site is at the corner of Sussex Road and King's Esplanade, in the far south-west corner of the Cliftonville Conservation Area. It forms the seafront end of an enclave of small cottages (Sussex Road and Victoria Cottages) lying behind Victoria Terrace, which fronts the south side of the main east-west Kingsway coastal road (A259). The majority of the conservation area consists of the residential streets to the north of Kingsway and the Conservation Area Character Statement makes no specific mention of the character of the somewhat different townscape in the vicinity of the appeal site. Nevertheless, in the context of the wider conservation area, the development to the south of Kingsway, in particular Courtney Terrace and Victoria Terrace, forms a terminal feature in views towards the sea and Sussex Road and Medina Terrace provide a physical link with King's Esplanade on the seafront.
7. The Victorian character of King's Esplanade has been eroded in more recent years by the erection of the large blocks of flats at Bath Court, Benham Court and Spa Court. This has left Medina House and its 3-storey neighbour "Marocco's" flanked by tall modern blocks that contribute little to the character or appearance of the conservation area. The appellant sees this as giving the appeal site an incongruous appearance and as an opportunity to provide a tall building that would provide a central accent to the architectural composition of the north side of King's Esplanade. That is a valid approach to take, particularly with respect to long distance views of the built frontage. However, it could equally validly be argued that the existing gap serves to frame and emphasise the appeal site and to provide a setting for the existing building. The latter approach will carry greater weight if the existing building contributes positively to the conservation area and is worthy of retention in its own right.

The contribution of the existing building

8. Medina House has not been lawfully occupied for about 18 years, having last been used by a diamond merchant. Its state of repair reflects that period of vacancy and also that there has been some intervening residential use by squatters. Nevertheless, the building appears to be generally wind and watertight. A former attached swimming pool to the east has been demolished, leaving that part of the appeal site vacant and untidy.
9. Local Plan Policy HE10 seeks to ensure the retention, maintenance and continued use of locally listed buildings, whether within or outside conservation areas. Policy HE8 deals specifically with proposals for the demolition of buildings, structures and features within conservation areas. These should be retained if they make a positive contribution to the character or appearance of the area and demolition will only be permitted if certain criteria apply. These include the submission of supporting evidence which demonstrates that the building is beyond economic repair; that viable alternative uses cannot be

found; and that the proposed redevelopment would preserve the area's character and would produce substantial benefits that would outweigh the building's loss.

10. The Council's list of buildings of local interest describes Medina House as "strange and whimsical....with a heavily decorated Dutch gable.....Possesses some charm and character as well as historical significance." The building reflects the smaller scale of the enclave of cottages to the north whilst providing an appropriate and more imposing elevation to the seafront. Its quirky appearance is of visual interest and the site has historical significance in the Victorian development of Hove as a seaside resort. The view of the South East Regional Design Panel that the building's architectural and historic interest is "limited" does not imply that its contribution to the conservation area is a negative one. There is also no evidence that the Panel's "understanding" that its structural condition is "very poor" is based on any independent survey or inspection of the building.
11. For the above reasons and notwithstanding their present condition, Medina House and the remains of the adjoining swimming bath continue to make a positive contribution to the character of Kings Esplanade and the conservation area, even if, overall, the current state of the site makes a lesser contribution to its appearance. The 3 criteria of Policy HE8 must therefore be satisfied before demolition of the building is permissible.
12. As to the first of these criteria, the appellant's statement that the building is "well beyond economic repair" is not backed up by any detailed evidence of its structural condition nor any proper detailed estimates of repair costs. A brief visual inspection of the condition of the interior and exterior of the building at the site visit did not reveal anything out of the ordinary. Indeed, its condition appeared better than might be expected, having regard to the age of the building, its evident lack of maintenance and its exposure to the prevailing south-west winds. Information submitted with the planning application relates only to the costs of refurbishment of the building for office and/or industrial use and is estimated on a simple floorspace basis using figures from a building price book. Significantly more detailed information on the structural condition of the building and the costs of its repair would be needed before the relevant requirement of Policy HE8 could be complied with.
13. The question of viable alternative uses for the building (the second criterion of Policy H8) is considered as part of the third issue below.

The contribution made by the proposed development

14. The Council has published supplementary planning guidance (SPG) on Tall Buildings (SPGBH Note 15). This defines tall buildings as those over 18m or approximately 6 storeys. The appeal proposal, at 9 storeys and some 28m, constitutes a tall building and is covered by the guidance. The SPG identifies a number of corridors and areas suitable for tall buildings, including the Western Seafront/Kingsway. Whilst the appellant considers that the appeal site falls within this corridor, the Council points out that no precise boundary for the corridor has been defined. Kingsway forms a significant length of the main A259 road and the SPG refers to that stretch overlooking the Western Lawns and to the need for the creation of an appropriate height, form and scale on its north side. It mentions the opportunities for a different, taller, 'landmark' form to create a prominent and distinctive 'endstop' to Hove's Western Lawns. The

appeal proposal would not meet any of those objectives. Moreover, the SPG advises that the adjacent conservation areas and the scale and form of surrounding residential areas will make the development of tall buildings “challenging”.

15. That advice is particularly relevant at the appeal site because of the small and intimate scale of the adjoining residential development immediately to the north. The existing tall seafront blocks of flats at Bath Court and Benham Court do not have the same close relationship with the development to the north, being separated by open car parking areas and, in the case of Bath Court, by a 3-storey wing of smaller scale. Even so, the main block of Bath Court has a dominant impact in the street scene at the south end of Sussex Road that is relieved only to some extent by the openness above the appeal site.
16. The proposed building would be in the form of a 2-storey flat-roofed plinth with a further 7-storey tower at its south-west corner. The plinth would separate the tower from the cottages on the east side of Sussex Road and the site is set back behind parking bays at the south end of the road. Even so, that 2-storey section would be insufficient to create any meaningful buffer between the small dwellings in Sussex Road and Victoria Cottages and the 9-storey building proposed. There would be an abrupt change in height and the proposed building would loom above the cottages in these narrow streets and appear as a particularly intrusive and overbearing element in views towards the seafront. Much of the openness above the appeal site would be lost and a marked sense of enclosure would be created, particularly at the south end of Sussex Road, adding to the harm already caused by the tall block of Bath Court.
17. The height of the proposed building would also have an impact on views from further north within the conservation area. From the roads north of Kingsway, such as Osborne Villas, the buildings in the views to the south appear of a consistent scale, reflecting the surrounding residential development. The proposed building would be seen projecting above the frontage development on the south side of Kingsway and would be a disruptive element in the townscape. Although the tops of the existing blocks can be seen from Kingsway and some of the streets to the north, they are already disruptive to the townscape. They are not a justification for allowing further harm of that nature.
18. In the context of Kings Esplanade, there may be a justification in urban design terms for seeking to complete and unify the frontage development by the provision of a taller central feature. The impact of this would, however, mainly be evident from the beach and the views in Kings Esplanade would be angled ones. The height and general form of the proposed building would not appear inappropriate in that context. However, the detailing and design of the elevations, including large expanses of glazing, would create a building of larger apparent scale than its neighbours. This may, intentionally, draw attention to the building as a focal point, but would be at odds with the design of the existing blocks of flats as well as the smaller buildings to the north.
19. Overall, therefore, the proposed development would be an incongruous addition to the townscape at the southern edge of the Cliftonville Conservation Area and would not represent design of the standard required by Local Plan Policies QD1, QD2 and QD4. It would conflict with Policy HE6 and would fail to preserve or enhance the character or appearance of the conservation area.

Whilst the proposal would make efficient and effective use of this partly derelict urban site to provide additional housing and a seafront restaurant there would, on balance, be insufficient benefit to outweigh the harm that would be caused by the loss of the existing Medina House building. Accordingly, the third criterion of Policy HE8 would not be complied with.

Impact on neighbouring properties (Appeal B)

20. Moving to the second issue, the overbearing impact and sense of enclosure that would be created by the proposed building in views south along Sussex Road would be repeated in the small rear garden or yard areas of the cottages to the north in Sussex Road and Victoria Cottages. The height of the building and the lack of any significant buffer of open space between it and the adjoining terraced cottages would result in a substantial reduction in the value of the gardens as an external amenity space for the occupiers of the dwellings.
21. North facing windows on the proposed tower would have the potential to overlook the rear of the cottages, causing significant loss of privacy. The resulting harm could, as the Council suggests, be lessened if the windows (serving secondary bedrooms, en-suite bathrooms, studies and the communal staircase) were to be obscure glazed and this could be ensured by condition if the appeal were to be allowed. However, obscure glazing is not conducive to a pleasant environment in bedrooms, and the potential for downward views from the top floor balcony would also need to be addressed. Notwithstanding any obscure glazing, the size and number of windows overlooking the rear of the cottages would be likely to create a strong perception of overlooking that would be disturbing to their occupiers. Windows on the east and west elevations of the proposed building would face some existing windows at Bath Court and Benham Court, but the resulting standards of mutual privacy would not be unusual for an urban location.
22. As to loss of light to adjoining properties, both the appellant and the residents of Bath Court and Benham Court have commissioned daylight and sunlight reports using the methodology in the BRE Guide *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*. Both reports indicate that the proposed development would result in a noticeable loss of daylight to a significant number of surrounding windows. The Schroeders Begg report indicates that the most affected windows would be at Bath Court during the morning and that there would be overshadowing of the rear of Sussex Road, Victoria Cottages and the west elevation of Benham Court later in the day. The appellant's report (by Gould & Co) concludes that, if it is appropriate for the appeal site to be developed at a relatively high density, the proposal would have a less harmful impact than a lower rise building of greater built depth and that it would be an acceptable compromise having regard to the advice in the BRE Guide.
23. Bearing in mind the conclusions on the first issue above, it has not been established that a high density of development at the appeal site would be appropriate, nor that any benefits of the appeal scheme would be sufficient to justify the extent of loss of light revealed by the survey reports. The loss of light that would result to neighbouring properties, the actual and perceived overlooking and loss of privacy to those properties, and the overbearing impact and increased sense of enclosure that would be created for the dwellings to the

north would cause a material loss of amenity that would conflict with Local Plan Policy QD27. That loss of amenity would be significant and harmful to the living conditions of the occupiers of those neighbouring properties.

Suitability of the site for employment use (Appeal B)

24. As to the third issue, Local Plan Policy EM3 says that land in industrial (B1, B2 & B8) use will not be released for other purposes unless the site has been assessed and is unsuitable for modern employment needs. A similar policy (EM5) applies to sites and premises in office use. Part of this assessment is evidence of marketing to attract different types of employment uses. No marketing has taken place in the case of the appeal site and Medina House.
25. The Council says that the building provides about 300 square metres of B1 floorspace, although it is clear that this could not be brought back into use without significant investment in refurbishing the accommodation to make it suitable for modern needs. Policy EM3 refers to a number of other criteria to be considered before sites can be released, including the location of the site, its accessibility and proximity to trunk routes, and other uses in the neighbourhood. The seafront location of the appeal site, its remoteness from trunk routes and the narrowness of the roads serving it are factors weighing against its continued industrial or commercial use, as is its location in a primarily residential area.
26. The Council has not suggested that there is any particular need for industrial or office floorspace in the vicinity of the appeal site, although a general need to retain office sites in the City is noted. Even though no marketing has been carried out there appears, on balance, to be no good reason for seeking to retain an industrial or office use at the site at the expense of a suitable alternative residential or seafront-related development (such as the restaurant proposed in the appeal scheme) that would be more in keeping with the surroundings. For the reasons given above, the appeal proposal would not constitute a suitable development. However, the physical constraints considered above are a good indication that the site is unsuitable for modern employment needs and there would, in the circumstances, be little value in requiring a marketing exercise as a further demonstration. Accordingly, there would be no conflict with the aim of policy to retain the best sites for industry.

Overall conclusion

27. Notwithstanding the lack of conflict with employment policy, the need to seek viable alternative uses is only one aspect in consideration of the demolition of the existing building. The other 2 criteria of Policy HE8 are not complied with, for the reasons given above. Both the demolition of the existing building and the proposed redevelopment would cause significant harm to the townscape and to the historic interest of the locality and would fail to preserve or enhance the character or appearance of the Cliftonville Conservation Area. The harm that the proposed development would cause to the living conditions of the occupiers of neighbouring residential properties adds further weight to the conclusion that the appeal proposals are unacceptable.

28. In reaching that decision, regard has been had to all other matters raised in the written representations, including the status of the site as previously-developed land and the views of English Heritage. Account has been taken of the views expressed by local residents and also of the policy and advice in Planning Policy Statement 5 *Planning for the Historic Environment* and its companion Practice Guide. None of these matters is sufficient to alter the considerations which have led to the above conclusion. Both appeals are, therefore, unsuccessful.

John Head

INSPECTOR



Appeal Decision

Site visit made on 1 November 2011

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 8 November 2011

Appeal Ref: APP/Q1445/D/11/2160901
38 Walsingham Road, Hove BN3 4FF

- 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 Dr James Read against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/01793, dated 21 June 2011, was refused by notice dated 15 September 2011.
 - The development proposed is the construction of a hip to gable alteration, a rear dormer extension and the insertion of rooflights to the front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal can most appropriately be described as given in the header above and it is on the basis of this description that the appeal will be considered. The gable end has been constructed but the dormer addition has not been completed and is covered in a tarpaulin and not all the rooflights have been inserted. The appeal must, nevertheless, be considered on its own merits.

Main Issue

3. The main issue in the consideration of this appeal is the effect on the character and appearance of the host dwelling, the Sackville Gardens Conservation Area, within which the site is located, and the streetscene.

Reasons

4. Despite the variety of designs within the Conservation Area there are important groups of dwellings that have a particularly unified character. Moreover, the appeal concerns one of a number of adjacent properties, which are mainly semi-detached and of a similar design. These all have hipped roofs, as did that at the appeal site prior to the works starting. They are also characterised by features such as two storey bays and yellow bricks. Consequently, the group has a significant degree of uniformity and regularity, contributing positively to both the streetscene and Conservation Area.
-

5. Furthermore, the dwellings are specifically identified in the Council's *Sackville Gardens Conservation Area Character Statement* as a group. This implicitly acknowledges their importance and consistency, despite the absence of any specific mention of the symmetrical hipped roof form of the overall buildings. The Appellant points out that there are gable ended properties next to others with hipped roofs in the street. However, these are not located within the group of dwellings which include that at the appeal site so that they do not detract from its integrity.
6. The constructed gable end abruptly and unacceptably contrasts with the hips of adjacent properties, as well as severely unbalancing the appearance of the pair of dwellings. This incongruous juxtaposition is readily seen from the street. Moreover, the presence and uncharacteristic additional bulk of the rear dormer extension at the side of the dwelling is also apparent from the road, due to its proximity to the gable end, further exacerbating the undue contrast with neighbouring buildings. The proposal has also resulted in the originally imposing chimney stacks being appreciably reduced in their height and appearing unduly stunted by comparison with others in the vicinity.
7. Because of their number, the rooflights would appear unacceptably cluttered and dominant in the enlarged front roof slope. The rear dormer extension due to the particularly limited gaps to the sides, ridge and eaves would be an overly assertive and box-like addition, appearing somewhat awkward as it partly emerges from the roof of the two storey rear projection. This would be the case despite the windows reflecting the vertical emphasis of those below. It would also be visible from a number of properties to the west and form part of the built fabric of the Conservation Area regardless of the absence of public viewpoints. In consequence, the proposal is unduly detrimental to the architectural integrity of the host dwelling and group and unacceptably diminishes the positive contribution they make to the Conservation Area and streetscene.
8. The Appellant has referred to development permitted elsewhere. However, the additions in Carlisle Road are outside the Conservation Area and the property at 24 Queens Park Rise is in a different Area. In addition, the front dormer addition at 43 Walsingham Road is on the opposite side of the road and not, therefore, within the same group as no. 38. Furthermore, the rear dormer in Walsingham Road, shown in the photograph on page 7 of the Appellant's Planning Support Statement, is noticeably narrower than that the subject of this appeal. Planning permissions at nos. 42 and 44 are also referred to but the full details and background have not been provided so that no meaningful comparison can be made with the current proposal. These other cases therefore lend no significant support to the appeal, which must, in any event, be considered on its own merits.
9. Due to the above factors, it is concluded that the proposal harms the streetscene and the character and appearance of the host dwelling, while failing to preserve that of the Conservation Area. The latter is contrary to the main aim of Brighton and Hove Local Plan 2005 Policy HE6. The proposal is also in conflict with Policy QD14, which among other things, intends that extensions should be well designed in relation to the property to be extended and the surrounding area.

10. It is made clear in the Council's Supplementary Planning Guidance (SPG) *SPGBH note 1, Roof Alterations & Extensions* that hip to gable alterations on semi-detached dwellings will be unacceptable because of the resultant imbalance, as in this case, and dormer additions should be kept as small as possible. In Conservation Areas rooflights should be kept to as few as possible and not dominate the roof. The proposal therefore conflicts with the SPG and because of the substantial adverse effects described above there are no sound reasons for not applying the guidelines in this instance.
11. The distance from the rear of properties in Carlisle Road means that there would be no unacceptable overlooking. Nevertheless, given the unacceptably detrimental impact and taking account of all other matters raised, it is determined that the appeal fails. In reaching this decision the views of local residents have been taken into account.

M Evans

INSPECTOR



Appeal Decision

Site visit made on 25 October 2011

by Jessica Graham BA(Hons) PgDipl

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

Decision date: 15 November 2011

Appeal Ref: APP/Q1445/A/11/2154701

19 Shirley Drive, Hove, East Sussex BN3 6NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs P Sherman against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/03875, dated 15 December 2010, was refused by notice dated 21 February 2011.
 - The development proposed is subdivision of the site and construction of a detached dwelling.
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Procedural matter

1. The application was submitted in outline, with details of access, layout and scale provided, but details of appearance and landscaping reserved for future consideration. My determination of the appeal has proceeded on that basis.

Decision

2. The appeal is dismissed.

Main issues

3. I consider the main issues to be the effect that the proposed development would have upon
 - (a) the character and appearance of the area; and
 - (b) living conditions at neighbouring properties, with particular regard to its impact upon privacy, and any increase in noise and disturbance.

Reasons

4. The proposed development would involve the subdivision of the grounds of No. 19, and the construction of a new house on land that currently forms part of the rear garden of the existing dwelling. The proposed house would be served by a new 2.5m wide access drive passing between the dwellings at Nos. 17 and 19.
5. The new house would be set down into the plot by some 2.5m, such that any public views of it through gaps between the existing dwellings would be very limited. However, the new entrance and access created to serve it would be apparent from Shirley Drive, and would clearly indicate its presence to the rear of the house at No. 19. The appellant contends that backland housing already forms part of the character of this section of Shirley Drive, since the Council

permitted this form of development nearby at Nos. 25 and 27. I saw at my site visit that notwithstanding those nearby developments, most of the properties on this part of Shirley Drive still have sizeable plots, with the dwellings generally set well back from the tree-lined road, opposite the Hove recreation ground. As a result, the area retains a pleasantly open and spacious character.

6. The proposed subdivision of the grounds of No. 19 would result in two plots that would be very much smaller than the majority of the neighbouring properties. This would be at odds with the prevailing pattern of development in the area, and in my judgment would have a significant and harmful impact upon its current spacious character. I note that the proposed ratio of built footprint to plot size at No. 19 would not be dissimilar to that which now subsists at Nos. 25 and 27, but nevertheless the plots themselves would be considerably smaller. I am not party to the balance of considerations that led to planning permission being granted for the additional dwellings at Nos. 25 and 27, but in my view the existence of backland housing on these two sites does not constitute any justification for permitting what I consider would be a harmful form of development at No. 19.
7. I conclude that the proposed development would conflict with the objectives of policies QD1, QD2 and QD3 of the Brighton and Hove Local Plan 2005, which seek to ensure that new development makes a positive contribution to the quality of the environment, taking account of local characteristics and incorporating an intensity of development appropriate to the locality.
8. National planning guidance set out at paragraph 71 of Planning Policy Statement (PPS) 3: *Housing* states that where local planning authorities cannot demonstrate an up-to-date five year supply of deliverable housing sites, planning applications for housing should be considered favourably. The Council is not currently able to demonstrate a 5 year supply, and so the favourable presumption in paragraph 71 of PPS 3 applies to this proposal. However, the advice in PPS 3 makes it clear that new development must still be in keeping with the spatial vision for the area, and must not undermine wider policy objectives. I consider that the visual harm that would be caused by the proposed development, and the ensuing conflict with adopted policies of the Local Plan, are at odds with the overall aims of PPS 3 and so outweigh any favourable presumption.
9. The proposed house would be set down into the plot such that only the upper storey would be above the existing ground level. It would also be set back from the south and east boundaries by 2m, and from the north boundary by 1.5m. Dense, mature boundary planting already provides a large amount of screening to and from neighbouring properties. There is scope for this to be enhanced by additional planting, and the future retention of an appropriate landscaping scheme could be secured by condition. The new house would be set a considerable distance from the facing windows of any existing dwellings, and while the disposition of its windows is a design detail that has been reserved for future consideration, I see no reason why this could not be achieved in a manner that would prevent any undue overlooking of the neighbouring houses and gardens, including the Rigden Road properties to the rear.
10. The proposed access arrangements would involve the movement of vehicles along the new drive between Nos. 17 and 19 Shirley Drive, and this would lead

to a small increase in the noise levels experienced at those properties. However, vehicular movements to and from the proposed new dwelling are unlikely to be vast in number, and given the short length of the drive, unlikely to be undertaken at speed. In the context of the existing noise levels of traffic using Shirley Drive, I do not consider the increase in noise or disturbance likely to arise from the proposed development would be so great as to cause any significant harm to living conditions at Nos. 17 and 19.

11. I therefore find that the proposal would accord with Policy QD27 of the Local Plan, which requires that new development should not cause any material loss of amenity to existing residents.
12. The Council's third reason for refusal centred upon its concern that construction of the proposed new access could have such an adverse effect upon the stability of an existing street tree as to be detrimental to public safety. The appellant subsequently provided an Arboricultural Method Statement, compiled by a professional arboriculturist, which advised that if the new crossover was formed by hand excavation and utilised a porous cellular confinement system, it would not adversely affect the stability or longevity of the mature elm in question. This new evidence is not disputed by the Council. Had I found the development acceptable in all other respects, then, it would have been possible to attach a condition requiring the development to be carried out in accordance with the provisions of the Arboricultural Method Statement. On that basis, I am satisfied that there would be no conflict with Policies TR7 and TR8 of the Local Plan, which seek to ensure that new development does not increase the risk of danger to users of the public highway.
13. In summary, I conclude that while the proposed development would not have any significant adverse impact upon the living conditions of neighbouring residents or the stability of the elm tree that grows in the verge in front of No. 19, it would cause considerable harm to the character and appearance of the area, and that is in itself sufficient reason to refuse planning permission.
14. I therefore determine that the appeal should be dismissed.

Jessica Graham

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: 15 November 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.
-

This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 17 October 2011.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey 2 bedroom semi-detached house 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 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 25 October 2011

by Jessica Graham BA(Hons) PgDipL

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

Decision date: 10 November 2011

Appeal Ref: APP/Q1445/A/11/2155376

66 Wolseley Road, Coldean, Brighton, East Sussex BN1 9ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Summerfield against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/00517, dated 17 February 2011, was refused by notice dated 28 April 2011.
 - The development proposed is demolition of existing garage and erection of two-storey dwelling.
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Decision

1. The appeal is dismissed.

Main issues

2. I consider the main issues to be
 - (a) the effect that the proposed development would have upon the character and appearance of the area, and
 - (b) whether the proposal would provide adequate outdoor amenity space for future occupiers.

Reasons

3. No. 66 is a two-storey semi-detached house, converted to form two self-contained flats. It lies toward the front of the plot, which slopes steeply down from Wolseley Road to Standean Close, with a garage in the rear garden set at a much lower level than the house. The proposed development would involve subdividing the plot, and replacing the garage with a two-storey dwelling, accessed from Standean Close. The new house would be set into the slope, such that its roof ridge height would be no higher than that of the dwelling at No. 5 Standean Close.
4. A pedestrian footway runs alongside the western boundary of No. 66, from Wolseley Road down to Standean Close. I saw at my site visit that the lower end of this footway marks a distinct change in the character of the street scene. To the west, there are terraced dwellings disposed in a fairly tight pattern, fronting Standean Close. To the east, the unmade road adjoins the long rear gardens of the larger Wolseley Road properties, set high above, and serves a block of garages.

5. In this context, the proposed subdivision of the grounds of No. 66 would be at odds with the surrounding pattern of development. The existing property would be left with a plot only around half the size of its neighbours on Wolseley Road. The plot size of the new dwelling would not be very much smaller than that of some of the existing Standean Close properties, but the house itself would sit uneasily next to them. Fronting the unmade road, rather than forming part of the carefully disposed grouping around the close, it would appear as something of an afterthought; an overly dominant residential presence inappropriately sited in a backland setting.
6. In my judgment, the subdivision of the rear garden of No. 66 in order to create a new dwelling would result in an incongruous form of development that would have a harmful impact on the character and appearance of the area. It would therefore conflict with the objectives of Policies QD1 and QD2 of the Brighton and Hove Local Plan 2005, which aim to ensure that new buildings make a positive contribution to the visual quality of the environment, enhancing the qualities of the local neighbourhood.
7. The new dwelling would have an area of private outdoor amenity space of some 3.5m by 10.5m. It is fair to note that there are many other properties in and around Brighton and Hove, old and new, with smaller areas of outdoor space. However, Policy HO5 of the Local Plan makes it clear that what is important is that the provision of amenity space is appropriate to the scale and character of the development. In central, built-up parts of the city, for example, it might be appropriate for some dwellings to have no private outdoor space at all. But in this more spacious location, where the adjoining properties of Wolseley Road are well served by long rear gardens, I consider the very limited amount of proposed amenity space would be out of keeping with the scale and character of the intended three-bedroom family house.
8. The Council's third reason for refusal concerned an alleged failure to demonstrate that the proposed internal layout could meet the Lifetime Homes standard. However, the appellant has confirmed that the Lifetime Homes standard informed the design of the dwelling, and that the layout could therefore comply with that standard. On that basis, if the proposed development were acceptable in all other respects, I consider that compliance with the Lifetime Homes standard could be adequately secured by condition.
9. Similarly, the Council's fourth reason for refusal concerned the absence of sufficient information to demonstrate that the development could achieve the "appropriate" level of sustainability, which the Council considers to be Level 5 of the Code for Sustainable Homes. Such a requirement is not contained in any adopted policy of the Development Plan, as advised by government guidance set out in *Planning and Climate Change* (a supplement to Planning Policy Statement 1), but stems instead from the Council's Supplementary Planning Document (SPD) 08: *Sustainable Building Design*.
10. While Policy SU2 of the Local Plan states that permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials, it does not refer to the Code for Sustainable Homes, or set out any other measurable requirements. I consider that in the current absence of an adopted Development Plan Policy specifying the Code Level to be achieved, it would be unreasonable to seek to make compliance with this voluntary Code mandatory through the imposition of conditions, unless the developer has specifically indicated that the proposal would achieve a particular

Level. In this particular case, the appellant has indicated that the proposed development would achieve Level 3 of the Code, which would be sufficient to meet current Building Regulations requirements. On that basis, I consider that if the proposed development were acceptable in all other respects, a condition requiring the new dwelling to achieve Level 3 of the Code for Sustainable Homes would be sufficient to ensure that it would comply with current relevant sustainability standards.

11. The appellant has drawn my attention to examples of other development in the area which, it is claimed, are similar to that currently proposed. However, I am not party to the balance of considerations which informed the decisions to permit this other development. In any event, the existence of similar examples nearby does not constitute justification for permitting what I consider would be a harmful form of development at this particular site.
12. In conclusion, while I have found that the Council's concerns about compliance with the Lifetime Homes standard and the Code for Sustainable Homes could be addressed by the imposition of conditions, I consider that the harm the proposed development would cause to the character and appearance of the area, and the inadequate provision it would make for outdoor amenity space to serve occupiers of the new dwelling, weigh heavily against granting planning permission for the proposed development.
13. I therefore determine that the appeal should be dismissed.

Jessica Graham

INSPECTOR

PLANNING COMMITTEE

Agenda Item 106

Brighton & Hove City Council

NEW APPEALS RECEIVED

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

QUEEN'S PARK

BH2011/02334

24 St James's Street, Brighton

Creation of fourth floor to form two bedroom flat.

APPEAL LODGED

03/11/2011

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

GOLDSMID

BH2011/01082

19 Osmond Gardens, Osmond Road, Hove

Alterations and extension to roof at rear incorporating raised roof level and rooflights to side to provide two additional bedrooms and a bathroom.

APPEAL LODGED

04/11/2011

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

BRUNSWICK AND ADELAIDE

BH2011/01822

39 Salisbury Road, Hove

Application for variation of conditions 9,10 and 12 of application BH2010/01782. Variation of conditions 9 and 10 to allow the insertion of clear glazed doors and clear glazed lower panels of the bedroom windows and the creation of roof terraces, both at third floor level. Variation of condition to 12 to state that the development hereby permitted shall be carried out in accordance with the approved drawing nos. BRX 100 01, BRX 210 0, BRX 211 01 and BRX 212 01 and the drawings previously approved as part of Planning Application No BH2010/01782 except where the details at the third floor level have subsequently been amended and approved as part of Planning Application No. BH2011/01822.

APPEAL LODGED

04/11/2011

Delegated

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****BRUNSWICK AND ADELAIDE**

BH2011/02438

Top Flat 8 Brunswick Road, Hove

Internal alterations to layout of flat.

APPEAL LODGED

07/11/2011

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2011/02227

Land to rear of 71 Lustrells Crescent, Saltdean

Erection of two storey 3 bed house.

APPEAL LODGED

10/11/2011

Delegated

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

BH2011/01904

47 Temple Street, Brighton

Change of Use from a single dwelling (C3) to a language school on the ground floor (D1) with maisonette above (C3).

APPEAL LODGED

10/11/2011

Delegated

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

BH2011/02219

14 Desmond Way, Brighton

Erection of single storey extension to side and rear and loft conversion incorporating front dormer and front, side and rear rooflights.

APPEAL LODGED

11/11/2011

Delegated

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

BH2011/01970

8 Hove Park Way Hove

Erection of first floor side extension with new hipped roof to accommodate extended loft space.

APPEAL LODGED

14/11/2011

Delegated

WARD**APPLICATION NUMBER****ADDRESS****ROTTINGDEAN COASTAL**

BH2011/02122

32 The Cliff, Brighton

DEVELOPMENT DESCRIPTION Installation of new dormer window to front facing roofslope.
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 17/11/2011
APPLICATION DECISION LEVEL Planning Committee

WARD **EAST BRIGHTON**
APPLICATION NUMBER BH2011/02267
ADDRESS 51 Upper Abbey Road, Brighton
DEVELOPMENT DESCRIPTION Formation of roof terrace with balustrading. (Retrospective)
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 17/11/2011
APPLICATION DECISION LEVEL Delegated

WARD **WITHDEAN**
APPLICATION NUMBER BH2011/02120
ADDRESS 3 Hazeldene Meads, Brighton
DEVELOPMENT DESCRIPTION Erection of two storey side and front extensions and a single storey rear extension.
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 17/11/2011
APPLICATION DECISION LEVEL Delegated

WARD **ROTTINGDEAN COASTAL**
APPLICATION NUMBER BH2011/02463
ADDRESS 63 Coombe Vale, Brighton
DEVELOPMENT DESCRIPTION Erection of single storey rear extension. Loft conversion incorporating roof extension, raised ridge height, side rooflights, Juliet balcony to rear and front window.
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 21/11/2011
APPLICATION DECISION LEVEL Delegated

**PLANNING
COMMITTEE**

Agenda Item 107

Brighton & Hove City Council

INFORMATION ON APPEALS/ PUBLIC INQUIRIES

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

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: **CHANGED TO THURSDAY 1ST DECEMBER**

Location: Committee Room 2, Hove Town Hall

