





Brighton & Hove  
City Council

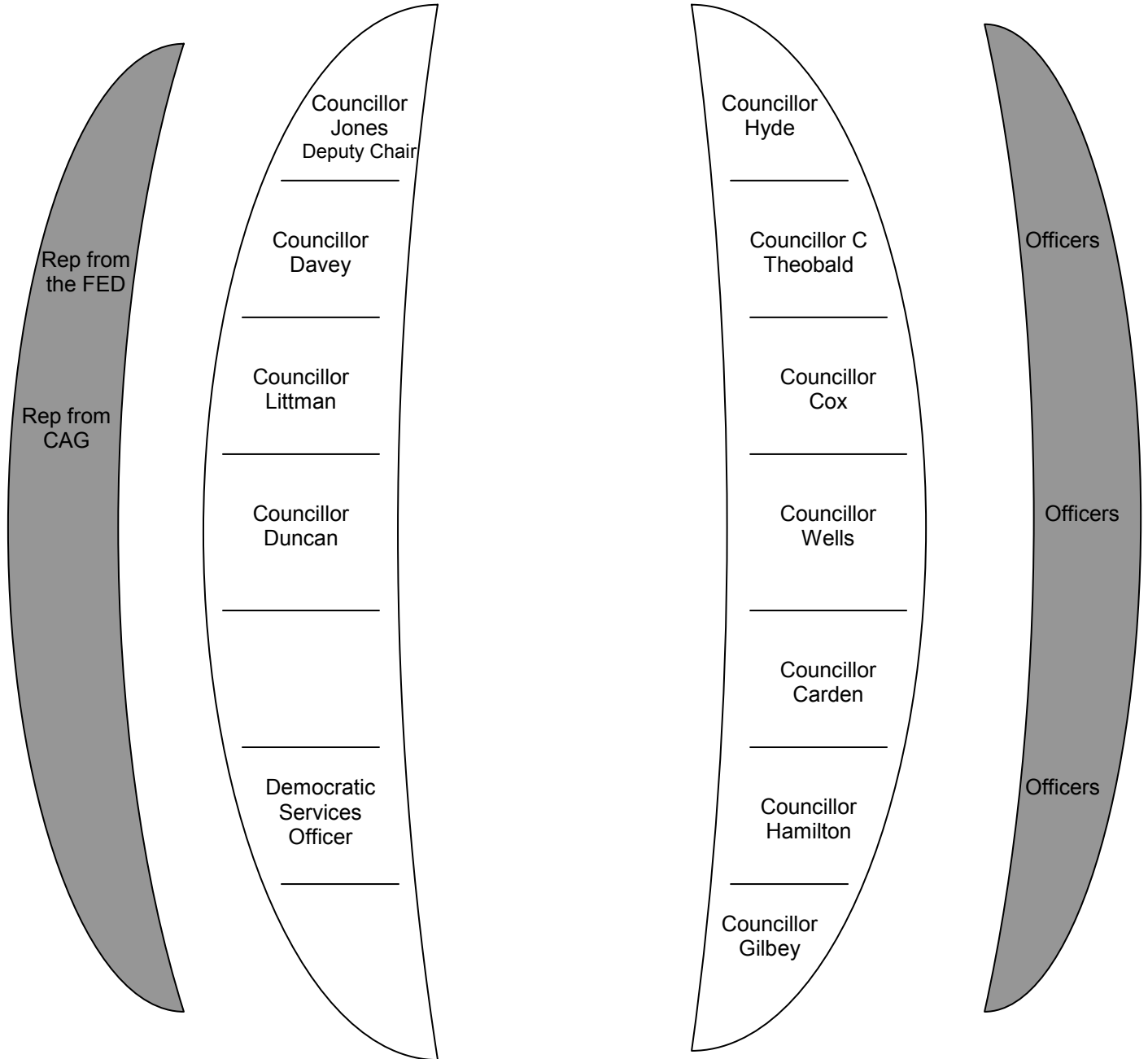
# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>19 February 2014</b>
Time:	<b>2.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<b>Councillors:</b> Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Duncan, Gilbey, Hamilton, Littman, C Theobald and Wells  <b>Co-opted Members:</b> Jim Gowans (Conservation Advisory Group) and Chris Kift (The FED Centre for Independent Living)
Contact:	<b>Ross Keatley</b> Acting Democratic Services Manager 01273 291064 ross.keatley@brighton-hove.gov.uk

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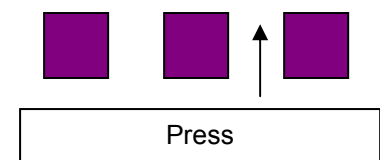
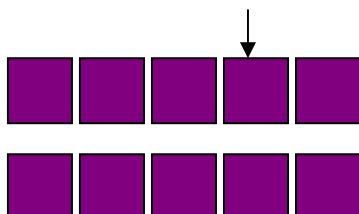
# Democratic Services: Planning Committee

Senior Solicitor	Councillor Mac Cafferty Chair	Head of Development Control	Presenting Officer
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Public Speaker	Public Speaker
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Public Seating



## AGENDA

### 148. 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

- (a) Disclosable pecuniary interests not registered on the register of interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(d) All Members present 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.*

(d) Use of mobile phones and tablets: Would Members please ensure that their mobile phones are switched off. Where Members are using tablets to access agenda papers electronically please ensure that these are switched to 'airplane mode'.

## PLANNING COMMITTEE

### 149. MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 29 January 2014 (to follow).

### 150. CHAIR'S COMMUNICATIONS

### 151. PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 12 February 2014

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

### 153. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

*Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.*

#### MAJOR APPLICATIONS

- A. BH2013/03391 - Royal York Buildings 41-42 Old Steine, Brighton - Full Planning** **1 - 18**  
Change of use from hotel (C1) to youth hostel (Sui Generis).  
**RECOMMENDATION – MINDED TO GRANT**  
*Ward Affected: Regency*

#### MINOR APPLICATIONS

- B. BH2013/03524 - 2 Barn Rise, Brighton - Full Planning** **19 - 32**  
Demolition of existing bungalow and erection of two storey five bedroom dwelling with garage incorporating installation of solar panels, revised access and driveway, boundary wall and associated works.  
**RECOMMENDATION – GRANT**  
*Ward Affected: Withdean*
- C. BH2013/03886 - 16 Waldegrave Road, Brighton - Householder Planning Consent** **33 - 40**  
Erection of a single storey rear infill extension.  
**RECOMMENDATION – REFUSE**  
*Ward Affected: Preston Park*

**D. BH2013/03841 - Goldstone Retail Park, Newtown Road, Hove - Removal or Variation of Condition** **41 - 58**

Application for variation and removal of conditions of application BH2013/02445 (Erection of single storey restaurant (A3) with external seating area and alterations to car park).

Variation of condition 6 to allow deliveries and the collection of goods/refuse from the site between 08:00 - 18:00 Mondays to Saturdays and not at all on Sundays and Bank Holidays.

Variation of condition 7 to read: All hard landscaping and means of enclosure shall be completed prior to occupation of the development.

Variation of condition 12 to read: Within three months of a start on site, a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved an overall BREEAM rating of 'Good' shall be submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

Variation of condition 17 to read: Within three months of the first occupation of the development hereby approved, a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved an overall BREEAM rating of 'Good' shall be submitted to, and approved in writing by, the Local Planning Authority.

**RECOMMENDATION – GRANT**

*Ward Affected: Hove Park*

**E. BH2013/03247 - 11 Montpelier Villas, Brighton - Full Planning** **59 - 74**

Demolition of annex adjoining existing maisonette and basement flat and reconstruction of annex to form a third residential unit on the site, along with associated works.

**RECOMMENDATION – MINDED TO GRANT**

*Ward Affected: Regency*

**F. BH2013/03248 - 11 Montpelier Villas, Brighton - Listed Building Consent** **75 - 86**

Demolition of annex adjoining existing maisonette and basement flat and reconstruction of annex to form a third residential unit on the site, along with associated works.

**RECOMMENDATION – MINDED TO GRANT**

*Ward Affected: Regency*

## PLANNING COMMITTEE

- G. BH2013/03987 - Gladstone Court, Hartington Road, Brighton - Full Planning** 87 - 98

Erection of three storey side extension to form 6no one bedroom flats and 3no two bedroom flats

**RECOMMENDATION – REFUSE**

*Ward Affected: Hanover & Elm Grove*

- H. BH2013/04047 - 243 Hartington Road, Brighton - Removal or variation of condition** 99 - 106

Application for variation of condition 2 of application BH2012/00173 (Demolition of existing workshop and erection of a new 3no bed two storey dwelling house incorporating accommodation at lower ground floor and roof space and outbuilding to rear to be used as ancillary office) to allow for minor material amendments.

**RECOMMENDATION – REFUSE**

*Ward Affected: Hanover & Elm Grove*

**154. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS**

**INFORMATION ITEMS**

- 155. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS** 107 - 108

(copy attached).

- 156. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)** 109 - 210

(copy attached)

- 157. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** 211 - 214

(copy attached).

- 158. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES** 215 - 216

(copy attached).

- 159. APPEAL DECISIONS** 217 - 266

(copy attached).

## PLANNING COMMITTEE

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.

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

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Therefore by entering the meeting room and using the seats around the meeting tables you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured they should sit in the public gallery area.

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

For further details and general enquiries about this meeting contact Ross Keatley, (01273 291064, email [ross.keatley@brighton-hove.gov.uk](mailto:ross.keatley@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk).

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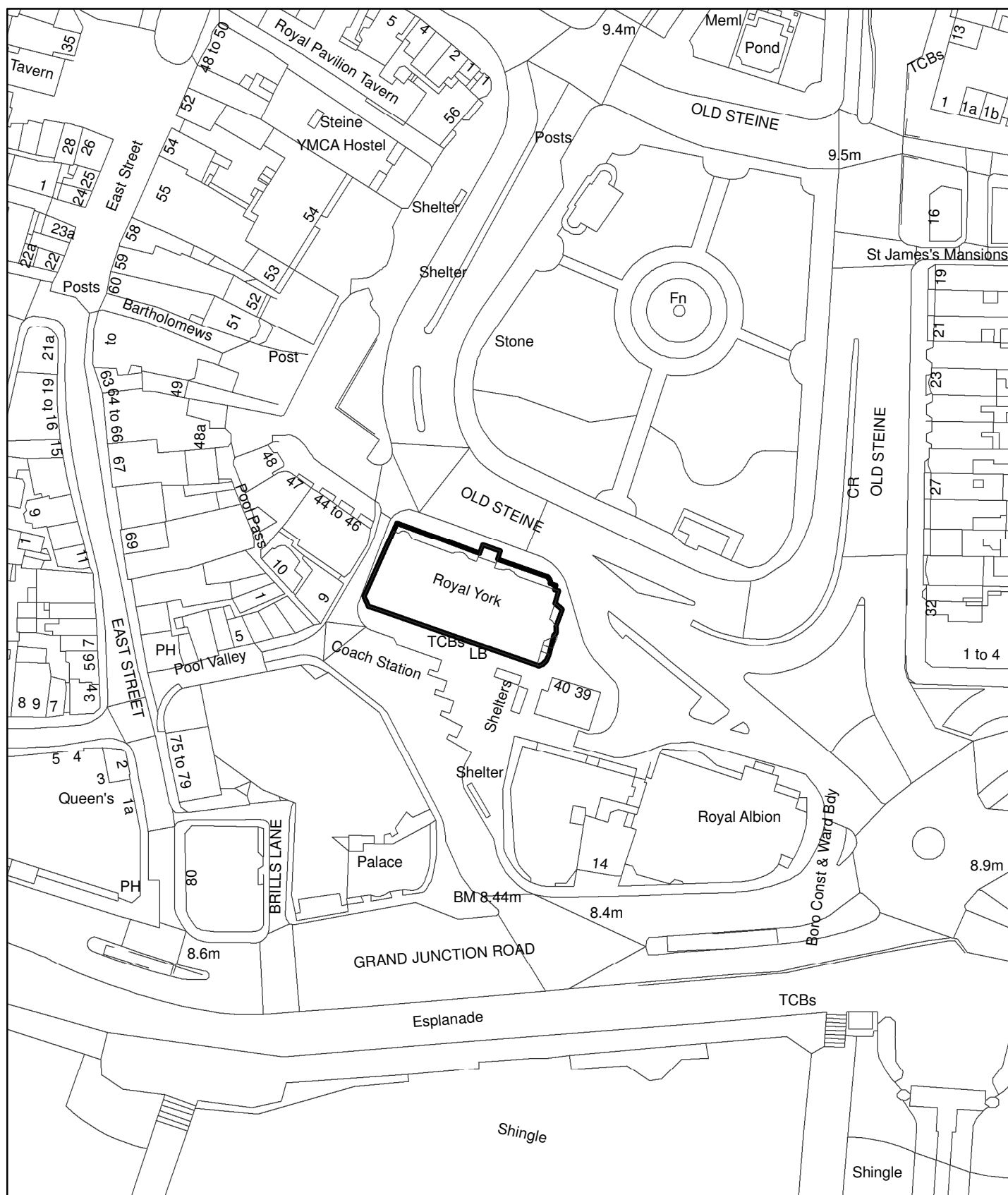
# **ITEM A**

**Royal York Buildings, 41-42 Old Steine,  
Brighton**

**BH2013/03391  
Full planning**

**19 FEBRUARY 2014**

# BH2013/03391 Royal York Buildings, 41-42 Old Steine, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/03391</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>	
<b><u>App Type:</u></b>	<b>Full Planning</b>			
<b><u>Address:</u></b>	<b>Royal York Buildings 41-42 Old Steine Brighton</b>			
<b><u>Proposal:</u></b>	<b>Change of use from hotel (C1) to youth hostel (Sui Generis).</b>			
<b><u>Officer:</u></b>	Liz Arnold Tel 291709	<b><u>Valid Date:</u></b>	10	October
			2013	
<b><u>Con Area:</u></b>	Valley Gardens	<b><u>Expiry Date:</u></b>	09	January
			2014	
<b><u>Listed Building Grade:</u></b>	Grade II			
<b><u>Agent:</u></b>	Lewis and Co Planning SE Ltd, 2 Port Hall Road , Brighton BN1 5PD			
<b><u>Applicant:</u></b>	Youth Hostel Association, Hayley Stevens, Trevelyan House , Dimple Road, Matlock DE4 3YH			

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a four-storey plus attic and basement detached building on the Old Steine and Poole Valley. The building fronts roads to all elevations, that to the north (Old Steine) forms the main elevation. It is located within the Valley Gardens Conservation Area and is a Grade II Listed Building.
- 2.2 The building currently comprises a hotel (and associated restaurant facilities) at ground and upper floor levels. The lower ground floor is partially vacant, having been last used for coach ticket offices and general storage.

## 3 RELEVANT HISTORY

**BH2014/00121** - Internal alterations including creation of bicycle store on lower ground floor, removal of wall to existing function rooms to form larger meeting room, removal of wall between dining room and servery at ground floor level and other refurbishment works.

**BH2011/03412** - Application for Approval of Details Reserved by Condition 2 of Listed Building application BH2011/01797. Approved 29/11/2011

**BH2011/03399** - Application for Approval of Details Reserved by Condition 2 of application BH2011/01796. Approved 25/11/2011

**BH2011/01801** - Change of Use of basement from offices (B1) to spa incorporating associated internal alterations. Approved 02/09/2011.

**BH2011/01800** - Change of Use of basement from offices (B1) to spa incorporating associated internal alterations. Approved 02/09/2011.

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**BH2011/01797** - Change of Use on first floor from offices (B1) to Apart-Hotel (C1) incorporating associated internal alterations (retrospective). Approved 02/09/2011.

**BH2011/01796** - Change of Use on first floor from offices (B1) to Apart-Hotel (C1) incorporating associated internal alterations (retrospective). Approved 02/09/2011.

**BH2008/02136** - Installation of double glazing in the sash windows to the fourth floor. Approved 04/11/2008.

**BH2008/01938** - Retention of existing external chiller unit and installation of second chiller unit including additional steel support and erection of rendered screen. Frosted glazing to window above unit (part-retrospective). Approved 19/11/2008.

**BH2008/01937** - Retention of existing external chiller unit and installation of second external chiller unit including additional steel support and erection of rendered screen. Frosted glazing to window above unit. Approved 19/11/2008.

**BH2008/01387** - Erection of inner gate with panel above in alley way to west elevation. Approved 04/11/2008.

**BH2008/01386** - Erection of inner gate with panel above in alley way to west elevation. Approved 04/11/2008.

**BH2008/00115** - Variation of conditions 9 and 11 in permission approved BH2005/05800. Approved 29/02/2008.

**BH2008/00114** - Listed Building Consent for variation of conditions 4 and 6 in permission approved BH2005/05801. Approved 29/02/2008.

**BH2005/05801** - Internal and external alterations to form (A3) restaurant, (C1) hotel and 8 residential units. Approved 19/04/2006.

**BH2005/05800** - Change of use of part of ground floor and lower ground floor to (A3) restaurant use and part of ground floor, lower ground floor and upper floors to (C1) hotel. Provision of 8 residential units. Approved 25/08/2006.

**BH2000/02411/LB** - Retention of display of various coach station signage at ground floor level to elevation fronting Pool Valley. Approved 11/01/2001.

**BH1999/00413/LB** - Internal alterations to ground floor. Approved 27/05/1999.

**93/0231/LB** - Change of use from ticket office to tea room/ waiting room. Approved 27/04/1993.

**93/0230/FP** - Change of use from ticket office to tea room/waiting room. Approved 27/04/1993.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the change of use from a hotel (Use Class C1) to a youth hostel (Use Class Sui Generis).

#### **5 PUBLICITY & CONSULTATIONS**

##### **External**

- 5.1 **Neighbours:** No responses received.
- 5.2 **Brighton & Hove Archaeological Society:** Comments that the Society consider that the development is unlikely to affect any archaeological deposits. However, if the building is listed the Society would suggest that the County Archaeologists is contact for recommendations.

- 5.3 **County Archaeologist:** Comments that although the application is situated within an Archaeological Notification Area, do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason have no further recommendations to make in this instance.
- 5.4 **County Ecologist:** Support. The proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the NERC Act and NPPF.
- 5.5 **East Sussex Fire & Rescue Service:** Have no comments to make.
- 5.6 **Environment Agency:** Comment that with regard to the low risk development type and location of the proposal have no comments to make.
- Internal:**
- 5.7 **Environmental Health:** Comments that the change of use is not anticipated to cause a detrimental environmental impact.
- 5.8 **Heritage:** Supports the application as the proposal is for change of use from hotel to youth hostel and would involve no external or internal alterations. On this basis and because the new use would have a broadly similar tourism-based use as the original use it considers that the change of use would preserve the appearance and character of the listed building.
- 5.9 The proposed use, as a tourism-based use, would be in accordance with policy SA3 of City Plan part 1 and would preserve the character of the Valley Gardens Conservation Area.
- 5.10 It is understood that the current hotel use is continuing whilst the ownership is in administration but the change of use would enable a viable and sustainable long term use of the building, in a manner consistent with its conservation. This would be welcomed.
- 5.11 An informative should be attached to any permission to remind the applicant that any internal and external alterations would require Listed Building Consent.
- 5.12 **Planning Policy:**  
(Original comments 4<sup>th</sup> November 2013) Comments that the application has failed to demonstrate that the hotel is not viable and the proposal is therefore contrary to policy SR15 of the Brighton & Hove Local Plan and CP6 of the Submission City Plan.
- 5.13 (Additional comments 13 January 2014 following receipt of further information) There are still concerns about the marketing information provided. The hotel has been marketed by GVA, but the submission lacks detail, which would normally include a schedule of interested parties including reasons why they did not go on to take the site. If this were to be provided, it would go a long way to demonstrating that there is no interest from the market to continue operating the

premises as a hotel. It's also unclear whether continued efforts to market the property have been undertaken; from the planning statement and marketing letter, adverts in the local press and trade journals only seem to have happened once (in October 2012) rather than regularly during the marketing period.

- 5.14 In the administrators' report, some evidence of business performance has been provided, and this shows that the business has been loss-making for a number of years and that the administrators do not consider that the hotel can successfully be operated as a going concern. In addition, some evidence of attempts to upgrade and re-position the hotel in the market has also been provided in the administrators' report, namely details of the franchise arrangement with Radisson. Evidence of professional management of the hotel has not been forthcoming, but given the status of the business as being in administration it is accepted that clear information to address this is unlikely to be readily obtained.
- 5.15 (Final comments 22 January 2014 following submission of further marketing information) The letter from Mr Barber sets out the reasons why it is not possible in this instance for additional information to be provided, due to the role of GVA as administrators. Without this additional information the application remains contrary to strict interpretation of policies SR15 of the Local Plan and CP6 of the City Plan.
- 5.16 In the application's favour, there has been marketing undertaken by GVA, it has been on the market for a reasonable length of time and, importantly, the end use as a hostel would retain a visitor accommodation use of the site. It would also keep a heritage asset in use. A judgement will therefore need to be made as to whether these aspects outweigh the fact that limited information has been provided regarding the viability and marketing of the hotel.
- 5.17 **Tourism and Leisure:** Comments that from a tourism perspective it is considered that the application has merit and could benefit the accommodation offering of the City but also have concerns about the proposal that would like noted;
- 5.18 Benefits that the application may bring;
- From a leisure tourism perspective believe that the YHA has reached into markets that has the potential to grow the overall size of the tourism market for the City operating in a niche offering good value for money accommodation during peak periods, e.g. during pride,
  - Having an official YHA Hostel in the City would encourage 'tourers' from European market who actively seek out and use YHA Hostels for their holidays across England.
- 5.19 Concerns;
- Have a finite number of hotel bedrooms in close proximity to the Brighton Centre. In order to attract out of season conferences for the City that attract delegates with high levels of expenditure it is vital the City can offer a wealth of high end accommodation i.e. 4\* and 5\* properties in close proximity to the Brighton Centre. The Royal York represents 51 bedrooms and 5 self accommodation units which currently contribute over 100

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bedspaces to the City stock; a significant contribution to conference delegate accommodation. Once change of use is granted it is unlikely it will ever revert to hotel stock.

- 5.20 Suggest the impact of the potential change of use would depend on the standard of the resultant property, should the change of use be granted would actively encourage a 'signature' YH with higher end, family rooms with ensuite etc, which would go some way to assuaging concerns regarding loss of hotel stock.
- 5.21 **Sustainability Officer:** Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials. No sustainability information has been submitted with the application, there is inadequate information in this application to demonstrate that SU2 has been met. Further information should be submitted to demonstrate compliance with policy SU2.
- 5.22 **Sustainable Transport:**  
(Original comments 8 November 2014) There are a number of problems with the application. Some of these can be addressed by conditions but there is no acceptable analysis of the likely trip generation impact which means the submission is unacceptable as it stands.
- 5.23 (Additional comments 12 December 13 and 14 January 2014 following receipt of e-mails from Applicant's Transport Consultant dated 10 December 2013 and 6 January 2014) Issues arise from this application but these can be addressed by conditions relating to cycle parking and a travel plan and S106 contributions.
- 5.24 (Comments 21 January 2014) Request the proposed S106 contribution to 'measures to improve facilities and infrastructure for passengers using Pool Valley coach facilities. This is considered to be a high priority in light of representations received regarding the condition of Pool Valley and the likely importance of coach travel to the proposed development.

## 6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;

- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD17	Protection and integration of nature conservation features
QD27	Protection of Amenity
QD28	Planning obligations
SR15	Protection of hotels / guest houses
HE1	Listed Buildings
HE6	Development within or affecting the setting of conservation areas.

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
Interim Guidance on Developer Contributions	

#### Supplementary Planning Documents:

SPD08	Sustainable Building Design
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#### Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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CP6 Visitor accommodation  
SA3 Valley Gardens

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the principle of the proposed change of use from a hotel to a youth hotel, impacts upon the Listed Building, transport and sustainability issues.

8.2 No external or internal alterations are proposed to the buildings as part of this application. As set out above the property is Grade II Listed and therefore any alterations are subject to Listed Building Consent.

### **Principle of Change of Use:**

8.3 Under applications BH2005/05800 and BH2005/05801 planning permission and Listed Building consent was granted for the provision of a hotel within the building replacing offices.

8.4 The existing hotel occupies the lower ground, ground, first, second and third floor levels, providing 51 bedrooms. In addition a self-contained flat is located at ground floor level with a further 8 residential apartments of accommodation on the fourth/mezzanine floor, available to let on a flexible basis.

8.5 The hotel opened in 2008 by Max Hotels. Max hotels agreed a franchise with internal Hotel Group Rezidor (now Carlsson Rezidor) from 2009 to 2011, with the hotel known as 'Radisson Blu'. Max hotels is now in administration and as a result permission is sought to convert the hotel to a youth hostel with the provision of 180 bed spaces and the retention of the 9 apartments mentioned above. As with the current hotel, the existing ground floor restaurant would remain open to all members of the public, not just guests.

8.6 The building is located within the City's Hotel Core Zone. Policy SR15 of the Brighton & Hove Local Plan relates to the protection of hotels. This policy states that the change of use of hotels, guest house and self catering holiday accommodation in the 'core area' of the City will not be permitted unless clear evidence is provided to demonstrate that:

- a) A hotel/guesthouse or self-catering is no longer viable for such use; and
- b) Alternative types of holiday accommodation suitable for the property (including dual uses or out of season times) are not viable.

8.7 Policy CP6 of the Submission City Plan states that in order to support the City's tourism and business conference economy the council will support the provision of a sufficient and wide ranging type of visitor accommodation:

1. Proposals for new hotel accommodation will be assessed in line with the national planning policy framework and the sequential approach<sup>174</sup> to site selection with proposals for new hotel development directed firstly to central Brighton (SA2).

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2. Proposals for new hotel accommodation should be accompanied by an impact assessment to identify how the proposal would add to and impact on the current supply and offer of accommodation; whether it has the ability to create new demand and how it might meet needs currently unsatisfied in the city.
  3. The council will work with the hotel industry to encourage the creation of apprenticeship schemes/ local jobs.
  4. Proposed extensions to existing hotels will be supported where this is required to upgrade existing accommodation to meet changing consumer demands.
  5. Partial conversion of a hotel will be considered where there is adequate demonstration of the need to enable investment in the remaining hotel.
  6. Within the Hotel Core Zone, loss of hotels/ guest houses (serviced accommodation) will be considered where it can be demonstrated that:
    - a) The premises has limited potential to upgrade and position itself viably in the market; and
    - b) The loss of the premises would not set an unacceptable precedent in relation to the concentration and role of nearby/ adjacent serviced accommodation; and
    - c) The new use would be compatible with the character and other uses in the area.
- 8.8 In essence both policies ensure that a flexible range of accommodation is available with the City to meet the current needs and demands of all visitors and which caters for all income groups. Such flexibility is vital in order to support the important role tourism plays in the local economy.
- 8.9 As part of the application the following documents have been submitted;
- A letter from Mr Barber of NJB Hotels and Leisure Property (dated 23/09/2013) to demonstrate that the hotel, with 51 bedrooms, is an uncomfortable size for modern hotel accommodation. It is stated that the hotel is too small to be operated successfully as a corporate branded hotel and too large for an owner proprietor run business. It is also stated that enquiries of Carlson Rezidor (former franchisee) indicate that the arrangement was not a success due to the size of the small hotel and that the company had only agreed to take on the franchise as part of a wider group contract;
  - An e-mail from the James Williamson of GVA Hotels and Leisure (Marketing Agents) confirming that the premises has been marketed since September/October 2012 and has been advertised in the Brighton Argus, the Caterer and Hotelkeeper and Estates Gazette from October 2012. It is also stated that the hotel's particulars were e-mailed to parties whose details were held on GVA's database and shown on the website of GVA,
  - A copy of the hotel marketing particulars,
  - Evidence from YHA stating that the site will be retained as serviced tourist accommodation and will result in a capital investment into the upkeep and renovation of the building (£550,000), affordable overnight accommodation, an increase of approximately 69% of overnight stays in comparison to the existing trade, the retention of existing staff jobs and creation of new jobs, all

year round operations and the securing of the long term future of the building in a tourism use,

- A letter from the YHA has been submitted in which it is stated that the hostel would provide 180 beds aimed at families, individual and groups. Bedrooms on the 1<sup>st</sup> and 2<sup>nd</sup> floor would be equipped with bunk beds, totalling room sizes of between 4 and 6 (3 bunks equals 6 bed) whilst with regards to the upper floors, due to the existing ceiling height restrictions, a range of twin and double rooms would be provided. All the existing en-suite rooms would be retained.

It is also stated that the existing ground floor restaurant would provide breakfast and evening meals whilst during the daytime the café at would be open to residents and non-residents serving hot and cold drinks with light snacks,

- A subsequent letter from Nick Barber NJB Hotels and Leisure Property (dated 17/01/2014) in which it is stated that as acquisitions agent for the YHA Mr Barber contacted GVA on regarding the hotel on the 15<sup>th</sup> October 2012, in response to a press advert. This letter sets out why limited details of the marketing of the hotel have been submitted as part of the application, namely that GVA's duty of care as selling agent is to the administrator, not to the purchasers. It is also stated that the national UK hotel property market is actually very small and all the main agents and advisors communicate with one another so it is suggested that it was very well known within the hotel property sector that the Royal York Hotel was on the market.

8.10 Notwithstanding the marketing strategy being set out in the documents referred to above limited details of the marketing have been provided and it is unclear whether the marketing has been continuous since October 2012. It is stated that the site was advertised in the Brighton Argus, the Caterer and Hotelkeeper and Estates Gazette in October 2012 but no other dates have been provided. Furthermore, no schedule of interested parties, including reasons why they did not take on the site and details of is the marketing has been provided.

8.11 As set out above the hotel is currently in administration. Since submission of the application a copy of the Administrators report has also been submitted to support the proposed change of use to a youth hostel. The report sets out that;

- the building has only been operating as a hotel since the summer of 2008,
- the hotel was financed at £7.875 million against a value of £10.5 million. The administrator recommends selling the hotel for as low as £5 million,
- when the hotel initially opened the operator ran a restaurant bar however this side of the business consistently operated at a loss. The hotel effectively became a rooms-only business which at best broke even,
- the hotel was only breaking even by avoiding paying certain costs. For example until enforcement action was taken by Brighton & Hove City in June 2012 Council rates were outstanding (18,000) and wages were not being paid to staff,
- paper profits consistently fell from the period 1<sup>st</sup> July 2008 to 30<sup>th</sup> December 2012 to the period 1<sup>st</sup> May 2011 to 31<sup>st</sup> May 2012 and the business effectively ran at a loss;

- attempts have been made to up-grade and re-position the hotel in the market, such as the franchise agreement with Radisson, and
- the administrators do not consider that the hotel can successfully be operated as a going concern.

8.12 Although no internal or external alterations are proposed as part of this application the Council's Heritage Officer considers that the proposed change of use, by virtue of enabling a viable and sustainable long term use of the building, would help to preserve the appearance and character of the Listed Building and the character of the Valley Gardens Conservation Area, in which the site is located.

8.13 Although it is acknowledged that limited marketing information has been submitted as part of the application, to strictly comply with policies SR15 of the Brighton & Hove Local Plan and CP6 of the City Plan, overall it is considered that the proposed change of use to a hostel, which would provide alternative holiday accommodation, is acceptable and is an appropriate alternative use for the site, which would help to preserve the character and appearance of the Listed Building.

**Impact on Amenity:**

8.14 Due to the proposal resulting in a change of use to an alternative type of holiday accommodation, overall it is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties.

**Sustainable Transport:**

8.15 Policy TR1 requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new developments, in accordance with the Council's minimum standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in SPGBH4.

8.16 Similar to the original application which allowed the hotel use, no off-street parking provision is proposed as part of the change of use. This is considered acceptable in policy terms provided that there is good provision for sustainable modes and the development would not cause displaced parking elsewhere. As the site is centrally positioned within the Controlled Parking Zone it is accepted by the Council's Transport Officer that no significant displaced parking would be likely.

8.17 With respect to disabled parking there are no standards in SPG4 for hostels use and the requirement for hotels is only 1 space. There are pay and display bays immediately adjoining the site in which blue badge holders can park free of charge.

- 8.18 Ten cycle parking spaces are proposed as part of the change of use, such facilities would be provided within an existing function room located on the ground floor level of the property. There are no standards for provision relating to cycle parking for hostels within SPG4. Student accommodation on this scale would require 60 places. A hotel would require 1 place per 10 staff however the Council's Transport Officer states that this is arguably not a good comparator as the implication of the standard is that only staff would use bikes, which is not the expectation for this youth hostel. If the standard of provision was at the same level as the youth hostels in Manchester and Liverpool which are amongst those considered by the applicants the provision should be 26 places. The applicants have carried out surveys indicating that the use made of these places is very low but the surveys in question record only initial arrival and final departure trips. Also the travel plan to be required as discussed below will promote the use of cycling at the Brighton hostel. It is therefore considered appropriate to require 26 places at the proposed hostel and it is proposed that these should be required by condition if consent is granted. The condition should require the submission for approval of detailed plans.
- 8.19 As part of the submission the applicant has estimated trip generation by using the TRICS database for the existing hotel use and ad-hoc surveys of comparator youth hostels for the proposed use. The Council's Transport Officer considered this method to be acceptable in principle but the detailed process in this case is not acceptable. The main problems are that;
- TRICS surveys for the existing hotel, which include all trips, are compared with ad-hoc surveys of comparator youth hostels, which include only initial arrival and final departure trips. Clearly this will underestimate the number of net generations;
  - Of the 4 comparator hostels used only 1 (Oxford) has significant coach use but this is used as the basis for estimating potential coach use in Brighton;
  - The sites used in the TRICS analysis of hotels are not listed as is standard practice, and
  - The combined averages of modal split percentages in Appendix 2 of the Transport Report are wrong. As the net generations are underestimated it would be inappropriate to apply the standard contributions formula to them and instead it has been assumed that the number of trips would be expected to rise in proportion to the number of new rooms/ beds (assuming 1 room= 2 beds).
- 8.20 In order to comply with policies TR1 and QD28 of the Brighton & Hove Local Plan, the applicant is expected to make a financial contribution to help finance off-site highway improvements schemes. In respect of the proposed change of use a financial contribution of £13,300 would be appropriate. This contribution would be utilized for measures to improve facilities and infrastructure for passengers using Pool Valley coach facilities, which is located directly behind the building, and which is likely to be utilised by patrons of the hostel.
- 8.21 A travel plan is also required consisting of measures to advise guests of sustainable transport provision in Brighton, a requirement which is consistent with Department of Transport Guidance.

**Sustainability:**

- 8.22 All developments are required to seek to comply with the requirements set out in the Council's adopted Supplementary Planning Document on Sustainable Building Design and policy SU2 of the Brighton & Hove Local Plan.
- 8.23 In respect of SPD08 the proposal is classified as a major scale non-residential development within an existing building. Notwithstanding the proposal not resulting in a change to the fabric of the building the development should comply with SPD08 thereby resulting in no additional net annual CO2 emissions from the development, result in a reduction in water consumption and a minimisation of surface water run-off. It is acknowledged that the building is listed and therefore limits the options for improving the suitability performance however it is recommended that a condition be attached to an approval requiring further sustainability details to be submitted. .
- 8.24 Refuse and recycling facilities would remain in the refuse storage area located at basement level.

**Other Considerations:**

- 8.25 It is acknowledged that the County Ecologist states that the provision of bird and/or bird boxes on the building in relation to the proposed change of use would help the Council address its duties and responsibilities under the NPPF and the Natural Environment and Rural Communities Act 2006 however it is not considered acceptable in this case to install bat and or bird boxes given that such installation could have an adverse impact upon the historic appearance of the Listed Building.

**9 CONCLUSION**

- 9.1 In conclusion, although it is acknowledged that limited marketing information has been submitted as part of the application, to strictly comply with policies SR15 of the Brighton & Hove Local Plan and CP6 of the City Plan, overall it is considered that the proposed change of use to a hostel, which would provide alternative holiday accommodation, is acceptable and is an appropriate alternative use for the site, which would help to preserve the character and appearance of the Listed Building. Approval is therefore recommended.

**10 EQUALITIES**

- 10.1 None identified.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 Section 106 Agreement to secure:

- A contribution of £13, 300 to help finance off-site highway improvement schemes such as measures to improve facilities and infrastructure for passengers using Pool Valley Coach station,

and subject to the following Conditions and Informatives:

PLANNING COMMITTEE LIST- 19 FEBRUARY 2014

11.2 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Existing & Proposed Lower Ground Floor Plan	13858/PA/01	Rev. B	4 <sup>th</sup> October 2013
Existing & Proposed Ground Floor Plan	13858/PA/002	Rev. B	4 <sup>th</sup> October 2013
Existing & Proposed First Floor Plan	13858/PA/003	Rev. B	4 <sup>th</sup> October 2013
Existing & Proposed Second Floor Plan	13858/PA/004	Rev. B	4 <sup>th</sup> October 2013
Existing & Proposed Third Floor Plan	13858/PA/005	Rev. B	4 <sup>th</sup> October 2013
Existing & Proposed Fourth Floor Plan	13858/PA/006	Rev. B	4 <sup>th</sup> October 2013
Existing & Proposed Mezzanine Floor Plan	13858/PA/007	Rev. B	4 <sup>th</sup> October 2013
Site Location Plan & Block Plan	13858/PA/008	-	4 <sup>th</sup> October 2013

11.3 Pre-Commencement Conditions:

- 3) The development hereby permitted shall not be commenced until details of 26 secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 4) The development hereby permitted shall not commence until details of sustainability measures including reduction in fuel use, greenhouse gas emissions, renewable energy, reduction in water consumption, use of sustainable materials, rainwater harvesting and/or greywater recycling, daylight/sunlight use of natural ventilation and fenestration have been submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented and thereafter retained as such.  
**Reason:** To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local

Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

11.4 Pre-Occupation Conditions:

- 5) Within 3 months of occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing, a detailed Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the site, which is aimed at promoting safe, active and sustainable travel choices by its users (staff, visitors, residents & suppliers) of the development. The Travel Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:-
- i. Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use
  - ii. A commitment to reduce carbon emissions associated with business and commuter travel:
  - iii. Increase awareness of and improve road safety and personal security:
  - iv. Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
  - v. Identify targets focussed on reductions in the level of business and commuter car use:
  - vi. Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate:
  - vii. Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
  - viii. Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
- Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

11.5 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:



PLANNING COMMITTEE LIST- 19 FEBRUARY 2014

(i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and

(ii) for the following reasons:-

Whilst limited marketing information has been submitted as part of the application, to comply with policies SR15 of the Brighton & Hove Local Plan and CP6 of the City Plan, overall it is considered that the proposed change of use to a hostel, which would provide alternative holiday accommodation to the existing use, is acceptable and is an appropriate alternative use for the site, which would help to preserve the character and appearance of the Listed Building.



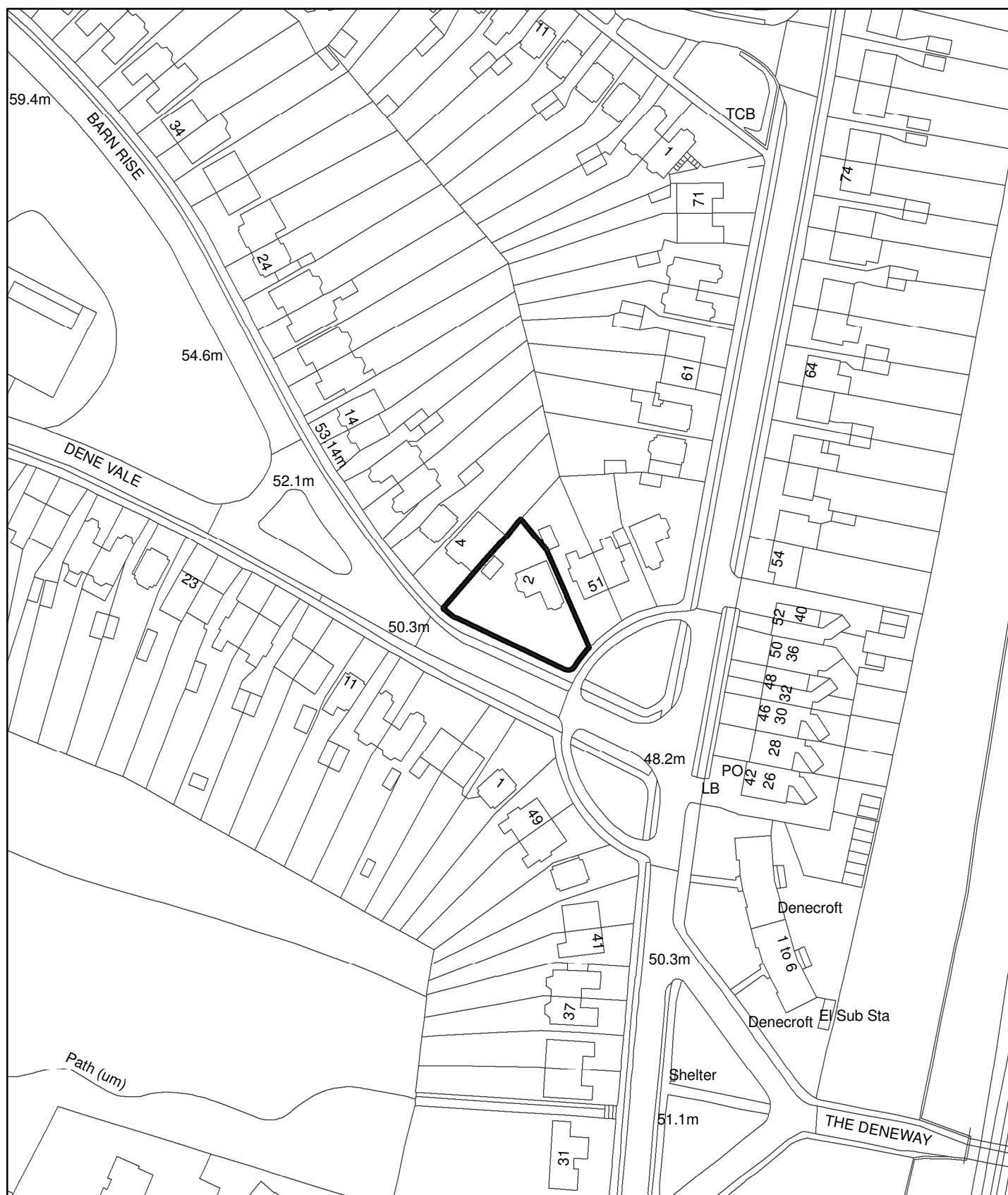
# **ITEM B**

**2 Barn Rise, Brighton**

**BH2013/03524  
Full planning**

**19 FEBRUARY 2014**

# BH2013/03524 2 Barn Rise, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/03524</b>	<b><u>Ward:</u></b>	<b>WITHDEAN</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>2 Barn Rise Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing bungalow and erection of two storey five bedroom dwelling with garage incorporating installation of solar panels, revised access and driveway, boundary wall and associated works.</b>		
<b><u>Officer:</u></b>	Christopher Wright Tel 292097	<b><u>Valid Date:</u></b>	17 October 2013
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	12 December 2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Model Projects, 312 The Bon Marche Centre , 241-251 Ferndale Road, London SW9 8BJ		
<b><u>Applicant:</u></b>	Sunil Mehra, 2 Barn Rise, Brighton BN1 5EE		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is occupied by a detached 2-bedroom bungalow at the bottom end of Barn Rise and positioned around a semi-circular service road at the junction with Eldred Avenue. The property has a traditional style and form, with pitched and hipped roof and front bay window projection. The property has brick plinths with white painted walls and exposed timbers over, in the mock-Tudor style. The roof is finished with clay tiles.
- 2.2 The property is one of a row of four which line up with one another and front the semi-circular junction with Eldred Avenue. The application site is a bungalow next to a pair of semi-detached chalet style houses with a tall pitched roof with another bungalow on the other side.
- 2.3 The area is predominantly residential and the site is near to a local shopping parade in Eldred Avenue. Building forms are commonly detached and semi-detached properties in a planned layout including two storey and single storey properties. On street parking is not controlled by parking permits.
- 2.4 The property is not Listed and it is not located in a Conservation Area.

**3 RELEVANT HISTORY**

**BH2012/03827** – Demolition of bungalow and erection of 2no storey five bedroom dwelling with garage incorporating installation of solar panels, revised access and driveway, boundary wall and associated works. Refused 5 February 2013. The reasons for refusal were as follows:

1. *The proposed dwellinghouse would, by reason of the scale, bulk, siting and form, have an irregular and discordant appearance in a readily visible location, that would be incongruous with the site context and consequently detrimental to visual amenity and the wider street scene. For these reasons the proposal is contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan 2005.*
2. *The proposed boundary wall would, by reason of the height and siting, appear unduly dominant and intrusive in the street scene and out of keeping with front boundary treatments which generally characterise the local area, to the detriment of visual amenity and the character of the area. As such the proposal is contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan 2005.*
3. *The proposed dwellinghouse would, by reason of the height, siting and position of first floor level windows, have an overbearing impact and give rise to overlooking leading to a loss of privacy for adjoining occupiers, to the detriment of neighbour amenity. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan 2005.*

**4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the existing bungalow and the construction of a two storey detached dwellinghouse with 5 bedrooms and a garage, incorporating solar panels, revised access and driveway and a front boundary wall.
- 4.2 The proposed dwelling would be of a traditional form with pitched and hipped roof and would feature two projecting gables, one fronting Barn Rise and the other across the grass crescent off Eldred Avenue. The dwelling would be 8.6m in height to the ridge and the eaves height would be 5.2m. At ground floor level the property would comprise living/dining space, kitchen, utility room, entrance lobby and bedroom 5; and a first floor level 4 bedrooms, en-suite and family bathroom. The front boundary is proposed to be planted with a hedge border and 1.8m timber fences are proposed along the side boundaries between 4 Barn Rise and 51 Eldred Avenue.
- 4.3 The garage would have a pitched roof and would be sited in the back corner of the site adjacent to 4 Barn Rise.
- 4.4 External finishes are proposed to be rendered walls over a brick plinth with brown/red tiles roof and white framed windows.
- 4.5 The revisions in comparison with previously refused application **BH2012/03827** are as follows:-
  - Reduction in footprint from 9.5m x 13m to 9.5m x 11.5m.
  - Reduction in height from 9m to 8.6m.
  - Deletion of 1.8m high front boundary wall and replacement with hedge.

- Orientation to follow the building line in Eldred Avenue.
- Revised position within the site to allow for a larger back garden area.
- Amended form including removal of gable end and replacement with hipped roof, and alterations to design removing two overlapping gable projections.

## 5 PUBLICITY & CONSULTATIONS

### External

5.1 **Neighbours: Eleven (11)** letters of representation have been received from **50, 51, 53 (x3), 55, 57 Eldred Avenue; 11, 13, 23 Dene Vale; and 16 Barn Rise, objecting** to the application for the following reasons:

- Loss of light and overshadowing
- Loss of privacy
- Uncomfortable sense of enclosure
- Out of character and inappropriate in design
- Destroy symmetrical frontages of 4 houses
- Imbalance existing grouping of dwellings
- Unsympathetic to existing street pattern
- Inappropriate size and appearance
- Over-dominant on prominent corner
- Compromise and disrupt established street scene
- Considerable difference to rural aspect and village feel of area
- Design ignores changes in level and height of other houses
- Not clear whether proposed ground floor level will be the same as existing
- Patio is shown higher than garden level
- Proposed house has a high front boundary wall
- Removal of large evergreen trees on front boundary
- Inadequate garden space for property of the size proposed
- Does not overcome previous refusal

### Internal:

5.2 **Accessibility Officer: No objection.**

The application meets Lifetime Home standards.

5.3 **Arboricultural Section: No objection.**

Should the application be approved three Cupressus macrocarpa will be lost. The trees are unworthy of a Tree Preservation Order and there is no objection to their loss. No objection is raised to the proposal removal of some of the hedging around the property.

5.4 The three trees that are to be removed from the site are highly visible to the public and for this reason it is requested that at least three trees are planted as replacements and that these are referred to in a landscaping condition.

5.5 **Sustainable Transport: No objection.**

The proposals are not considered to increase trips to and from the development as the proposal will not increase the number of residential units.

- 5.6 SPGBH4 states that the maximum car parking standard for a house outside of a CPZ is 1 space per dwelling plus 1 car space per 2 dwellings for visitors. The applicant is proposing to enlarge the hard standing area to the front of the property. This could be deemed to provide parking above the maximum parking standards. However, the applicant states they intend to provide 2 disabled car parking spaces. The Highway Authority does not consider this to cause a detrimental impact or warrant a reason for refusal.
- 5.7 SPGBH4 states that a minimum of 1 cycle parking space is required for every dwelling plus 1 space per 3 dwellings for visitors. For this development of 1 house the minimum requirement is 1 cycle parking space in total.
- 5.8 In order to be in line with policy TR14 of the Local Plan cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The applicant is intending to retain a garage to the rear of the property. This is therefore considered adequate to provide cycle parking should it be needed. The Highway Authority would recommend that this provision is secured via condition.
- 5.9 The applicant is proposing an additional vehicular crossover from Dene Vale. The Highway Authority has no objections in principle to this and notes that it will ensure vehicles enter and leave the site in a forward gear. An informative should be included on any permission granted informing the applicant that they must apply for the dropped vehicular crossover.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant



policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

- 6.6 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF) March 2012

Brighton & Hove Local Plan 2005:

TR1 Development and the demand for travel  
TR7 Safe development  
TR14 Cycle access and parking  
TR19 Parking standards  
SU2 Efficiency of development in the use of energy, water and materials  
SU13 Minimisation and re-use of construction industry waste  
QD1 Design – quality of development and design statements  
QD2 Design – key principles for neighbourhoods  
QD3 Design – efficient and effective use of sites  
QD15 Landscape design  
QD16 Trees and hedgerows  
QD27 Protection of Amenity  
HO3 Dwelling type and size  
HO4 Dwelling densities  
HO5 Private amenity space  
HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4: Parking standards

Supplementary Planning Documents:

SPD08: Sustainable Building Design

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development; the design and visual impact; impact on neighbour amenity; sustainability; and transport.
- 8.2 The application is a revised submission and should address the reasons for refusal of the previous application ref. **BH2012/03827**.

**Principle of the development:**

- 8.3 The site has an established residential use and the proposal would not involve a net increase in the number of residential dwelling units on the site. An existing 2-bedroom bungalow would be demolished and replaced with a two storey, 5-bedroom house. The new dwelling would provide for a larger housing unit and the proposed density is in keeping with that which characterises the local area. As a single dwelling proposal there is no scope to provide a mix of unit types and tenures.
- 8.4 Subject to other policy considerations, including quality of the design and impact on amenity, the proposal is considered acceptable in principle.

**Design and visual impact:**

- 8.5 There are four properties with a group value and a symmetrical layout fronting a grass area at the junction between Barn Rise and Eldred Avenue. The revised orientation of the new dwelling would line up with the building line in Eldred Avenue and the development would face out across the semi-circular green at the junction with Eldred Avenue. It is noted that there is symmetry to the existing layout and grouping of the four existing properties which include the application site although this has partly been eroded by extensions and alterations to the roofscape. The grouping is in a prominent position and can be seen readily across the grass area at the junction with Eldred Avenue. However, neighbouring houses in Barn Rise are two storeys in height and scale and generally the locality is characterised by two storey dwellings. In this regard the proposal would not be incongruous or discordant and in visual terms the impact on the balanced appearance of the group of 4 dwellings would not be significantly harmful to the street scene.
- 8.6 The height and scale of the proposed dwelling has been reduced since the previous application and the property would be satisfactorily accommodated within the plot without appearing cramped or out of keeping with the pattern of established development in the locality. The property follows established building lines in Barn Rise and Eldred Avenue and the traditional form of the property with pitched and hipped roofs and gabled projections is considered appropriate.
- 8.7 Neighbour comments in respect of a front boundary wall have been noted. However the boundary wall was shown on the previously refused application. The current application does not propose to build a solid wall across the front boundary of the site but a line of hedges instead.
- 8.8 The proposal would involve the loss of 3 trees to the site frontage. The Council Arboriculturalist has identified these trees as not be worthy of a Preservation Order due to condition and Ivy manifestation. The loss of those trees could be compensated for by planting new trees as part of a wider landscaping scheme for the development.
- 8.9 A landscaping scheme has not been submitted, but a condition could be imposed in the event approval was granted.

**Impact on neighbour amenity:**

- 8.10 The proposed dwelling would be set in 1m from the boundary of the site with 51 Eldred Avenue and the total separation between the two properties would be just over 4m due to the driveway alongside the neighbouring dwelling. Two small kitchen windows are proposed at ground floor level on the flank elevation and there would be no windows or other openings at first floor level. As such the neighbouring dwelling would not be overlooked. Rear windows at first floor level would include two bedrooms and the family bathroom. These would have an outlook across the back garden to the new property and would not overlook 4 Barn Rise.
- 8.11 The space between the flank walls of the proposed building and neighbouring dwellings would be consistent with the gaps between existing houses. It is not considered that the proposal would have an overbearing impact or result in an acceptable level of light loss to neighbouring properties. Accordingly the proposal is considered to be compliant with policy QD27 of the Local Plan.
- 8.12 The new dwelling would benefit from front, rear and side gardens areas and would meet the requirements of policy HO5 in respect of private, useable amenity space appropriate to the scale and character of the dwelling.

**Sustainability:**

- 8.13 In accordance with policy SU2 of the Local Plan and SPD08: Sustainable Building Design, the applicant has submitted a Sustainability Checklist.
- 8.14 The site constitutes previously developed land and the applicant proposes to meet Level 3 of the Code for Sustainable Homes. At the present time this is understood to be equal to the minimum level of sustainability, energy efficiency and conservation, required to be met under the Building Regulations.
- 8.15 Proposals for new building residential units should be constructed to be accessible and meet Lifetime Home standards in accordance with policy HO13 of the Local Plan. The Accessibility Officer raises no objection and states the proposal meets Lifetime Home standards.

**Sustainable transport:**

- 8.16 In accordance with policies TR1 and TR19 of the Local Plan, and the standards set out in SPGBH4: Parking Standards, proposals for new development should provide for the transport demand generated in accordance with the maximum car parking standards and minimum cycle parking standards.
- 8.17 The proposed single garage, driveway and hardstanding area in front of the proposed dwelling would provide off-street parking for more than 2 vehicles and the amount of off-street parking provided would exceed the maximum levels set out in SPGBH4, that being 1 car parking space per dwelling and 1 space per two dwellings for visitors. The existing bungalow has off-street parking for 2 vehicles.
- 8.18 However, the proposal seeks provision of 2 disabled parking spaces in addition to the rear garage, situated on hardstanding in front of the dwelling. This is considered acceptable in principle. With an appropriate landscaping condition, the hard surfacing of the area in front of the new house should not have a

significant adverse impact on visual amenity. Sustainable Transport has not raised an objection based on over-provision of off-street parking spaces. In this location, in a suburban area characterised by family dwellings, the amount of off-street parking proposed is not considered out of character.

- 8.19 The applicant has not shown any details of proposed cycle storage facilities. In order to comply with policy TR14 of the Local Plan, cycle parking facilities should be convenient to use, near entrances, secure, and where practicable sheltered. There is sufficient space around the proposed dwelling to accommodate cycle parking and details could be required by imposing a condition in the event approval is granted. Sustainable Transport has identified the proposed garage could be used to store cycles and this would be acceptable.

## 9 CONCLUSION

- 9.1 The proposed dwelling is considered to be of an appropriate design, form and scale in relation to the characteristics of existing development in the locality and would, due to the position within the plot, follow established building lines and retain a sufficient level of space and separation so as not to have a cramped appearance. The proposal would not detract from visual amenity or have a harmful impact on the character of the area, which is characterised predominantly by two storey dwellinghouses.
- 9.2 The proposal would not have a significant adverse impact on neighbour amenity and no significant issues have been identified with respect to car and cycle parking, subject to conditions. The proposal would achieve Level 3 of the Code for Sustainable Homes and this is considered acceptable.

## 10 EQUALITIES

- 10.1 The proposed dwelling would meet Lifetime Home standards.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site and Location Plan	A.PR.0.1		15 Oct 2013
Site Plan	A.PR.0.2		15 Oct 2013
Ground Floor Plan	A.PR.2.1		15 Oct 2013
First Floor Plan	A.PR.2.2		15 Oct 2013

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Loft Floor Plan	A.PR.2.3		15 Oct 2013
Roof Plan	A.PR.2.4		15 Oct 2013
Front Elevation	A.PR.3.1		15 Oct 2013
Side (Left) Elevation	A.PR.3.2		15 Oct 2013
Rear Elevation	A.PR.3.3		15 Oct 2013
Side (Right) Elevation	A.PR.3.4		15 Oct 2013
Section - 1	A.PR.4.1		15 Oct 2013
Location Plan	A.EX.1.1		15 Oct 2013
Ground Floor Plan	A.EX.2.1		15 Oct 2013
Roof Plan	A.EX.2.4		15 Oct 2013
Front Elevation	A.EX.3.1		15 Oct 2013
Side (Left) Elevation	A.EX.3.2		15 Oct 2013
Rear Elevation	A.EX.3.3		15 Oct 2013
Side (Right) Elevation	A.EX.3.4		15 Oct 2013

- 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 windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed in the northeast facing flank elevation of the dwellinghouse hereby approved without planning permission obtained from the Local Planning Authority.  
**Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5) The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.  
**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.
- 6) The new dwelling hereby permitted shall be constructed to Lifetime Home standards prior to their first occupation and shall be retained as such thereafter.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

- 7) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

11.2 Pre-commencement conditions:

- 8) 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.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

- 9) No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details. **Reason:** To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.

- 10) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 11) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 as a minimum for the residential unit has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 12) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times. **Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

11.3 Pre-occupation conditions:

- 13) Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

11.4 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-

The proposed dwelling is considered to be of an appropriate design, form and scale in relation to the characteristics of existing development in the locality and would, due to the position within the plot, follow established building lines and retain a sufficient level of space and separation. The proposal would not detract from visual amenity or have a harmful impact on the character of the area, which is characterised predominantly by two storey dwellinghouses.

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The proposal would not have a significant adverse impact on neighbour amenity and no significant issues have been identified with respect to car and cycle parking, subject to conditions. The proposal would achieve Level 3 of the Code for Sustainable Homes and this is considered acceptable.

3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
4. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
5. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.



# **ITEM C**

**16 Waldegrave Road, Brighton**

**BH2013/03886**

**Householder planning consent**

**19 FEBRUARY 2014**

# BH2013/03886 16 Waldegrave Road, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/03886</b>	<b><u>Ward:</u></b>	<b>PRESTON PARK</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>16 Waldegrave Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of a single storey rear infill extension.</b>		
<b><u>Officer:</u></b>	Wayne Nee Tel 292132	<b><u>Valid Date:</u></b>	25 November 2013
<b><u>Con Area:</u></b>	Preston Park	<b><u>Expiry Date:</u></b>	20 January 2014
<b><u>Listed Building Grade:</u></b>	n/a		
<b><u>Agent:</u></b>	Mel Humphrey, 39 Northease Drive, Hove BN3 8PQ		
<b><u>Applicant:</u></b>	J & C Holden, 16 Waldegrave Road, Brighton BN1 6GE		

### 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reasons set out in section 11.

### 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a two storey semi-detached single dwelling house located on the eastern side of Waldegrave Road. The property has a staggered rear elevation with a two storey outrigger. There is an existing lean-to on the rear wall of the outrigger.
- 2.2 The street is characterised by long lines of similarly/identically designed dwellings with regular spacing and uniform building line.

### 3 RELEVANT HISTORY

**64/2642** Conversion into 2 self contained flats – Granted 05/01/65

#### Recent neighbouring developments

**BH2013/04169** (25 Waldegrave Road) Erection of single storey rear extension – Refused 03/02/2014

**BH2013/02084** (50 Waldegrave Road) Erection of single storey side and rear extension, and loft conversion incorporating rear dormer and rooflight to front (Part-Retrospective) – Refused 21/08/2013 (Appeal allowed 05/12/13)

**BH2013/01444** (12 Waldegrave Road) Erection of a single storey rear extension with associated alterations – Approved 15/07/2013

**BH2012/03445** (58 Waldegrave Road) Erection of single storey rear and side extension incorporating 3 no rooflights and bi-folding doors to the rear to provide access to the garden – Refused 20/12/2012 (Appeal allowed 09/04/13)

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of a single storey side and rear infill extension. The extension would infill the rear lightwell of the property and would extend beyond the rear outrigger of the property by the same depth as the existing lean-to addition. The roof would be pitched with a slate roof on the east (rear) roof slope and a mostly glazed roof on the south elevation facing the boundary of no. 14 Waldegrave Road. The extension walls would be rendered, with high level glazing on the south elevation and rear glazed doors on the east elevation.
- 4.2 During the application, the proposal was amended with a reduction in the steepness of the pitch of the roof resulting in a lower roof ridge height, glazing proposed on the side elevation roof and high level glazing on the side wall.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External**

- 5.1 **Neighbours: Seven (7)** letters of representation have been received from **10, 12, 18, 21, 22, 25 Waldegrave Road and 19 Hurston Close**, supporting the application for the following reasons:
- Provides invaluable family living space;
  - Would encourage owners to improve their properties;
  - Similar extensions have been built in the area;
  - Sustainable development;
- 5.2 **One (1)** letter of representation has been received from **23 Waldegrave Road**, objecting to the application for the following reasons:
- Extension is not in keeping with the character of the area;
  - Overbearing nature of many properties removing part of their rear gardens;
  - Would lead to a terracing effect;
  - Disturbance and disruption from building works.

#### **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;

- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas

#### Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
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#### Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in this application are whether the proposal is acceptable in terms of its design and appearance in relation to the recipient building and surrounding area; and in particular whether the proposed development would preserve or enhance the character of the Conservation Area and whether the proposal is appropriate in terms of its impact on the amenity of nearby neighbouring properties.

#### **Design and Appearance:**

- 8.2 Policy HE6 of the Brighton & Hove Local Plan states that development within or affecting the setting of Conservation Areas should preserve or enhance the character or appearance of the area.
- 8.3 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including

the formation of rooms in the roof, will only be granted if the proposed development:

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
- d) uses materials sympathetic to the parent building.

- 8.4 SPD12: Design Guide for Extensions and Alterations states that infill extensions should not normally extend beyond the rear wall of the outrigger or wrap around to the rear elevation in order to preserve the original plan of the building.
- 8.5 The proposed single storey extension would extend beyond the side and rear wall of the original building, wrapping around the two storey outrigger. It is considered that the proposed extension would poorly relate to the original form of the rear of the house. By extending beyond the original rear wall of the outrigger and wrapping around the building it would not respect the building's character. The proposed bi-folding doors spanning the width of the rear of the property add to the unsympathetic nature of the development. The proposed glazing on the side roof and wall is considered to be a contrived design in order to reduce the impact on the adjoining neighboring property. The glazing would not relate well to the rest of the extension design and therefore the side elevation would have an incongruous appearance.
- 8.6 The proposed extension would therefore form an inappropriate and incongruous addition which would result in material harm to the appearance and original character of the rear elevation of the existing property.
- 8.7 A recent planning application at no.58 Waldegrave Road (BH2012/03445) for an infill extension was allowed at appeal. However this appeal was decided before the adoption of SPD12, and the Inspector stated that the extension has been designed to respect the appearance of the existing building. The SPD provides specific advice on extensions, which the proposed scheme contravenes. Moreover, the side glazing is considered inappropriate.
- 8.8 Overall the awkwardly designed proposal would be detrimental to the character and appearance of both the existing property and the surrounding Preston Park Conservation Area. The proposal is thereby considered contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

**Impact on Amenity:**

- 8.9 Policy QD14 of the Brighton & Hove Local Plan states that planning permission will only be granted if the proposed development would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.10 The neighbouring properties most likely to be affected by the proposal are the two adjacent properties either side (nos. 14 and 18 Waldegrave Road).
- 8.11 With a rearwards projection similar to the existing lean-to in a position adjacent to the boundary with No 18 Waldegrave Road to the north, and having regard to the height and design of the extension, it is considered that the proposed development would have no adverse effects on the amenities of the occupants of that property.
- 8.12 The proposed extension would be sited close to the side boundary of the neighbouring property to the south (no. 14 Waldegrave Road). This property has a land level drop in relation to the application site by approximately 0.9m.
- 8.13 The ground floor of this neighbouring property has a dining room rear window, as well as two side elevation kitchen windows that face into the lightwell. The proposed extension would be sited approximately 0.8m from the boundary. However the extension would have a 6m depth running alongside the boundary close to the neighbouring lightwell. The eaves of the extension would be 1.5m higher than the boundary.
- 8.14 Due to the height and projection of extension, coupled with the considerable difference in land levels, it is considered that despite the extension being set away from the boundary, the proposal would still have a harmful impact upon No. 14 in terms of an overbearing impact, loss of outlook and an increased sense of enclosure. It is considered that the addition of glazing to the side of the extension would provide little relief from the overall solid appearance of the extension.
- 8.15 The scheme is therefore considered contrary to policies QD14 and QD27.

## **9 CONCLUSION**

- 9.1 The application is recommended for refusal given the inappropriate design and resulting impact on neighbouring amenity.

## **10 EQUALITIES**

10.1 None identified

**11 REASON FOR REFUSAL / INFORMATIVES**

**11.1 Reasons for Refusal:**

1. The proposed rear infill extension would wrap around the original rear wall of the outrigger forming an inappropriate addition which would be to the detriment of the character and appearance of the rear elevation and original plan form of the existing property. Furthermore the design would cause material harm to the surrounding Preston Park Conservation Area. The proposal would therefore be contrary to policies HE6, QD2 and QD14 of the Brighton & Hove Local Plan.
  
2. The proposed rear infill extension, by virtue of its depth in close proximity to the site boundary as well as its height, would result in an un-neighbourly form of development that would have an overbearing impact on the residents of the neighbouring property at no. 14 Waldegrave Road to the detriment of residential amenity. The scheme is therefore contrary to policies QD14 and QD27.

**11.2 Informatives:**

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
  
2. This decision is based on the drawings listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing	n/a		15 November 2013
Proposed	n/a		13 January 2014



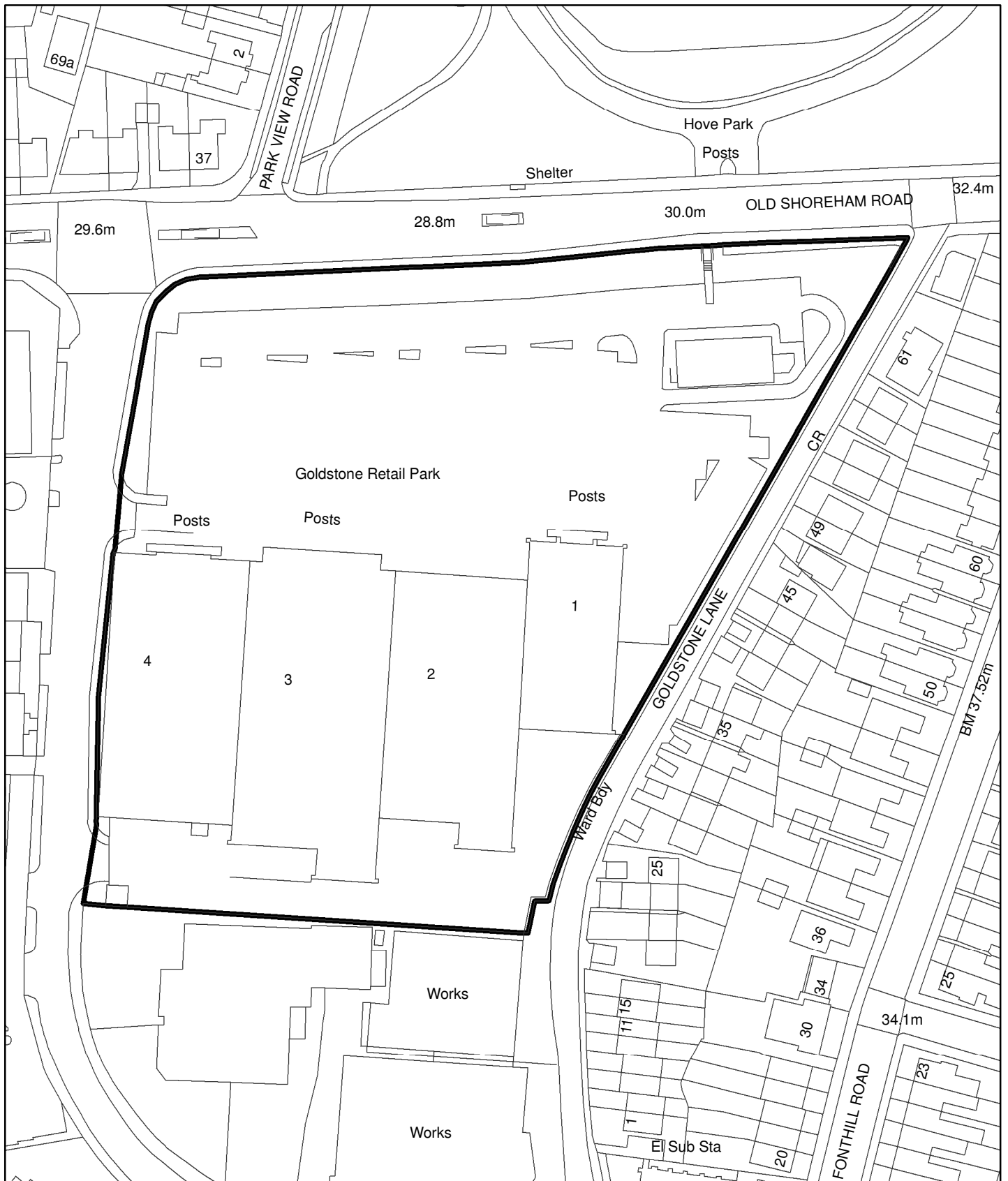
# **ITEM D**

**Goldstone Retail Park, Newtown Road, Hove**

**BH2013/03841  
Removal or variation of condition**

**19 FEBRUARY 2014**

# BH2013/03841 Goldstone Retail Park, Newtown Road, Hove.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/03841</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Goldstone Retail Park Newtown Road Hove</b>		
<b><u>Proposal:</u></b>	<p><b>Application for variation and removal of conditions of application BH2013/02445 (Erection of single storey restaurant (A3) with external seating area and alterations to car park).</b></p> <p><b>Variation of condition 6 to allow deliveries and the collection of goods/refuse from the site between 08:00 - 18:00 Mondays to Saturdays and not at all on Sundays and Bank Holidays.</b></p> <p><b>Variation of condition 7 to read: All hard landscaping and means of enclosure shall be completed prior to occupation of the development.</b></p> <p><b>Variation of condition 12 to read: Within three months of a start on site, a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved an overall BREEAM rating of 'Good' shall be submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.</b></p> <p><b>Variation of condition 17 to read: Within three months of the first occupation of the development hereby approved, a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved an overall BREEAM rating of 'Good' shall be submitted to, and approved in writing by, the Local Planning Authority.</b></p>		
<b><u>Officer:</u></b>	<b>Steven Lewis, Tel: 290480</b>	<b><u>Valid Date:</u></b>	<b>15 November 2013</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>10 January 2014</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>Indigo Planning, Swan Court, Worple Road, Wimbledon</b>		
<b><u>Applicant:</u></b>	<b>Scottish Widows Investment Partnership Unit Trust, C/O Indigo Planning</b>		

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site relates to a retail park on the southern side of Old Shoreham Road between the junctions with Newtown Road and Goldstone Lane.

- 2.2 The site originally comprised a row of 4 retail warehouses one of which, unit 4, has since been subdivided; the frontage of the site is dominated by extensive surface parking. The north-eastern section of the site features a single-storey takeaway / restaurant.
- 2.3 Planning permission was granted under BH2012/01182 for a pair of commercial units to house a café and mobile phone shop. Subsequently a single storey restaurant (A3) with external seating area and alterations to car park was approved under reference BH2013/02445.

### 3 RELEVANT HISTORY

**BH2013/02445** - Erection of single storey restaurant (A3) with external seating area and alterations to car park. – Approved

**BH2012/01182** - Erection of freestanding retail terrace to include 1no single storey retail unit (A1) and 1no single storey coffee shop (A3), incorporating external seating area and alterations to car park. – Approved

**BH2008/00269:** (Unit 4) Proposed alterations to front, side and rear elevations (*to allow sub-division of the unit*). Approved.

**BH2006/00088:** (Unit 4) Certificate of Lawfulness for proposed construction of a mezzanine floor. Approved.

**BH1998/00870/FP:** Erection of a single storey building for the use Class A3 takeaway restaurant/drive through with associated parking, servicing and landscaping. Approved (on appeal).

**3/96/0634/RM:** Approval of reserved matters. Approved.

**3/95/0748/OL:** Outline planning application for demolition of existing football ground and ancillary buildings and construction of on-food retail units with associated car parking, servicing and landscaping. Approved.

### 4 THE APPLICATION

- 4.1 Planning permission is sought to vary four planning conditions placed upon permission BH2013/02445 and to remove condition 10 relating to landscaping
- 4.2 During the course of the application, the applicant has amended the application to reduce the delivery times being sought, including Sundays and later in the evening and to increase the BREEAM from Pass to Good.
- 4.3 Condition 6 would be varied to allow deliveries and the collection of goods/refuse from the site between 08:00 – 18.00 Mondays to Saturdays, with no deliveries on Sundays and Public Holidays.
- 4.4 Condition 7 varied to read: All hard landscaping and means of enclosure shall be completed prior to occupation of the development.

- 4.5 Conditions 12 & 17 to be varied to allow a BREEAM 'good' Standard in place of the previously sought 'Very Good' standard.
- 4.6 During the course of the application, the applicant has amended the application to reduce the delivery times being sought, including Sundays and later in the evening and to increase the BREEAM from Pass to Good.
- 4.7 In addition, the application also originally sought to vary the opening hours of the restaurant and remove archaeological site investigation and post investigation assessments. These aspects have been withdrawn from the application.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: Six (6)** letters of representation have been received from **27 (x2), 45, 49, 51 Goldstone Lane** objecting application for the following reasons:
- The Goldstone Retail Park is already noisy. This includes beeping from reversing vehicles, metal clanging, deliveries and collections etc
  - The development would cause increased noise an disturbance
  - The smell from the cooking should be stopped and dealt with
  - The Retail Estate already causes anti social behaviour with cars racing around an empty car park
  - The restaurant would be close to the residential area, it could have be built further away.
  - The noise from the retail park appears amplified due to the elevated position of Goldstone Lane
- 5.2 Petition of **Eighteen (18)** Signatures from addresses in **Goldstone Lane** has been received objecting to the increase in opening hours and delivery/collections on noise grounds
- 5.3 **Cllrs Vanessa Brown and Jayne Bennett** a copy of the objection letter is attached.
- 5.4 **Goldstone Valley Residents Association** objecting application for the following reasons:
- The extending of hours would cause further unnecessary noise and disturbance which seems to travel further at night.

### Internal:

- 5.5 **Environmental Health: Comment.**  
In consideration of the location and potential disturbance from traffic movements in relation to neighbours and the needs of supplying the restaurant with goods and timely removal of waste, it is agreed that the amended opening hours and goods are acceptable.
- 5.6 **Sustainability: Comment.**

As originally submitted, applications sought BH2013/03841 to vary the condition to deliver a lower standard of sustainability and relax the timescale of delivering the BREEAM certification by 3 months. The application requested a reduction in BREEAM standard from 'very good' with a score of 50% in energy and water sections, to a level of 'pass'.

- 5.7 The 3 month delay to submit certification is considered acceptable provided the local planning authority can be reassured that the agreed BREEAM standard will be achieved.
- 5.8 Following discussions with the BREEAM Assessor from Envision consultancy in December 2013, and the submission of a further document in January 2014, the design team have agreed to raise the proposed standard of the Nandos scheme to achieve a 'BREEAM Retail 'good' standard, achieving 59.25% (including a score of 9 in BREEAM category ENE1). A pre-assessment has been submitted indicating that a score of 47% is achievable. This is in the lower range of a 'good' score (which ranges 45-54).
- 5.9 This has significantly raised the proposed energy performance of the development and is considered an acceptable level to address local policy. Credits are predicted to be achieved in the energy section which meet the mandatory minimum for an 'excellent' score. This has been achieved by, for example:
- improvements to fabric performance (40% improvement on Part L compliance)
  - a PV array of 7.5 kWp, 50m<sup>2</sup> sized to provide 5,655 kWh/yr, and a CO<sub>2</sub> reduction of 2.995tonnes/yr or 23.4% of the Buildings Total Emissions. This works. (Based on 250W panels this would be 30 no Panels)
- 5.10 It is therefore recommended that the application be approved and text of Condition 12 and 17 varied, to cover the suggested text below.

Condition 12

- Within three months of commencement
- a BRE issued Interim/Design Stage Certificate
- Overall BREEAM rating of 'Good'
- Evidence to demonstrate that a minimum of 9 credits to be scored in BREEAM Energy category ENE1 (as proposed)

Condition 17

- Within three months of the first occupation
- BREEAM Building Research Establishment Post Construction Review Certificate
- confirming that the development built has achieved an overall BREEAM rating of 'Good'
- Evidence to demonstrate that a minimum of 9 credits have been scored in BREEAM Energy category ENE1 (as proposed)

**5.11 County Archaeologist:**

Recommend that the condition relating to the archaeological programme and works is not varied.

**5.12 Environment Agency:**

No objections

**5.13 Sussex Police**

No objections

**6 MATERIAL CONSIDERATIONS**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

6.6 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

**7 RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking

TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
SR1	New retail development within or on the edge of existing defined shopping centres
SR2	New retail development beyond the edge of existing established shopping centres

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

Brighton & Hove City Plan Part One (submission document)

## 8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the impact of the requested variations of conditions upon the amenity of nearby residential occupiers, the visual amenity of the area and the sustainability performance of the proposed building.

### **Planning Policy:**

8.2 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

### **Condition 6 – Delivery times**

8.3 The current condition attached to BH2013/02445 stated  
“Deliveries of goods to and collection of goods / refuse from the site shall not take place other than between the hours of 08:00 and 18:00 on Mondays to Fridays and the hours of 09:00 and 12:00 on Saturdays. There shall be no such deliveries or collections on Sundays or Public Holidays. **Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.”



- 8.4 As originally submitted the applicant proposed deliveries and servicing to take place between 08:00 – 23:00hrs Monday – Saturdays and on a Sunday. During the course of the application, the deliveries and servicing proposed on a Monday to Saturday has been reduced to reflect deliveries across the Retail Park. In addition, Sunday deliveries and servicing has been removed from the scheme.
- 8.5 Condition 6 would be varied to allow deliveries and the collection of goods/refuse from the site between 08:00 – 18.00 Mondays to Saturdays, with no deliveries on Sundays and Public Holidays. In effect the proposal seeks to extend the hours of deliveries on a Saturday from 09:00 to 12:00, to 08:00 to 18:00, an increase of 7 hours, starting an hour earlier and finishing 6 hours later than presently consented. Hours during the week would not be affected.
- 8.6 The main commercial units within Goldstone Retail Park are presently permitted to deliver between 07:00 to 18:00 Monday to Saturday and not at any time on Public Holidays.
- 8.7 Objections have been received from local residents with respect to operating noise from the existing stores and premises within the Goldstone Retail Park. There is no evidence to suggest at this stage that any of the units are presently operating outside of permitted planning conditions for operation or that there is a breach of planning control.
- 8.8 Local Residents could have recourse under other Primary Legislation, in this case the Environmental Protection Act 1990, no such complaints have been made to the Environmental Health team.
- 8.9 The Environmental Health team have no objection to the proposed hours. When considering the present operating hours and conditions, it is considered that the increase in delivery times is unlikely to cause a significant or material impact upon the nearby residents.

#### **Condition 7 – Landscaping**

- 8.10 The current condition attached to BH2013/02445 states
- “All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan”.

- 8.11 The applicant seeks to vary Condition 7 to read: All hard landscaping and means of enclosure shall be completed prior to occupation of the development.
- 8.12 The primary aim of condition 7 was to ensure that the proposed hard landscaping was implemented. The proposed landscaping scheme did not include soft planting given the already hard surface of the car park and its surroundings. After reviewing the condition placed it is considered that the condition could be reworded to be more specific with regards to the implementation of the hard landscaping scheme previously approved. Furthermore, condition 10 requiring landscaping can be removed on the basis that the hard landscaping scheme is acceptable for this location.

**Conditions 12 & 17 – Variation of BREEAM standard**

- 8.13 The current conditions state

“No non-residential development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall ‘Very Good’ for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.”

and

“None of the non-residential development hereby approved shall be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall ‘Very Good’ has been submitted to, and approved in writing by, the Local Planning Authority. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 8.14 The application originally applied to vary the condition to deliver a lower standard of sustainability and relax the timescale of delivering the BREEAM certification by 3 months. The application requests a reduction in BREEAM standard from ‘very good’ with a score of 50% in energy and water sections, to a level of ‘pass’.
- 8.15 The applicant outlined their case for the reduction in standard with the following justification
- the requirement would ‘threaten delivery of the unit’, adding £80,000 cost to a development costing £400,000.

- that the building is in the lower end of the definition of medium scale as defined in SPD08, and that for smaller developments the requirement for BREEAM assessments and surveys becomes disproportionately high.
- That Nandos have signed an agreement to lease the building without being aware of the BREEAM requirement (p2) which will add to fit out costs.

8.16 The 3 month delay to submit certification is considered acceptable provided the local planning authority can be reassured that the agreed BREEAM standard will be achieved.

8.17 A BREEAM 'pass' standard was considered too far below the standard expected for this development to be able to recommend approval. The applicant focused on energy and water areas in particular bearing in mind that the condition of the permission was to deliver 50% in energy and water sections.

8.18 Further information submitted received during the course of the application about intended improvements to lift the score towards these standards was requested and following discussions with the BREEAM Assessor from Envision consultancy in December 2013, and the submission of a further document in January 2014, the applicants have agreed to raise the proposed standard of the Nandos scheme to achieve a 'BREEAM Retail 'good' standard, achieving 59.25% (including a score of 9 in BREEAM category ENE1).

8.19 A pre-assessment has been submitted indicating that a score of 47% is achievable. This is in the lower range of a 'good' score (which ranges 45-54). This significantly raises the proposed energy performance of the development and is considered an acceptable level to address local policy. Credits are predicted to be achieved in the energy section which meet the mandatory minimum for an 'excellent' score.

8.20 It is therefore recommended that the application be approved and the wording of Condition 12 and 17 varied, to cover the following

Condition 12

- Within three months of commencement
- a BRE issued Interim/Design Stage Certificate
- Overall BREEAM rating of 'Good'
- Evidence to demonstrate that a minimum of 9 credits to be scored in BREEAM Energy category ENE1 (as proposed)

Condition 17

- Within three months of the first occupation
- BREEAM Building Research Establishment Post Construction Review Certificate
- confirming that the development built has achieved an overall BREEAM rating of 'Good'

- Evidence to demonstrate that a minimum of 9 credits have been scored in BREEAM Energy category ENE1 (as proposed)

8.21 Such an approach is considered acceptable and subject to appropriate conditions would meet the broad policy aims of policies SU2 and SPD08.

**Other Considerations:**

8.22 Matters with respect to the variation or removal of the opening hours and archaeological conditions have been withdrawn from the application and therefore are no longer effects the application.

8.23 Due to the changes outlined in condition 7, it is also considered that condition 10 should be amended to reflect the hard landscaping nature of the development

8.24 Since the previous approval (BH2013/02245) there have been no substantial changes in circumstance or policies to require changes to the other imposed conditions. Development has not commenced upon the site and therefore the other non effected conditions should be re-imposed.

**9 CONCLUSION**

9.1 The proposed changes to the permission comprising of an extension to delivery hours upon a Saturday, landscaping and sustainability standards would not have an unduly harmful impact upon the amenity of residents, the visual amenity of the area and are justified when considering other mitigation measures in the energy and water sections of the sustainability performance of the building.

**10 EQUALITIES**

10.1 The unit incorporates an accessible level threshold, with the disabled accessible WCs. The revised car park layout makes provision for 2 accessible spaces along the frontage of the building.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 Regulatory Conditions:**

1. The development hereby permitted shall be commenced before 26/09/2016. **Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site Location Plan	02880035/1	-	19/07/2013
Location Plan	782-N01	A	19/07/2013

PLANNING COMMITTEE LIST- 19 FEBRUARY 2014

Proposed Site Plan	782-N02	A	19/07/2013
Proposed Ground Floor Plan	782-N03	A	19/07/2013
Proposed Elevations	782-N04	A	19/07/2013
Proposed Part External Layout	782-N05	-	19/07/2013

3. The hereby unit, as indicated on drawing no. 782-N03 Rev A received 19 July 2013, shall only be used within Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) unless prior planning permission is obtained from the Local Planning Authority. **Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of the premises in the interests of safeguarding the amenities of the area, protecting the vitality and viability of existing shopping centres, and to comply with policies SR1 and SR2 of the Brighton & Hove Local Plan.
  
4. No intoxicating liquor shall be sold or supplied within the unit hereby approved except to persons who are taking meals on the premises and who are seated at tables. 'Meals' means food that has been cooked or prepared and purchased within the premises. Any alcohol sales shall be ancillary to the approved use.  
**Reason:** In the interest of general amenity and public order and to comply with policies QD27 and SR12 of the Brighton & Hove Local
  
5. The premises shall not be open for customer trading except between the hours of 08:00 to 23:00 Monday to Saturdays; and 09:00 to 22:00 on Sundays and Bank Holidays.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
  
6. Deliveries of goods to and collection of goods / refuse from the site shall not take place other than between the hours of 08:00 and 18:00 on Mondays to Saturdays. There shall be no such deliveries or collections on Sundays or Public Holidays.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
  
7. All hard landscaping and means of enclosure shall be completed before the development is occupied.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

8. 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.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
9. Prior to the commencement of development hereby permitted a plan demonstrating that the number of disabled parking spaces meets the requirements of the adopted Parking Standards (SPGBH4 - Parking Standards). The use of the building shall not commence till all parking spaces have been marked out in accordance with approved details and thereafter the parking spaces shall not be retained \and not used other than for the parking of vehicles.  
**Reason:** To ensure that satisfactory facilities for the parking of vehicles are provided and to comply with policies TR1, TR7 and TR18 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 4 (SPGBH4 – Parking Standards).
10. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences. **Reason:** To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
11. Within three months of the commencement of development a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM assessment within overall 'Good' and that a minimum of 9 credits to be scored in BREEAM Energy Category ENE1 (as Proposed) for all non-residential development has been achieved shall be submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
12. No development shall commence until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

13. No development shall commence until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

14. No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

15. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan

#### 11.3 Pre-Occupation Conditions:

16. Within three Months of occupation BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of overall 'Good and that a minimum of 9 credits to be scored in BREEAM Energy Category ENE1 (as Proposed) has been achieved shall be submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- Within three months of the first occupation
- BREEAM Building Research Establishment Post Construction Review Certificate
- confirming that the development built has achieved an overall BREEAM rating of 'Good'

- Evidence to demonstrate that a minimum of 9 credits have been scored in BREEAM Energy category ENE1 (as proposed)

17. The development hereby permitted shall not be occupied until details of secure and, unless otherwise agreed in writing by the Local Planning Authority, covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

18. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 15 and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan

#### 11.4 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-

The proposed changes to the permission comprising of an extension to delivery hours on a Saturday and changes to landscaping and sustainability standards would not have an unduly harmful impact upon the amenity of residents, the visual amenity of the area and are justified when considering other mitigation measures in the energy and water sections of the sustainability performance of the building.



From: Jayne Bennett  
Sent: 01 December 2013 19:56  
To: Steven Lewis  
Subject: BH2013/03841

Dear Mr Lewis,

As ward councillors for this area we are very concerned about the noise and disturbance that may be caused for nearby residents should deliveries and refuse collectors be allowed until 11pm. We would prefer Sunday and Bank Holidays be restricted to 10pm as per the original application.

Councillors Jayne Bennett and Vanessa Brown



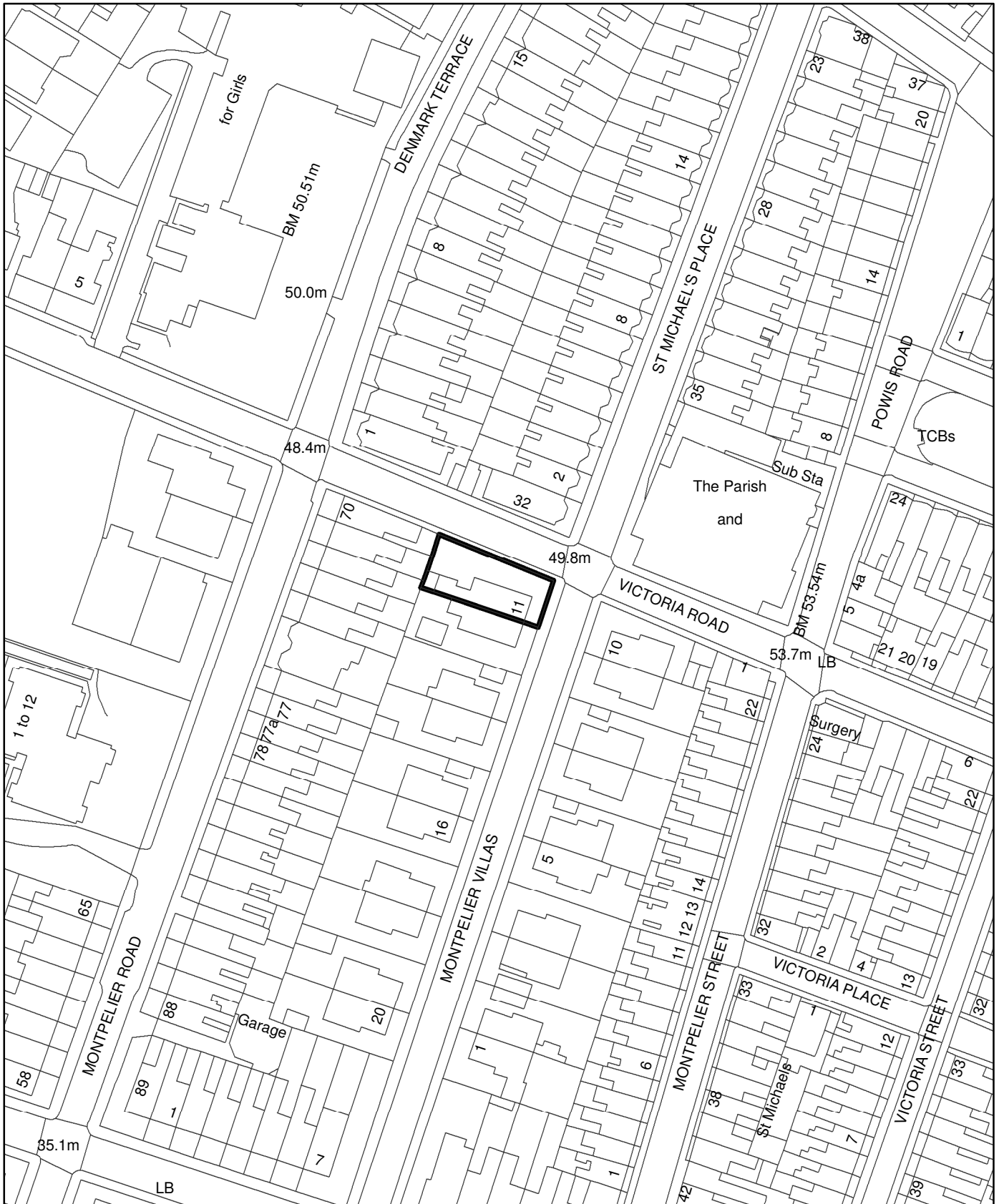
# **ITEM E**

**11 Montpelier Villas, Brighton**

**BH2013/03247  
Full planning**

**19 FEBRUARY 2014**

# BH2013/03247 11 Montpelier Villas, Brighton



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2013/03247</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>11 Montpelier Villas Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of annex adjoining existing maisonette and basement flat and reconstruction of annex to form a third residential unit on the site, along with associated works.</b>		
<b><u>Officer:</u></b>	Christopher Wright Tel 292097	<b><u>Valid Date:</u></b>	30 September 2013
<b><u>Con Area:</u></b>	Montpelier & Clifton Hill	<b><u>Expiry Date:</u></b>	25 November 2013
<b><u>Listed Building Grade:</u></b>	Grade II Listed		
<b><u>Agent:</u></b>	John Whiting Architect, 14 Bates Road, Brighton BN1 6PG		
<b><u>Applicant:</u></b>	Mr Ray Bullock, 11 Montpelier Villas, Brighton BN1 3DG		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission following expiry of the neighbour notification period and subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is occupied by a two storey plus basement semi-detached Victorian villa situated on the west side of Montpelier Villas and on a corner plot with frontage onto Victoria Road also. The property is of the typical Italianate villas style which characterises the locality. The existing property is divided into a self contained basement flat and upper maisonette. The maisonette has access to the annex presently.
- 2.2 A two storey residential annex, used in connection with the maisonette, has been constructed to the rear of the property and has a front entrance, driveway and garage, accessed off Victoria Road. It is not clear from the planning history when this wing was added to the property.
- 2.3 The building is Grade II Listed and situated in the Montpelier and Clifton Hill Conservation Area.

## 3 RELEVANT HISTORY

**BH2013/00533** – Listed Building Consent. Subdivision of existing dwelling including demolition and reconstruction of rear annex to form 1no two bed dwelling and associated internal alterations. Refused 16 April 2013.

**BH2013/00532** – Full Planning. Subdivision of existing dwelling including demolition and reconstruction of rear annex to form 1no two bed dwelling and associated internal alterations. Refused 16 April 2013.

**BN96.1525** – New garage to replace existing and other alterations including erection of veranda with canopy at rear. Approved 2 November 1976.

**63.2207** – Additional garage. Refused 10 December 1963.

**1558.689** – Alterations to flats. Approved 19 June 1958.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the existing modern 2 storey annex to the rear of the main dwelling and the construction of a replacement building with basement level, and would comprise of a 2-bedroom dwellinghouse. Internal alterations are proposed to the main building. An application for listed building consent for the works has also been submitted, **ref. BH2013/03248**.
- 4.2 The new dwelling would, in terms of scale and form, follow the same footprint as the existing annex, but would be 900mm near to the street and the link would be recessed 700mm from the line of the front elevation.
- 4.3 The new build would be the same overall width and height as the existing annex. The single storey side element, replacing the existing garage, would be raised 600mm so the flat roof would line up with the decorative band around the main part of the proposed dwelling.
- 4.4 Windows are proposed to be timber sliding sashes and the building would incorporate a first floor level window recess on the link element, to appear as a blocked up window. Architectural details proposed include ironwork railings to the entrance steps and ground floor balcony and a parapet wall incorporating a decorative cornice to match existing.
- 4.5 The external finish of the wall is proposed to be white render.
- 4.6 The accommodation of the annex includes:

##### Lower ground floor:

- Sitting room/study
- Guest bedroom
- Utility room.
- Shower and W.C.
- Light well in front.

##### Ground floor:

- External steps to main entrance
- Living room
- Kitchen
- W.C.

##### First floor:

- Master bedroom
- En-suite

## 5 PUBLICITY & CONSULTATIONS

### External:

5.1 **Neighbours: Nine (9)** letters of representation have been received from **Flats 1A, 2, 3 and 6 – 32 Victorian Road; 3, 5 and 7 Montpelier Villas; Flat 1A – 1 Denmark Terrace; and 6 Compton Road (Montpelier and Clifton Hill Association)**, in support of the application for the following reasons:-

- In keeping and sympathetic to surrounding houses.
- Improvement to existing building.
- No overlooking or loss of privacy.
- No loss of light or overshadowing.
- Views to the sea not affected.
- Small scale of development.
- Positive contribution to community.
- Acceptable height.
- Much thought given to detailing and link.

5.2 **Five (5)** letters of representation have been received from **12, 13 and 14 Montpelier Villas; 11 Montpelier Terrace; and 33 Brigden Street**, objecting to the application for the following reasons:

- Danger to neighbouring properties from excavating cellar.
- Terracing effect.
- Principle of demolition.
- Subdivision of a heritage asset.
- Loss of private amenity space.
- Will set a precedent for lower ground floor levels.
- Lack of outlook and amenity space for future occupiers.
- Front elevation is same as previously refused applications.
- No Party Wall agreement.
- Contrary to policies HE2 and HE8 of the Local Plan.
- Horizontal emphasis of building.

5.3 **Conservation Advisory Group: No objection.**

The Group recommends approval for the subdivision of the existing dwelling including demolition and reconstruction of the rear annex to form 1no two bed dwelling and associated works subject to the following points: iron work for the balcony should match the main building including the supporting bracket and the king post fennels on the gate to hardstanding be identical to what is existing on the main railings.

### Internal:

5.4 **Heritage: Seek amendments.**

This application follows the refusal of BH2013/00533 for a similar proposal. There was no objection in principle to the proposals but there were concerns over the bulk of the rebuilt dwelling and the design of the entrance.

- 5.5 The first reason for refusal referred to the new entrance and has been addressed by narrowing the entrance steps and railing and this is now considered acceptable. The entrance door would still have an aediculated surround but it would be of simpler design than that of 11 Montpelier Villas and is considered acceptable in principle as this is to be a separate dwelling. The detail of this will need to be approved by condition.
- 5.6 The second reason for refusal has been addressed by omitting the proposed conservatory/belvedere feature and the scale and massing of the new dwelling is now considered to be just about acceptable.
- 5.7 There are also internal alterations proposed to the original house which would result in a more intensive subdivision, with new partitions to form bathrooms and cupboards. As submitted these are considered to be contrary to SPGBH11 as a result of the new partitions that abut and bisect chimney breasts and create awkwardly sized or shaped rooms. Amendments should be required as follows:
- 5.8 Ground floor – the new bathroom in bedroom 1 should have its doors in the same plane as the partition wall, not set at an angle, so that it does not abut the chimney breast and to avoid creating an irregular shaped space.
- 5.9 First floor – the subdivision of the former bedroom 3 to create two small bathrooms, bisecting is harmful to this room. This room should be a single bathroom only. The new en-suite shower room in bedroom 2 should not abut the chimney breast.
- 5.10 The scheme has subsequently been amended to incorporate the recommendations of the Heritage Officer.
- 5.11 **Arboriculturalist:** No objection.  
Along the eastern boundary of the site are four trees, one appears to be ivy-clad and in decline, the others are Swedish Whitebeam.
- 5.12 These trees may all be lost to facilitate the development. They are of small stature with insignificant arboricultural value and there is no objection to their loss.
- 5.13 There are several Acer spp in neighbouring properties that overhang the development site and are in close proximity to the proposed development.
- 5.14 The site is currently laid to concrete/housing and is bounded by an ivy-clad wall that appears to be constructed of concrete. All of these features are hostile to tree roots and for this reason there are unlikely to be any on the development site itself.
- 5.15 Any pruning of overhanging trees should be carried out to BS3998 (2010) Recommendations for Tree Works.
- 5.16 **Sustainable Transport:** No objection.



The highway authority has no objections in principle but prior to determination the applicant should provide details of proposed cycle parking for both the proposed and existing units, which did have access to the garage.

**5.17 Accessibility Officer: No objection.**

There should be 1100mm clear space in front of the first floor W.C. and there should be room for a 150mm turning circle if the bath is removed.

**5.18 Private Sector Housing: Objection.**

Private Sector Housing raises concerns in respect of fire safety and means of escape from the new dwelling. (This would be dealt with under Building Regulations).

**6 MATERIAL CONSIDERATIONS**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

6.6 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

**7 RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF) March 2012

Brighton & Hove Local Plan 2005:

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TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO9	Residential conversions and retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

### Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

### Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 Matters relating to the Party Wall Act and the safety of excavation are not material planning considerations. The main considerations in the determination of this application relate to the principle of development; impact on the Listed Building and the wider Conservation Area; amenity impact; transport impact; and sustainability.

### **8.2 Principle:**

The proposed development incorporates demolition of the rear annex and re-building to the same height. The current scheme incorporates a basement level to the annex. The annex would continue to be used for residential purposes but as a separate self contained dwelling, not connected internally with the maisonette fronting Montpelier Villas. In principle this is considered acceptable. The new dwelling would be capable of family accommodation and the floor area of the original dwelling exceeds 115 square metres, hence the proposal is compliant with policy HO9 of the Local Plan.

- 8.3 The proposal is for a net gain of one residential unit in a relatively densely built up central location. The proposal is considered to be compliant with policies HO3 and HO4 in these respects.
- 8.4 **Impact on Listed Building:**  
For the most part, the proposed development would re-construct an existing building in the same position in relation to the original dwelling, but with a basement level and improved architectural detailing. It is considered that it would be difficult to justify a refusal based on the impact on the setting and space around the original Listed Building because there is an existing structure of the same height and scale on the site. The two key differences between the existing annex and proposed scheme would be the creation of a basement level and a small increase height over the existing garage adjacent to the rear boundary of the site with Montpelier Road. The Heritage Team raises no objection to the proposal in principle and is satisfied with the amendments to the design of the entrance and the removal of the formerly proposed belvedere over the garage. It should be noted that the matters relating to internal alterations required by the Heritage Team fall to be considered as part of the application for Listed Building Consent (ref. BH2013/03248).
- 8.5 The application seeks to retain a planted garden area in front of the re-built wing and this would be in keeping with the garden setting of the listed building.
- 8.6 **Impact on Conservation Area:**  
The proposed development would be of the same height and of similar scale to the existing annex but with improved architectural detailing. This space is already occupied by the existing annex, which is considered poorly detailed in relation to the character and appearance of the recipient building and wider Conservation Area. The proposal would enhance the historic character and appearance of the Conservation Area due to the more appropriate design and detailing of the proposal in comparison with the existing annex. The scale and form of the proposal would not detract from the spatial characteristics and layout of development within the Conservation Area. Accordingly the proposal is considered compliant with policy HE6 of the Local Plan.
- 8.7 The proposal would not involve the loss of trees which are of amenity value and adjacent trees within neighbouring properties would not be comprised and the Council Arboriculturalist raises no objection subject to the correct pruning of those trees.
- 8.8 **Amenity impact:**  
The south facing rear wall of the proposed development runs alongside the flint boundary wall of the adjoining semi-detached building, 12 Montpelier Villas. The additional storey (belvedere) has been removed from the current application and only a small increase in the farthest part of the wall would be seen from this neighbouring property. This small increase in height is not considered likely to have a significant adverse impact on neighbour amenity.

- 8.9 Similarly, the small increase in height along the boundary with rear gardens to properties in Montpelier Road is not considered likely to have a significant adverse impact on residential amenity by way of excessive overshadowing, and the proposal would give rise to little if any overlooking of those properties.
- 8.10 The proposal is considered to be compliant with policy QD27 of the Local Plan.
- 8.11 Future occupiers' of the proposed dwelling would enjoy private useable amenity space in the form of the front garden, which would be below adjacent street level. The property would have a single aspect but the large windows proposed would allow for sufficient natural light and outlook for future residents. For these reasons the proposal is compliant with policies QD27 and HO5 of the Local Plan.
- 8.12 The consultation comments from the Accessibility Officer are noted, however, there is scope within the development to alter the internal layout without affecting the external appearance, to provide for sufficient clearance in front of WCs and provide adequate circulation space to meet Lifetime Home standards in accordance with policy HO13 of the Local Plan. These requirements can be dealt with by imposing a condition in the event approval is granted. Level access to the new dwelling would not be possible because internal floor level is raised above adjacent ground level and steps are required.
- 8.13 **Sustainable Transport:**  
The application proposed to retain 1 off-street parking space in front of the new dwelling and in the position of the existing driveway in front of the garage. This level of off-street parking would not exceed the maximum levels set out in SPGBH4 and as such the proposal is compliant with policies TR1 and TR19 of the Local Plan. Policy HO7 for car free housing cannot be applied where off-street parking is available.
- 8.14 In respect of policy TR14, the applicant does not propose secure, on-site cycle parking. In accordance with SPG4 a minimum of one cycle parking space should be provided. There is scope to provide cycle storage within the curtilage of the new dwelling within the garden or alongside the driveway area. As such a planning condition could reasonably be imposed to secure details in the event permission was to be granted.
- 8.15 **Sustainability:**  
Policy SU2 of the Local Plan requires development to demonstrate efficiency in the use of energy, materials and water. SPD08: Sustainable Building Design requires, for new residential development of 2 or fewer residential units, Level 3 of the Code for Sustainable Homes to be met on previously developed land. The site constitutes previously developed land. The applicant has submitted a Sustainability Checklist stating the Code Level 3 will be achieved in the new development. Planning conditions are recommended to be used to ensure the development is designed and carried out to meet Code Level 3.

## 9 CONCLUSION

- 9.1 In principle the development proposal is considered acceptable in terms of policy compliance and the form, scale, design and detailing are appropriate in relation to the original dwellinghouse, the Listed status of the property and would preserve and enhance the character and appearance of the wider Conservation Area.
- 9.2 The proposal would provide satisfactory living conditions for future occupiers and would not have a significant adverse impact on neighbour amenity. In addition the proposal would not have an adverse impact on the highway and would be constructed to an acceptable level of sustainability, achieving Level 3 of the Code for Sustainable Homes.

## 10 EQUALITIES

- 10.1 The proposed development shall be designed to meet Lifetime Home standards as far as practicable.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 Regulatory Conditions:

1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Ground & Lower Ground Floor As Proposed	1121/P/201/C		13 Nov 2013
First Floor & Roof Plans As Proposed	1121/P/202/C		13 Nov 2013
Sketch View from North East	1121/SK/10		23 Sep 2013
Sketch View of North Elevation	1121/SK/11		23 Sep 2013
Location & Block Plans	1121/P/001/A		23 Sep 2013
Site Plan As Existing	1121/P/002/A		23 Sep 2013
Ground & Lower Ground Floor Plans As Existing	1121/P/101/A		23 Sep 2013
First & Second Floor Plans As Existing	1121/P/102/A		23 Sep 2013
North Elevation As Existing	1121/P/103/A		23 Sep 2013
East & West Elevations As Existing	1121/P/104/A		23 Sep 2013
South Elevation As Existing	1121/P/105/A		23 Sep 2013
North Elevation As Proposed	1121/P/301/B		23 Sep 2013
East & West Elevations As	1121/P/302/B		23 Sep 2013

PLANNING COMMITTEE LIST- 19 FEBRUARY 2014

Proposed			
South Elevation as Proposed	1121/P/303/B		23 Sep 2013
Front Façade Wall Section As Proposed	1121/P/304/A		23 Sep 2013

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 alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies HE3, HE6, QD14 and QD27 of the Brighton & Hove Local Plan.

4) 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 window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

5) Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling hereby permitted shall be constructed to meet Lifetime Homes' standards prior to its first occupation and shall be retained as such thereafter.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

6) The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

7) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

**Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

8) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development,

whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

9) No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

**Reason:** To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.

10) No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies HE1, HE3 and HE6 of the Brighton & Hove Local Plan.

11) Access to the flat roofs of the development hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

#### 11.2 Pre-Commencement Conditions:

12) 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.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1, HE1 and HE6 of the Brighton & Hove Local Plan.

13) Unless otherwise agreed in writing by the Local Planning Authority, no residential 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 residential unit has been submitted to the Local Planning Authority; and

(b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for the residential unit has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

14) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

### 11.3 Pre-Occupation Conditions:

15) 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.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

16) Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the residential unit 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.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

17) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.



11.4 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. This decision to grant Planning Permission has been taken:

(i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:

(Please see section 7 of the report for the full list); and

(ii) for the following reasons:-

In principle the development proposal is considered acceptable and the form, scale, design and detailing are appropriate in relation to the original dwellinghouse, the Listed status of the building and would preserve and enhance the character and appearance of the wider Conservation Area.

The proposal would provide satisfactory living conditions for future occupiers and would not have a significant adverse impact on neighbour amenity. In addition the proposal would not have an adverse impact on the highway and would be constructed to an acceptable level of sustainability, achieving Level 3 of the Code for Sustainable Homes.



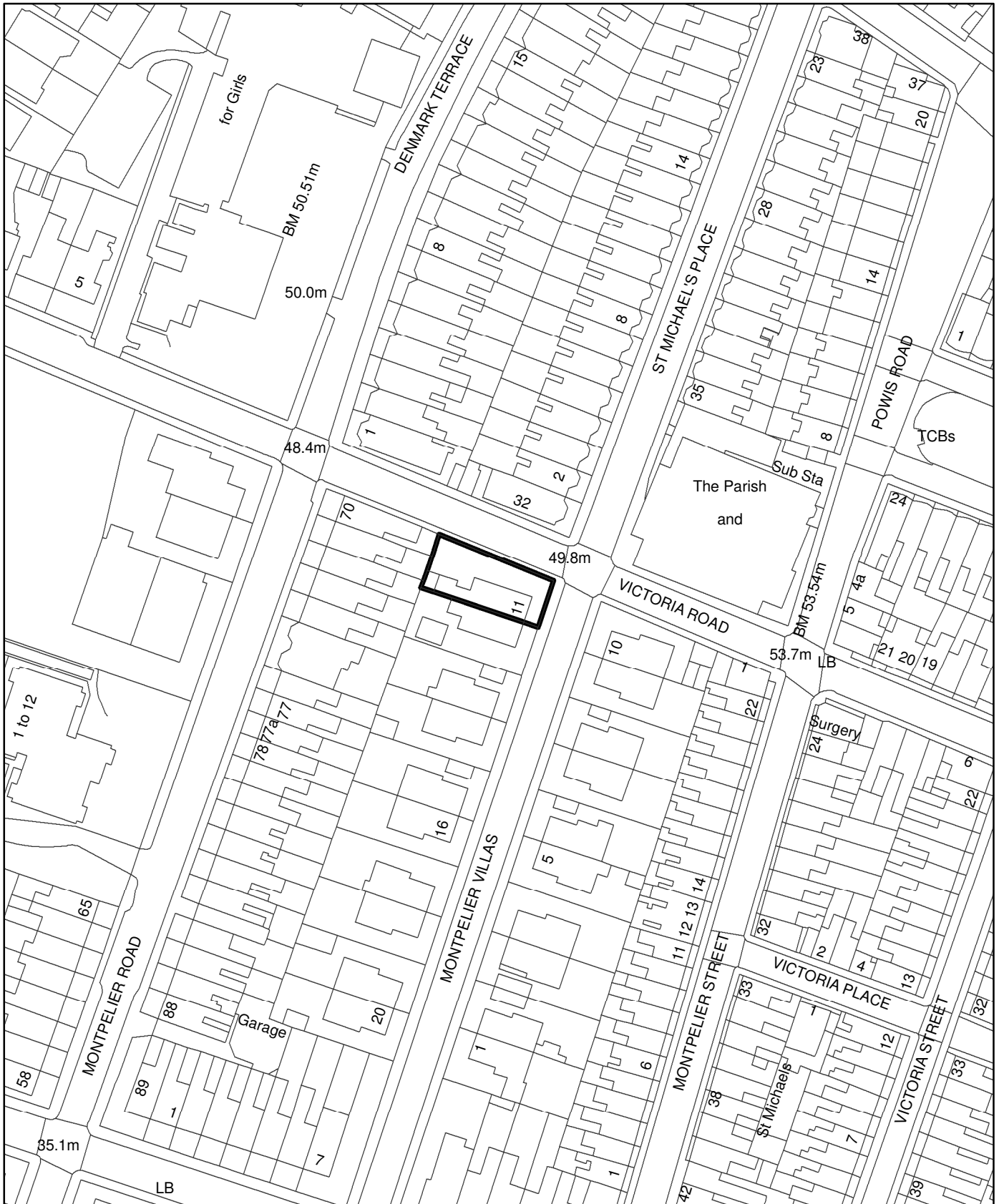
# **ITEM F**

**11 Montpelier Villas, Brighton**

**BH2013/03248**  
**Listed building consent**

**19 FEBRUARY 2014**

# BH2013/03248 11 Montpelier Villas, Brighton



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2013/03248</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>11 Montpelier Villas Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of annex adjoining existing maisonette and basement flat and reconstruction of annex to form a third residential unit on the site, along with associated works.</b>		
<b><u>Officer:</u></b>	Christopher Wright Tel 292097	<b><u>Valid Date:</u></b>	23 September 2013
<b><u>Con Area:</u></b>	Montpelier & Clifton Hill	<b><u>Expiry Date:</u></b>	18 November 2013
<b><u>Listed Building Grade:</u></b>	Grade II Listed		
<b><u>Agent:</u></b>	John Whiting Architect, 14 Bates Road, Brighton BN1 6PG		
<b><u>Applicant:</u></b>	Mr Ray Bullock, 11 Montpelier Villas, Brighton BN1 3DG		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission following expiry of the neighbour notification period and subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is occupied by a two storey plus basement semi-detached Victorian villa situated on the west side of Montpelier Villas and on a corner plot with frontage onto Victoria Road also. The property is of the typical Italianate villas style which characterises the locality. The existing property is divided into a self contained basement flat and upper maisonette.
- 2.2 A two storey residential annex, used in connection with the original maisonette, has been constructed to the rear of the property and has a front entrance, driveway and garage, accessed off Victoria Road. It is not clear from the planning history when this wing was added to the property.
- 2.3 The building is Grade II Listed and situated in the Montpelier and Clifton Hill Conservation Area.

## 3 RELEVANT HISTORY

- BH2013/00533** – Listed Building Consent. Subdivision of existing dwelling including demolition and reconstruction of rear annex to form 1no two bed dwelling and associated internal alterations. Refused 16 April 2013.
- BH2013/00532** – Full Planning. Subdivision of existing dwelling including demolition and reconstruction of rear annex to form 1no two bed dwelling and associated internal alterations. Refused 16 April 2013.

- BN96.1525** – New garage to replace existing and other alterations including erection of veranda with canopy at rear. Approved 2 November 1976.  
**63.2207** – Additional garage. Refused 10 December 1963.  
**1558.689** – Alterations to flats. Approved 19 June 1958.

#### **4 THE APPLICATION**

- 4.1 Listed Building Consent is sought for the demolition of the existing modern 2 storey annex to the rear of the main dwelling and the construction of a replacement building with basement level, and would comprise of a 2-bedroom dwellinghouse. Internal alterations are proposed to the main building.
- 4.2 A separate application for planning permission has also been submitted, **ref. BH2013/03247**.
- 4.3 The new dwelling would, in terms of scale and form, follow the same footprint as the existing annex, but would be 900mm near to the street and the link would be recessed 700mm from the line of the front elevation.
- 4.4 The new build would be the same overall width and height as the existing annex. The single storey side element, replacing the existing garage, would be raised 600mm so the flat roof would line up with the decorative band around the main part of the proposed dwelling.
- 4.5 Windows are proposed to be timber sliding sashes and the building would incorporate a first floor level window recess on the link element, to appear as a blocked up window. Architectural details proposed include ironwork railings to the entrance steps and ground floor balcony and a parapet wall incorporating a decorative cornice to match existing.
- 4.6 The external finish of the wall is proposed to be white render.
- 4.7 The accommodation of the annex includes:

Lower ground floor:

- Sitting room/study
- Guest bedroom
- Utility room.
- Shower and W.C.
- Light well in front.

Ground floor:

- External steps to main entrance
- Living room
- Kitchen
- W.C.

First floor:

- Master bedroom

- En-suite

## 5 PUBLICITY & CONSULTATIONS

### External:

5.1 **Neighbours: Four (4)** letters of representation have been received from **Flat 1B 32 Victoria Road; 1A Denmark Terrace; 3 St. Michael's Place; and 3 Montpelier Villas**, in support of the application for the following reasons:-

- Positive improvement to neighbourhood.
- Temporary construction noise will not be a problem.
- Fits in with surrounding area.
- Attractive and sensitive to area.

5.2 **One (1)** letter of representation has been received from **12 Montpelier Villas**, objecting to the application for the following reasons:

- Overbearing.
- Terracing effect.
- Detract from character of listed building.
- Danger to neighbouring properties from excavating cellar.
- Over extended unduly dominant appearance.
- Harm to amenity.
- Loss of private amenity space.
- Impact on trees.
- Not appropriate to develop within grounds of a listed building.
- Will set a precedent for lower ground floor levels.
- Lack of outlook and amenity space for future occupiers.
- Front elevation is same as previously refused applications.
- No Party Wall agreement.
- Horizontal emphasis of building.

5.3 **Conservation Advisory Group: No objection.**

The Group recommends approval for the subdivision of the existing dwelling including demolition and reconstruction of the rear annex to form 1no two bed dwelling and associated works subject to the following points: iron work for the balcony should match the main building including the supporting bracket and the king post fennels on the gate to hardstanding be identical to what is existing on the main railings.

5.4 **English Heritage: No objection.**

Subject to amendments. It is noted that the secondary door detail has been refined and the belvedere on top of the new extension has been removed. It is considered that as a result of these changes the new extension now reads as a more subservient element to the main house than the previous scheme did, and on balance it is considered that in these respects the proposal would seem acceptable.

5.5 However, the application also proposes internal alterations to the main house by sub dividing some of the rear rooms to form bathrooms. From the submitted plans it appears that the existing plan form of the house is fairly intact. The

Planning Practice Guide to PPS5, which remain valid under the NPPF, explains in paragraph 182 that plan form and layout in houses of this age are key to their significance and can be their most important feature. The drawings show new partitions at ground and first floor level abutting chimney breasts leaving them in some cases, awkwardly placed in the corners of the newly created bathrooms, and in another area abutting a door resulting in an uncomfortable space. The rooms affected are not of the highest order of significance with the house, but it is considered that a more thoughtful subdivision is possible that would improve both the experience of using the rooms while also respecting more of the historic plan form of the house. It is therefore advised that amendments are sought in these parts of the scheme.

**Internal:**

5.6 **Heritage:** Seek amendments.

This application follows the refusal of BH2013/00533 for a similar proposal. There was no objection in principle to the proposals but there were concerns over the bulk of the rebuilt dwelling and the design of the entrance.

5.7 The first reason for refusal referred to the new entrance and has been addressed by narrowing the entrance steps and railing and this is now considered acceptable. The entrance door would still have an aediculated surround but it would be of simpler design than that of 11 Montpelier Villas and is considered acceptable in principle as this is to be a separate dwelling. The detail of this will need to be approved by condition.

5.8 The second reason for refusal has been addressed by omitting the proposed conservatory/belvedere feature and the scale and massing of the new dwelling is now considered to be just about acceptable.

5.9 There are also internal alterations proposed to the original house which would result in a more intensive subdivision, with new partitions to form bathrooms and cupboards. As submitted these are considered to be contrary to SPGBH11 as a result of the new partitions that abut and bisect chimney breasts and create awkwardly sized or shaped rooms. Amendments should be required as follows:

5.10 Ground floor – the new bathroom in bedroom 1 should have its doors in the same plane as the partition wall, not set at an angle, so that it does not abut the chimney breast and to avoid creating an irregular shaped space.

5.11 First floor – the subdivision of the former bedroom 3 to create two small bathrooms, bisecting is harmful to this room. This room should be a single bathroom only. The new en-suite shower room in bedroom 2 should not abut the chimney breast.

5.12 The scheme has subsequently been amended to incorporate the recommendations of the Heritage Officer.



## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

- |     |  |
|-----|--|
| HE1 | Listed Buildings                                       |
| HE3 | Development affecting the setting of a listed building |

#### Supplementary Planning Guidance:

- |         |                                  |
|---------|----------------------------------|
| SPGBH11 | Listed building interiors        |
| SPGBH13 | Listed building – general advice |

#### Supplementary Planning Documents:

- |       |                        |
|-------|------------------------|
| SPD09 | Architectural Features |
|-------|------------------------|

#### Brighton & Hove City Plan Part One (submission document)

- |     |  |
|-----|--|
| SS1 | Presumption in Favour of Sustainable Development |
|-----|--|

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the impact on the setting, character and historical and architectural significance of the Grade II Listed Building.

### **Impact on Listed Building:**

8.2 Policy HE3 of the Local Plan states that development will not be permitted where it would have an adverse impact on the setting of a listed building, through factors such as its siting, height, bulk, scale, materials, layout, design or use.

8.3 For the most part the proposed development would re-construct an existing building in the same position in relation to the original dwelling, but with a basement level and improved architectural detailing. It is considered that it would be difficult to justify a refusal based on the impact on the setting and space around the original listed building because there is an existing structure of the same height and scale on the site. The two key differences between the existing annex and proposed scheme would be the creation of a basement level and small increase height over the existing garage adjacent to the rear boundary of the site with Montpelier Road. The Heritage Team raises no objection to the proposal in principle and is satisfied with the amendments to the design of the entrance and the removal of the formerly proposed belvedere over the garage. The style and detailing of the proposal is in keeping with, but subservient to, the character of the original dwellinghouse.

8.4 The application seeks to retain a planted garden area in front of the re-built wing and this would be in keeping with the garden setting of the Listed Building.

8.5 Policy HE1 of the Local Plan states that proposals involving the alteration, extension, or change of use of a listed building will only be permitted where:

a. the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and

b. the proposal respects the scale, design, materials and finishes of the existing building, and preserves its historic fabric.

8.6 The proposed development would replace an existing annex building and would utilise appropriate materials and finishes and design details that would be complimentary to, and subservient in scale and dominance to the main Listed Building.

8.7 There is no objection to the sub-division of the annex from the original maisonette.

8.8 The comments of both the Heritage Team and English Heritage have been acknowledged and the applicant has submitted revised plans of the proposed layout in the existing maisonette which have removed the partitions which

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would have abutted chimney breasts and created irregular shaped spaces within the original dwellinghouse.

- 8.9 In view of the above the proposal is considered compliant with policies HE1 and HE3 of the Local Plan.

**9 CONCLUSION**

- 9.1 The proposed development would not have an adverse impact on the setting of the Listed Building and would respect the scale, design, material and finishes of the main dwelling. The proposal would respect the original plan form of the Listed Building and would not result in the loss of its original fabric. Accordingly application is recommended.

**10 EQUALITIES**

- 10.1 Not applicable.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 Regulatory Conditions:

- 1) The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.  
**Reason:** To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Ground & Lower Ground Floor As Proposed	1121/P/201/C		13 Nov 2013
First Floor & Roof Plans As Proposed	1121/P/202/C		13 Nov 2013
Sketch View from North East	1121/SK/10		23 Sep 2013
Sketch View of North Elevation	1121/SK/11		23 Sep 2013
Location & Block Plans	1121/P/001/A		23 Sep 2013
Site Plan As Existing	1121/P/002/A		23 Sep 2013
Ground & Lower Ground Floor Plans As Existing	1121/P/101/A		23 Sep 2013
First & Second Floor Plans As Existing	1121/P/102/A		23 Sep 2013
North Elevation As Existing	1121/P/103/A		23 Sep 2013
East & West Elevations As Existing	1121/P/104/A		23 Sep 2013
South Elevation As Existing	1121/P/105/A		23 Sep 2013
North Elevation As Proposed	1121/P/301/B		23 Sep 2013
East & West Elevations As Proposed	1121/P/302/B		23 Sep 2013

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South Elevation as Proposed	1121/P/303/B		23 Sep 2013
Front Façade Wall Section As Proposed	1121/P/304/A		23 Sep 2013

- 3) No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies HE1, HE3 and HE6 of the Brighton & Hove Local Plan.
- 4) The windows hereby approved shall be single glazed painted timber vertical sliding sashes with no trickle vents and shall match exactly the original sash windows to the building, including their architrave, frame and glazing bar dimensions and mouldings, and subcill, masonry cill and reveal details, and shall have concealed sash boxes recessed within the reveals and set back from the outer face of the building to match exactly the original sash boxes to the building.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 5) All existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise agreed in writing with the Local Planning Authority.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 6) This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 7) All existing doors are to be retained, except where indicated on the drawings hereby approved. Any new doors shall be of timber construction with recessed panels and be of a specified size and design as agreed in writing by the Local Planning Authority prior to commencement of work. Any fireproofing to doors should be an integral part of the door construction, and self closing mechanisms, if required, shall be of the concealed mortice type.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

- 8) 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.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1, HE1 and HE6 of the Brighton & Hove Local Plan.

- 9) No development shall commence until full details of the proposed works including 1:1 scale sections and 1:20 scale elevational details of architectural features (steps, railings, gate, windows, door and door surround) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1, HE1 and HE6 of the Brighton & Hove Local Plan.
- 10) No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.  
**Reason:** To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.

### 11.3 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant listed building consent has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
The proposed development would not have an adverse impact on the setting of the Listed Building and would respect the scale, design, material and finishes of the main dwelling.

The internal alterations would respect the original plan form of the Listed Building and would not result in the loss of its original fabric.



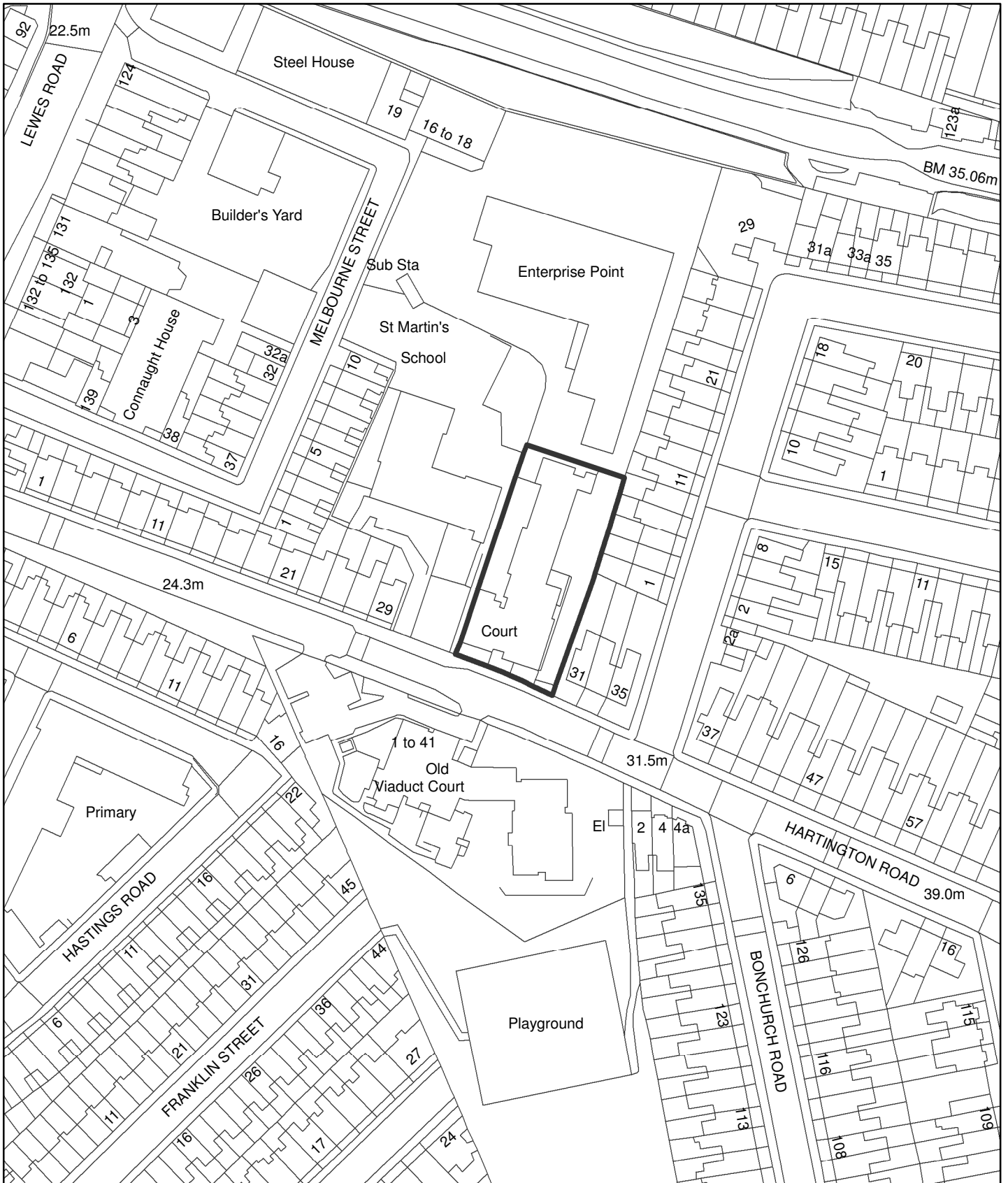
# **ITEM G**

**Gladstone Court, Hartington Road, Brighton**

**BH2013/03987**  
**Full planning**

**19 FEBRUARY 2014**

# BH2013/03987 Gladstone Court, Hartington Road, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2013/03987</b>	<b><u>Ward:</u></b>	<b>HANOVER &amp; ELM GROVE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Gladstone Court Hartington Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of three storey side extension to form 6no one bedroom flats and 3no two bedroom flats.</b>		
<b><u>Officer:</u></b>	Anthony Foster Tel 294495	<b><u>Valid Date:</u></b>	02 December 2013
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	27 January 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Lewis & Co Planning, 2 Port Hall Road, Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Lincoln Holland JV Ltd, S Hardwick, C/O Lewis & Co Planning , 2 Port Hall Road, Brighton BN1 5PD		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reason(s) set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a 4 storey purpose built block of flats located on the northern side of Hartington Road, adjacent to St Martins Primary School. The property appears as a three storey building to the front elevation and four storeys to the rear due to the change in level across the site, from south to north. Vehicular access to 7 no parking spaces is provided to the east of the property.
- 2.2 The site is also located at a lower level than the adjoining residential properties to the east which front onto Shanklin Road. This level change is circa 3m in height. The properties on Shanklin Road are three stories in height including a basement level which provides access to the rear gardens of those properties.

## 3 RELEVANT HISTORY

**BH2013/00437** - Conversion of existing common room and guest rooms into 1no one bedroom and 1no four bedroom flats including exterior alterations to fenestration at ground floor level. Approved 24/05/2013

**83/1138** – Erection of four-storey block of flats for the elderly to include communal accommodation and guest flat. Approved 14/11/1983

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a three storey side extension to form 9 no flats. The proposed units would be accessed from the existing hallway within Gladstone Court. Six no. 1-bed flats are proposed and three no. 2-bed flats are proposed. The proposed flats would have a single aspect and

include an open plan living room/kitchen area, bedroom(s) and wet room. The proposed extension would be finished in materials to match the existing building.

## 5 PUBLICITY & CONSULTATIONS

### External

5.1 **Neighbours: Three (3)** letters of representation have been received from **9 Shanklin Road, Ground Floor Flat, 7 Shanklin Road** and an unspecified address objecting to the application for the following reasons:

- It will result the loss of light to existing and adjoining occupiers
- The existing level of parking will be reduced resulting in more people parking on the street which is already an issue
- Increased level of overlooking and loss of privacy
- Increased noise and disturbance

5.2 **Five (5)** letters of representation have been received from **89 Shirley Street (x2), 36 Gladstone Court (x2), 27 Hill Brow** in general support of the application.

### Internal:

5.3 **Environmental Health: Comment**

Approve with suggested conditions. The site was built directly on an old railway and therefore suggest the Contaminated Land Discovery Strategy Condition. The flats are to be built above a car park and therefore recommend that ceiling/floor between the car park and residential premises exceed Building Regulations Part E.

5.4 **Sustainable Transport: Comment**

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary condition and that the applicant enters into a S106 agreement for £6,750 towards public transport improvements and the need to provide a Travel Pack for first occupiers.

## 6 MATERIAL CONSIDERATIONS

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;

- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD12	Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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**8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the design of the extension and its impact upon neighbouring properties, the impact of the subdivision of the property upon the amenity of neighbours, the quality of the residential accommodation created, transport issues and environmental sustainability.

**Principle:**

- 8.2 The application proposes an additional 9 residential units. At present, there is no agreed up to date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (20,000 units) as the basis for the five year supply position. The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The specific impacts of the development are considered fully below.

**Design:**

- 8.3 Brighton & Hove Local Plan policies QD2 and QD14 require new development, including extensions to existing buildings, to exhibit a high standard of design that emphasize the positive aspects of the local area. The existing building is a 1980's purpose built block of flats with vehicular access located to the east of the main building.
- 8.4 The proposed extension seeks a three storey extension to the existing east elevation of the property which would be raised on 'stilts' to retain the existing parking for the site. The existing windows on the east elevation serve internal hallways which provide access to the existing flats. The existing flats are single aspect units which face to the west.
- 8.5 The proposed extension would effectively be a four storey extension, circa 12m in height, as it seeks to retain the existing parking arrangement. The proposed extension would be set down by 1m from the ridge height of the existing building, with a hipped roof of a similar pitch of the existing roof. The proposal

would extend 7.3m, including the bay window projection, from the existing east elevation.

- 8.6 The extension would be finished in brick to match the existing and the windows would be painted timber.
- 8.7 In terms of the impact of the extension upon the street scene of the area the extension would project 1.8m beyond the flank elevation of the street facing element of the existing building, and as such it is considered that the proposal would have a limited impact upon the street scene. However it is considered that the overall design of the extension is not in keeping with the character of the existing building or the area. The pattern and type of fenestration is not in keeping with the existing building, with little relief proposed between the sections of angled bays resulting in the elevation appearing cluttered and of a poor standard of design.
- 8.8 The proposed roof detailing is also not considered to fit with the existing character of the building, mainly due to the complex arrangement of existing roof slopes. The proposal therefore does not consider the comprehensive redevelopment of the eastern elevation which potentially could result in a more satisfactory appearance for the development as a whole. As such the extension appears as a bolt on extension which pays scant attention to the character of the existing building other than its use of materials.
- 8.9 It is therefore consider that the proposed extension by virtue of its scale, design and detailing would result in an overly dominant addition that would have a significantly detrimental impact upon the appearance and character of the building, the wider area, contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan, and the Supplementary Planning Document 12: Design Guide for Extensions and Alterations (SPD012).

**Impact on Amenity:**

- 8.10 Policies QD14 and QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.11 It is considered that the proposed extensions would have a detrimental impact upon the residential amenity of the adjoining occupiers of the residential properties to the east which front onto Shanklin Road. The proposed extension would bring additional built form closer to the shared boundary with the residential properties to the north. The extension would come within 3.2m of that shared boundary compared to the existing 11m separation. The additional built form along that boundary, particularly at second and third floor level, would result in a significant increase in the sense of enclosure due to the increased building bulk.
- 8.12 The applicant has sought to reduce the potential impact of the development upon the neighbouring occupiers by providing angled bay windows, these seek

to restrict views from the proposed habitable windows. The drawings show that the larger panes of glass would be obscurely glazed. Whilst this helps to reduce the potential for overlooking, due to the relationship with the properties fronting onto Hartington Road some overlooking would take place. Also two bedroom windows are proposed at second and third floor which are not angled nor are they obscurely glazed. These windows which serve bedrooms would result in an increased level of overlooking, greater than that which is currently experienced.

- 8.13 In terms of loss of light the drawings indicate that the proposal falls within the 25 degree line as suggested by BRE guidance. Given the orientation of the application site in comparison to the adjoining residential properties to the east, and the fact that the extension is set at an overall lower level than the existing building, it is considered that the impact upon neighbouring levels of daylight and sunlight would be negligible.
- 8.14 It is therefore considered that the proposed development would have a detrimental impact upon the amenity of neighbouring occupiers in terms of increased sense of enclosure and increased levels of perceived and actual overlooking contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**Amenity for future residential occupiers**

- 8.15 Policy QD27 will not permit development where it would cause a loss of amenity to proposed residents. Policy HO5 requires the provision of private amenity useable amenity space in new residential developments, which is appropriate to the scale and character of the development. The application states that the residents would have access to the existing communal gardens within the site which are located to the west of the existing building. This is commensurate to the provision of amenity space which exists for the existing occupiers, as such it is considered that refusal on these grounds could not be sustained.
- 8.16 The proposed units would have a single easterly aspect. The proposed windows to this elevation are angled bay windows whereby the large pane of glass would be obscurely glazed. These windows would serve both the living space and bedroom accommodation provided in the flats. The proposed windows limit the level of outlook and daylight which the future occupiers will benefit from, particularly given that the properties are single aspect.
- 8.17 It is therefore considered that the proposed accommodation would have a very limited outlook leading to a sense of confinement. The development will therefore provide a poor standard of accommodation for future occupants contrary to policy QD27.
- 8.18 The Council's Environmental Health Team has reviewed the application and considers that there is the potential for noise and disturbance to the future occupiers of the scheme resulting from the retention and use of the parking spaces below the accommodation. As such they consider that the sound attenuation provided between the ceiling/floor of the car park and residential

unit exceed Building Regulations Part E. Were the scheme otherwise considered acceptable this could be controlled by a suitably worded condition.

- 8.19 Policy HO13 requires all new dwellings to fully meet lifetime units would be capable of complying with lifetime home standards, given the overall size of the dwellings. Were the scheme otherwise considered acceptable this could be controlled by a suitably worded condition.
- 8.20 Policy SU2 requires all new residential development to provide refuse and recycling storage facilities. The plans indicate that existing bins would be used and a small area for recycling is also indicated. This level of provision is considered acceptable. Were the scheme otherwise considered acceptable this could be controlled by a suitably worded condition.

**Sustainable Transport:**

- 8.21 Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavement, cycle routes and roads.
- 8.22 The applicant is proposing no additional parking for the site, as such the proposed car parking levels are in line with the maximum car parking standards in SPG04. The Highways Authority has reviewed the application and considers that there is likely to be a degree of overspill parking from the development. To mitigate against the potential increase in parking stress the Highways Authority would look for the applicant to provide a Travel Pack to first occupiers of the new residential units and 2 years membership for each residential unit to City Car club. The later could only be secured by a s106 legal agreement.
- 8.23 As noted by the Sustainable Transport Officer, the application site is in close proximity to sustainable modes of transport. A contribution would be required toward improving the existing sustainable modes of transport within the vicinity of the development which equates to £6,750. In the absence of a legal agreement securing membership of the city car club and contribution towards sustainable modes of transport the application is considered to be contrary to policies QD28, TR1, TR7, and TR19 of the Brighton & Hove Local Plan.
- 8.24 Policy TR19 requires development to meet the maximum parking levels set out within Supplementary Planning Guidance Note 4 'Parking Standards'. The applicant is proposing two no. cycle stores however no details of the specific storage have been provided. Were the scheme otherwise considered acceptable this could be controlled by a suitably worded condition.

**Sustainability:**

- 8.25 Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.

- 8.26 The applicant has submitted a completed sustainability checklist indicates that the scheme is capable of meet Code for Sustainable Homes Level 3. Were the scheme otherwise considered acceptable this could be controlled by a suitably worded condition.

#### **Environmental Health**

- 8.27 The site once formed part of the old Kemp Town Railway. Whilst the works are being carried out above ground level the Councils Environmental Health team have recommended that should contaminated land be discovered then works shall stop and a remediation strategy be submitted to the Local Planning Authority. This could be controlled by a suitably worded condition.

### **9 CONCLUSION**

- 9.1 Whilst it is recognised that the Local Planning Authority does not currently have an agreed 5 year housing land supply, the benefits of the additional housing proposed is outweighed by the harm resulting from the proposed design, impact upon neighbouring occupiers, and the amenity of future occupiers. As such it is considered to be contrary to Local Plan Policy and refusal is recommended.

### **10 EQUALITIES**

- 10.1 The development would need to accord with current Lifetime Homes standards and Building Regulations standards.

### **11 REASON FOR REFUSAL / INFORMATIVES**

#### **11.1 Reasons for Refusal:**

1. The proposed extension by reason of its bulk, scale, massing and design and detailing, would result in unsympathetic and overly dominant addition that would relate poorly to and detract from the appearance and character of the existing property, and the surround area. The proposals are thereby contrary to policies QD2, and QD14 of the Brighton & Hove Local Plan.
2. The proposed extension would result in an unacceptable impact upon the amenity of the occupiers in terms of increased building bulk, and increased sense of enclosure, and perceived and actual overlooking as such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.
3. The proposed development would provide an unsatisfactory residential environment for the future occupiers of the proposed dwellings by virtue of poor level of outlook, contrary to policy QD27 of the Brighton & Hove Local Plan.
4. The proposal fails to meet the travel demands that it creates or help to maximise the use of sustainable transport. The Local Planning Authority would expect the scheme to make an appropriate contribution towards local sustainable transport infrastructure. In the absence of an agreement in this respect, the scheme is contrary to policies TR1, TR7, TR19, and QD28 of the Brighton & Hove Local Plan and Supplementary Planning Guidance 04 Parking Standards.



11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
  
2. This decision is based on the drawings listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location Plan			22/11/2013
Existing Layout Ground & Lower Ground Floor	05		25/11/2013
Existing Layout First & Second Floor	06		25/11/2013
Existing Elevations	07	A	25/11/2013
Block Plan	13		25/11/2013
Proposed Extension Ground & Lower Ground Floor	15	A	
Proposed Extension First & Second Floor	16	A	25/11/2013
Proposed Extension	17	B	25/11/2013



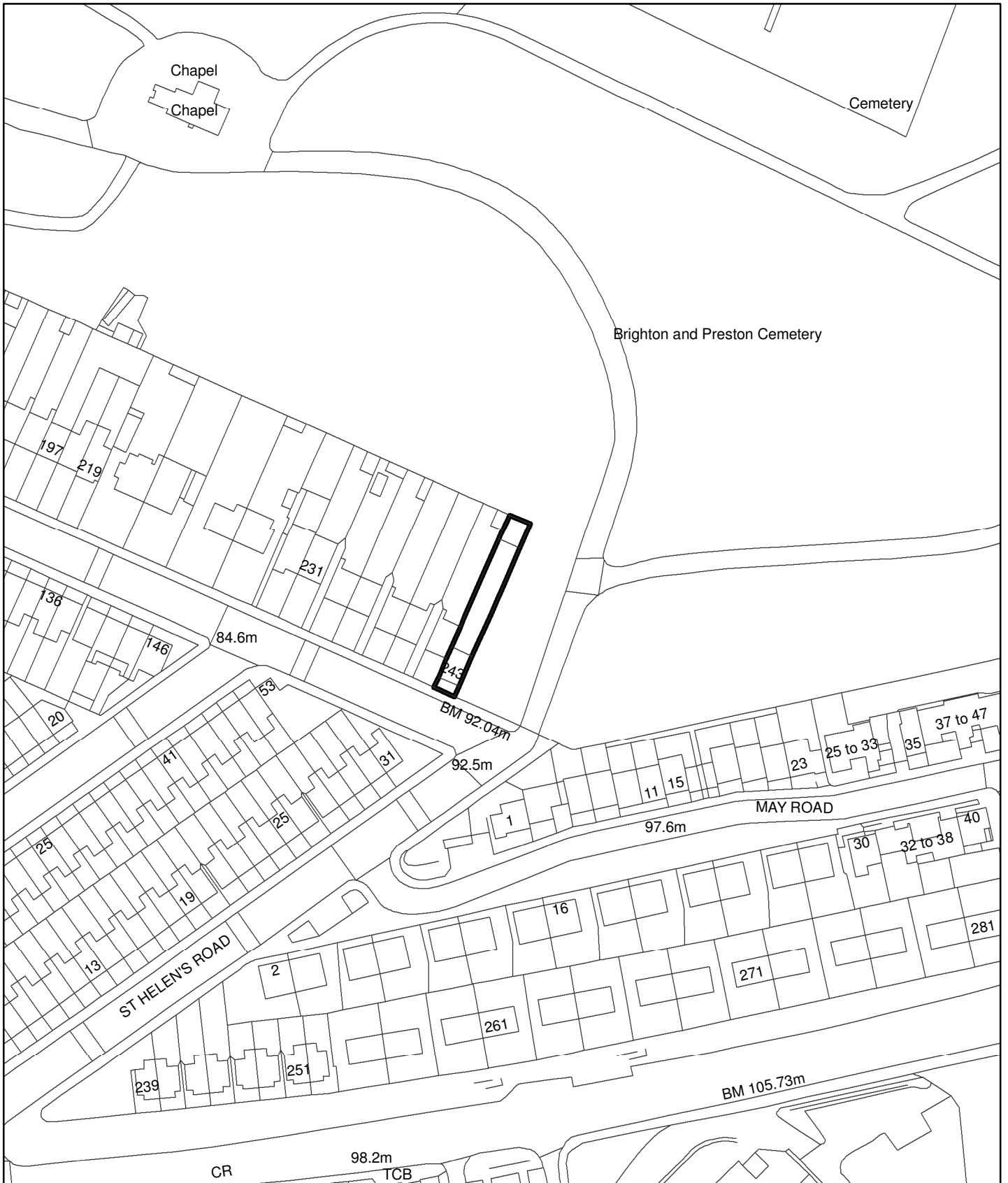
# **ITEM H**

**243 Hartington Road, Brighton**

**BH2013/04047**  
**Removal or variation of condition**

**19 FEBRUARY 2014**

# BH2013/04047 243 Hartington Road, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/04047</b>	<b><u>Ward:</u></b>	<b>HANOVER &amp; ELM GROVE</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>243 Hartington Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Application for variation of condition 2 of application BH2012/00173 (Demolition of existing workshop and erection of a new 3no bed two storey dwelling house incorporating accommodation at lower ground floor and roof space and outbuilding to rear to be used as ancillary office) to allow for minor material amendments.</b>		
<b><u>Officer:</u></b>	<b>Wayne Nee Tel 292132</b>	<b><u>Valid Date:</u></b>	<b>27 November 2013</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>22 January 2014</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>Delavals Design, Heron House, Laughton Road, Ringmer BN8 5UT</b>		
<b><u>Applicant:</u></b>	<b>Mr M Knight, C/O Delavals Design, Heron House, Laughton Road Ringmer</b>		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reason(s) set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a semi-detached dwelling at the eastern end of Hartington Road. There was previously a single storey commercial building on the site; this has been demolished and the new dwelling constructed.

## 3 RELEVANT HISTORY

**BH2013/02817** Application for variation of condition 2 of application BH2012/00173 (Demolition of existing workshop and erection of a new 3no bed two storey dwelling house incorporating accommodation at lower ground floor and roof space and outbuilding to rear to be used as ancillary office) to allow for minor material amendments – Refused 01/11/2013

**BH2013/02620:** Non material amendment to BH2012/00173 to allow for alterations including the omission of the lower ground floor level of the dwelling, the installation of 2no. velux windows to front elevation, changes to rear fenestration and replacement of garden office (retrospective). Refused 19/09/2013.

**BH2013/00097:** Application for Approval of Details Reserved by conditions 6, 7, 8, 9, 10 and 11 of application BH2012/00173. Split decision 12/08/2013.

**BH2012/00173:** Demolition of existing workshop and erection of a new 3no bed two storey dwelling house incorporating accommodation at lower ground floor and roof space and outbuilding to rear to be used as ancillary office. Approved 13/09/2012.

#### **4 THE APPLICATION**

- 4.1 Application for variation of condition 2 of application BH2012/00173 (Demolition of existing workshop and erection of a new 3no bed two storey dwelling house incorporating accommodation at lower ground floor and roof space and outbuilding to rear to be used as ancillary office) to allow for minor material amendments.
- 4.2 The dwelling which has been constructed does not accord with the scheme approved under application BH2012/00173.
- 4.3 The most significant deviations from the approved scheme are as follows:
- The basement level which formed part of the approved scheme has not been constructed.
  - The rear dormer roof extensions constructed do not accord with the previously approved drawings.
  - The outbuilding to the rear garden area, which was to be retained, has been demolished and replaced with a new structure.
  - Two rooflights have been inserted to the front roofslope.
  - The rear first floor windows of the dwelling are set lower than was approved.
  - The raised hardstanding to the front of the property is set at a higher level in relation to the dwelling than was shown in the previously approved drawings.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External**

##### **5.1 Neighbours:**

**Five (5)** letters of support have been submitted by the applicant's agent from the following addresses: nos. **148, 233, 239, & 241 Hartington Road, and 31 St Helens Road.**

**Three (3)** further letters of support have been submitted individually from the following addresses: nos. **243 Hartington Road, 5 Hylden Close Woodingdean, and 31 St. Helens Road.**

The reasons for support are as follows:

- Many other properties on Hartington Road have dormers, most of which are bigger than those proposed here;
- The new property is of good design and is an improvement to what was on site before;
- The dormers do not affect anyone.

5.2 **Natural England:**

No comment

5.3 **County Ecologist:**

No comment

**Internal:**

5.4 **Planning Policy:**

No comment

5.5 **Transport Planning:**

Recommended approval as the Highway Authority has no objections to this application. The Highway Authority comments are similar to a recent similar application BH2013/02817.

**6 MATERIAL CONSIDERATIONS**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

**7 RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM6	Small industrial, business and warehouse units

Supplementary Planning Guidance:

SPGBH4	Parking standards
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Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation and Development
SPD12	Design guide for extensions and alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the changes to the approved scheme which are proposed and their impacts.

### **Background**

- 8.2 A planning application (BH2013/02817) for the variation of condition 2 to allow for minor amendments was refused for the following reason:
- 8.3 *The rear roof dormers as shown in the submitted drawings and as constructed are of an excessive size in relation to the roof slope, with*



*large areas of cladding around the windows. The dormers dominate the appearance of the rear roof rather than appearing as sympathetic additions, contrary to policies QD1 and QD14 of the Brighton & Hove Local plan and the guidance set out in SPD12 'Design guide for extensions and alterations'.*

- 8.4 In this resubmission, the dormers have been amended on the drawings with a narrower width.

**Design and Appearance**

- 8.5 The removal of the basement level, the outbuilding, the roof lights and the alterations to the fenestration and hard standing were all considered acceptable in the previous application.

- 8.6 Under the original application, a large box dormer was initially proposed. This was considered to be unacceptable and revised drawings which showed two smaller dormers of an acceptable design were submitted and approved. The dormers which have been constructed do not comply with the previously approved drawings, they are significantly larger. The dormers are considered to be contrary to policy QD14 of the Brighton & Hove Local Plan and to the guidance set out in SPD12 which states:

- 8.7 *'Dormer windows should instead be kept as small as possible and clearly be a subordinate addition to the roof, set appropriately in the roof space and well off the sides, ridge and eaves of the roof. In some cases a flat roof may be considered preferable to a pitched roof in order to reduce the bulk of a dormer. The supporting structure for the dormer window should be kept to a minimum as far as possible to avoid a "heavy" appearance and there should be no large areas of cladding either side of the window or below. As a rule of thumb a dormer should not be substantially larger than the window itself unless the particular design of the building and its context dictate otherwise.'*

- 8.8 The dormer extensions which have been constructed are significantly larger than the windows, with large areas of cladding surrounding the windows. The dormers are not set significantly down from the ridge height, nor up from eaves height. In this application the dormers on the drawings are set in from the sides of the roof, however they still dominate the appearance of the rear roof rather than appearing as sympathetic additions to the roof. The dormers cause significant visual harm and are considered to warrant refusal on these grounds.

- 8.9 It is noted that the property alongside, no. 241 Hartington Road, has a large rear dormer, with large areas of cladding and an unusual roof form. There is no planning history relating to this extension which it appears was carried out under permitted development rights. This extension is not considered to set a precedent for the approval of similar additions, rather, as with the roof dormers to the application property, the extension serves as an example of the visual harm inappropriate roof extensions can cause. The applicant has also provided examples of other dormer

windows in the vicinity which do not appear to have planning permission and are therefore considered to have limited weight in this respect.

**Impact on Amenity:**

- 8.10 The dormer windows would result in similar views to that of the previously approved dormer windows in the original scheme. The proposal is therefore considered to accord with policy QD27.

**9 CONCLUSION**

- 9.1 The rear roof dormers as shown in the submitted drawings and as constructed are of an excessive size in relation to the roof slope, with large areas of cladding around the windows. The dormers dominate the appearance of the rear roof rather than appearing as sympathetic additions, contrary to policies QD1 and QD14 of the Brighton & Hove Local plan and the guidance set out in SPD12 'Design guide for extensions and alterations'.

**10 EQUALITIES**

None identified

**11 REASON FOR REFUSAL / INFORMATIVES**

**11.1 Reasons for Refusal:**

- The rear roof dormers as shown in the submitted drawings and as constructed are of an excessive size in relation to the roof slope, with large areas of cladding around the windows. The dormers dominate the appearance of the rear roof rather than appearing as sympathetic additions, contrary to policies QD1 and QD14 of the Brighton & Hove Local plan and the guidance set out in SPD12 'Design guide for extensions and alterations'.

**11.2 Informatives:**

- In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
- This decision is based on the drawings listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed second floor	13.05.10.004		27 November 2013
Block plan	13.05.10.001		27 November 2013
Elevations	13.05.10.006		27 November 2013
Site plan	13.05.10.007		27 November 2013
Photos	n/a		27 November 2013

<b>PLANNING COMMITTEE</b>	<b>Agenda Item 155</b> Brighton & Hove City Council
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**Information on Pre-application Presentations and Requests**

**Upcoming presentations – Dates TBC**

Anston House, Preston Road, Brighton – site redevelopment

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
18 <sup>th</sup> February 14	<b>City College, Wilson Avenue, Brighton</b>	East Brighton	Additional accommodation
29 <sup>th</sup> October 13	<b>Hippodrome, Middle Street, Brighton</b>	Regency	Refurbishment and Extension
17 <sup>th</sup> Sept 13	<b>One Digital, Hollingdean Road, Brighton</b>	Hollingdean and Stanmer	Student accommodation development
27 <sup>th</sup> Aug 13	<b>The BOAT, Dyke Road Park, Brighton</b>	Hove Park	Outdoor theatre
16 <sup>th</sup> July 13	<b>Circus Street, Brighton</b>	Queen's Park	Pre-application proposed re- development

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



**PLANS LIST 19 February 2014**

**BRIGHTON & HOVE CITY COUNCIL LIST OF APPLICATIONS DETERMINED  
BY THE HEAD OF PLANNING & PUBLIC PROTECTION FOR EXECUTIVE  
DIRECTOR ENVIRONMENT, DEVELOPMENT & HOUSING UNDER  
DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS  
COMMITTEE DECISION**

**PATCHAM**

**BH2013/03252**

**Carden Primary School County Oak Avenue Brighton**

Erection of 2no temporary mobile classroom units to provide 4no classrooms including toilet facilities.

**Applicant:** Brighton & Hove City Council Property & Design

**Officer:** Anthony Foster 294495

**Approved on 09/01/14 DELEGATED**

**1) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site Plan	001		23/09/2013
Existing Ground Floor Plan	300		23/09/2013
Existing First Floor Plan	301		23/09/2013
Existing Second Floor Plan	302		23/09/2013
Existing and Proposed Block Plans	002	A	15/10/2013
Existing and Proposed Elevations	303	A	15/10/2013
Proposed Mobile Classroom Plans and Elevations	304	A	15/10/2013

**2) UNI**

The permission hereby granted shall be for a temporary period only, expiring on or before 28 February 2015.

*Reason: The structure hereby approved is not considered suitable as a permanent form of development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.*

**3) UNI**

The temporary classroom hereby approved shall be permanently removed on or before 28 February 2015 and the land restored to its former condition immediately prior to the development authorised by this permission.

*Reason: The structure hereby approved is not considered suitable as a permanent form of development and to comply with policies QD1 and QD2 of the*

Report from 09/01/14 to 29/01/14

*Brighton & Hove Local Plan.*

**4) UNI**

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

*Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.*

**5) UNI**

Within 6 months of the permission a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of replacement tree planting noting species, plant size and proposed numbers and an implementation programme

*Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.*

**6) UNI**

No development shall commence until the fences for the protection of the trees to be retained have been erected. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

*Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.*

**7) UNI**

No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for the temporary classrooms has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification/Method Statement.

*Reason: To ensure the adequate protection of the protected trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.*

**BH2013/03393**

**10 Brangwyn Crescent Brighton**

Erection of first floor rear extension.

**Applicant:** Mr Reginald Woolgar

**Officer:** Chris Swain 292178

**Approved on 22/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Report from 09/01/14 to 29/01/14

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

## **2) BH03.03**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

## **3) UNI**

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 windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed in the eastern elevation of the extension hereby approved, without planning permission obtained from the Local Planning Authority.

*Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

## **4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site location plan	001		3 October 2013
Site plan	003		3 October 2013
Existing second floor plan	005		3 October 2013
Existing first floor plan	007		3 October 2013
Proposed first floor plan	009		3 October 2013
Enlarged existing first floor	011		3 October 2013
Enlarged proposed first floor	013		3 October 2013
Existing south east elevation	015		3 October 2013
Existing south west elevation	017		3 October 2013
Existing north east elevation	019		3 October 2013
Proposed north east elevation	021		3 October 2013
Existing north west elevation	023		3 October 2013
Proposed north west elevation	025		3 October 2013

## **BH2013/03832**

### **RSPCA Braypool Lane Patcham Brighton**

Erection of single storey detached reptile house and public reception building to front and creation of new staff entrance.

**Applicant:** RSPCA

**Officer:** Wayne Nee 292132

**Approved on 13/01/14 DELEGATED**

## **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

## **2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site plan	13/101/LOC	A	12 November 2013
Block plan	13/101/BLK	A	12 November 2013
Proposed ground floor	13/101/SK01	A	12 November 2013
Proposed roof plan	13/101/SK02	A	12 November 2013
Proposed elevations	13/101/SK03	A	12 November 2013
Proposed elevations	13/101/SK04	A	12 November 2013
Existing ground floor	13/101/SK05		18 November 2013

**BH2013/03894**

**53 Baranscraig Avenue Brighton**

Replacement of existing rear conservatory with single storey extension.

**Applicant:** Luke Beard

**Officer:** Emily Stanbridge 292359

**Approved on 09/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Existing floor plans and elevations	1505/1752		14.11.2013
Proposed conversion	1505/1753		14.11.2013

**BH2013/03919**

**3 Grange Walk Grangeways Brighton**

Application for approval of details reserved by conditions 5 and 6 of application BH2013/01780.

**Applicant:** Mr & Mrs Austeria

**Officer:** Emily Stanbridge 292359

**Approved on 14/01/14 DELEGATED**

**BH2013/03951**

**93 Wilmington Way Brighton**

Erection of new porch to front elevation.

**Applicant:** Mr Jaap-Willem Gerritsen

Report from 09/01/14 to 29/01/14



**Officer:** Chris Swain 292178

**Approved on 17/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) BH03.03**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site plan			20 November 2013
Block plan			20 November 2013
Existing and proposed plans and elevations			20 November 2013

**BH2013/03992**

**175 Mackie Avenue Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3.8m, and for which the height of the eaves would be 2.5m.

**Applicant:** Imogen Pennington

**Officer:** Andrew Huntley 292321

**Prior approval not required on 23/01/14 DELEGATED**

**BH2013/03997**

**8 Braybon Avenue Brighton**

Erection of conservatory to rear.

**Applicant:** Terry Booth

**Officer:** Adrian Smith 290478

**Approved on 13/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The windows in the south side elevation of the conservatory hereby permitted (excluding those in the southeast corner elevation) shall be obscure glazed and non-opening and thereafter permanently retained as such.

*Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Report from 09/01/14 to 29/01/14

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

Plan Type	Reference	Version	Date Received
Site plan	BR/Planning/01		03/12/2013
Existing block plan	BR/Planning/02		03/12/2013
Existing ground floor plan	BR/Planning/04		03/12/2013
Existing front elevation	BR/Planning/10		03/12/2013
Proposed block plan	BR/Planning/03		03/12/2013
Proposed floor plans	BR/Planning/05 BR/Planning/06		03/12/2013
Existing and proposed elevations	BR/Planning/07 BR/Planning/08 BR/Planning/09		03/12/2013
Conservatory specification			25/11/2013

**BH2013/04000**

**150 Ladies Mile Road Brighton**

Application for approval of details reserved by conditions 3, 8, 9, 10 and 12 of appeal decision of application BH2011/02845.

**Applicant:** R Holness

**Officer:** Emily Stanbridge 292359

**Split Decision on 20/01/14 DELEGATED**

**1) UNI**

APPROVE the details pursuant to conditions 3 and 8 and subject to full compliance with the submitted details.

**1) UNI**

The details pursuant to conditions 9, 10 and 12 are NOT APPROVED

**2) UNI2**

Whilst within the application a method statement has been submitted detailing how archaeological remains are going to be mitigated, the archaeological work or the production of a report on the findings has not yet taken place. Therefore condition 9 cannot be fully discharged.

**3) UNI3**

The use of 1.8m high fencing as stated within the application and as shown on the plan submitted is considered to form an inappropriate addition to the development and wider street scene. The street scene is characterised by low brick boundary walls and the use of high level boarded fencing is considered to be out of keeping with the area. This is therefore contrary to Policy QD1 within the Brighton & Hove Local Plan.

**4) UNI4**

There is insufficient information to show where the refuse storage facilities would be located and whether this is suitability located in respect of neighbouring amenity. Condition 12 cannot be fully discharged and is contrary to policies SU2 Report from 09/01/14 to 29/01/14

and QD27 of the Brighton & Hove Local Plan.

**BH2013/04094**

**22 Solway Avenue Brighton**

Certificate of lawfulness for proposed single storey rear extension and hip to gable loft conversion with dormers to sides.

**Applicant:** Mr Gearing

**Officer:** Chris Swain 292178

**Approved on 28/01/14 DELEGATED**

**BH2013/04194**

**28 Denton Drive Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.6m, for which the maximum height would be 3.4m, and for which the height of the eaves would be 2.4m.

**Applicant:** Mr Martin Humphrey

**Officer:** Robert McNicol 292198

**Prior Approval is required and is approved on 13/01/14 DELEGATED**

**PRESTON PARK**

**BH2012/00991**

**St Augustines Church Stanford Avenue Brighton**

Conversion of church hall to provide 9no self-contained flats. Internal alterations to church incorporating installation of two new floors with associated works. Demolition of timber building to rear.

**Applicant:** Elim International

**Officer:** Anthony Foster 294495

**Approved after Section 106 signed on 28/01/14 COMMITTEE**

**1) UNI**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

*Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

*Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.*

**4) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

*Reason: To ensure satisfactory provision of homes for people with disabilities*

Report from 09/01/14 to 29/01/14

*and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.*

**5) UNI**

The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

*Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.*

**6) UNI**

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

*Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.*

**7) UNI**

All new or replacement rainwater goods must be of cast iron.

*Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.*

**8) UNI**

The second floor windows to the bedroom and bathroom at the eastern-most end of flat 8 in the northern elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

*Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**9) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

(a) evidence that the development is registered with the Building Research Establishment (BRE) under Ecohomes (or an equivalent or successor assessment tool) and a Design Stage Assessment Report showing that the development will achieve an Ecohomes Refurbishment rating for all residential units have been submitted to the Local Planning Authority; and

(b) a BRE issued Design Stage Certificate demonstrating that the development has achieved an Ecohomes Refurbishment Pass rating for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

*Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

**10) UNI**

The development hereby permitted shall not be commenced until details of Report from 09/01/14 to 29/01/14

secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

*Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.*

**11) UNI**

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present

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

**12) UNI**

No development shall commence until a scheme for the soundproofing of the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

**13) UNI**

No development shall commence until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

**14) UNI**

No development shall commence until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

**15) UNI**

No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

*Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.*

**16) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, a scheme

detailing the measures to improve ecological biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a minimum of 5 bat boxes, and 5 swift boxes. The development shall be carried out in strict accordance with the approved details and thereafter maintained.

*Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan.*

**17) UNI**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

*Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.*

**18) UNI**

No development shall take place until full details of the extract flue to serve the new kitchen, including position, dimensions and materials, shall be submitted to and approved in writing by the local planning authority prior to its installation. No other flues or vents shall be installed on the church unless approved in writing by the local planning authority.

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

**19) UNI**

No works shall take place until a full and detailed specification of works for the repair and restoration of the church fabric and the Palladian (west) frontage of the church hall has been submitted to and approved in writing by the local planning authority. The works shall be carried out in strict accordance with the approved specification.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy QD14 of the Brighton & Hove Local Plan.*

**20) UNI**

No works shall take place until detailed drawings of the following features, at 1:20 scale, have been submitted to and approved in writing by the local planning authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

I. The balustrades to the new first floor of the church.

II. The new external balcony doors to the church hall.

III. The new external balcony railings to the church hall.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy QD14 of the Brighton & Hove Local Plan.*

**21) UNI**

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

*Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.*

**22) UNI**

No development shall commence on site until a Scheme of Management of the

vehicle parking has been submitted to and been approved in writing by the Local Planning Authority. The scheme must include details of how each car parking space will be allocated and managed and details of measures to ensure that each car parking space is for the use of its allocated owner. The approved works must be implemented prior to the occupation of the building and thereafter be maintained as such.

*Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR1, TR14 and TR19 of the Brighton & Hove Local Plan.*

### **23) UNI**

The development hereby permitted shall not be commenced until details of disabled car parking provision for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

*Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with Local Plan policies TR1, TR18 and SPG4.*

### **24) UNI**

No works 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 works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

### **25) UNI**

Notwithstanding the details shown on the drawings hereby approved a high level window shall be provided to the second floor dining room in the northern elevation. No development shall commence until details of this window have been submitted to and approved in writing by the Local Planning Authority. The window shall be installed and retained in accordance with the approved details.

*Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

### **26) UNI**

No development shall commence until details of a 1.8m high screen to the north side of the balcony to flat 6 at first floor level have been submitted to and approved in writing by the Local Planning Authority. The screen shall be installed in accordance with the approved details prior to the occupation of this flat and shall thereafter be retained as such.

*Reason: To safeguard the amenities of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

Instruct Legal to progress S106 and then issue decision notice.

### **27) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until an Ecohomes Design Stage Certificate (or certificate from equivalent or successor assessment tool) and a Building Research Establishment issued Post Construction Review Certificate confirming that each residential unit built has achieved an Ecohomes Refurbishment Pass rating has been submitted to, and approved in writing by, the Local Planning Authority.

*Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable*

*Building Design.*

**28) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Existing Elevations	02	A	12 April 2012
Survey floor plan & site plan	03	A	12 April 2012
Street Elevations	52	A	12 April 2012
Site Plan	74		12 April 2012
Floor Plans	76	A	12 April 2012
Elevations	77	A	12 April 2012
Church Hall Sections	78		12 April 2012
Balcony details	79		12 April 2012
Second Floor Plan	82		12 April 2012
Elevations East North	84		12 April 2012
Modified proposals sections	60	D	14 May 2012
Modified proposals screens	75	D	14 May 2012
First Floor Plan	81	A	14 May 2012
Elevations - South & West	83	A	14 May 2012
Conservation Details	86		14 May 2012
Ground Floor plan	80	B	24 May 2012
Ground floor and site plan	85	A	24 May 2012

**BH2013/03162**

**Flat 3 5 Preston Park Avenue Brighton**

Conversion of first and second floor maisonette to form 2no self-contained flats incorporating rooflights to front and rear elevation and flat roof (amended site plan).

**Applicant:** D Golding

**Officer:** Adrian Smith 290478

**Approved on 14/01/14 COMMITTEE**

**1) UNI**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site plan, block plan, existing floor plans, and existing and proposed elevations	07C/2013		09/12/2013
Proposed floor plans and sections	08A/2013		21/11/2013

**3) UNI**

Report from 09/01/14 to 29/01/14



The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

*Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies H09 and QD27 of the Brighton & Hove Local Plan.*

#### **4) UNI**

The development hereby permitted shall not be occupied until the sustainability measures detailed within the Sustainability Checklist received on the 16 September 2013 have been fully implemented, and such measures shall thereafter be retained as such.

*Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

#### **5) UNI**

The rooflights hereby approved to the front and rear roof slopes shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

#### **6) UNI**

The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

*Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.*

#### **7) UNI**

The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

*Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.*

### **BH2013/03565**

#### **22 Florence Road Brighton**

Installation of metal railings to second floor rear roof terrace.

**Applicant:** Mr Ian Ayres

**Officer:** Andrew Huntley 292321

**Refused on 16/01/14 DELEGATED**

#### **1) UNI**

The introduction of metal railings at second floor level on an Edwardian villa would not be in keeping with the character or appearance of the property and would appear as a visually incongruous and harmful alteration to the property. Therefore, the proposal would harm the character and appearance of the Preston Park Conservation Area and is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 12.

#### **2) UNI2**

The formalisation of a roof terrace at second floor level would cause significant

harm to neighbouring amenity by reason of overlooking and loss of privacy to neighbouring properties. Therefore, the proposal would be contrary to policy QD27 of the Brighton & Hove Local Plan.

**BH2013/03797**

**13 Preston Road Brighton**

Application for variation of condition 6 of application BH2010/01864 (Change of Use from retail (A1) to hot food take-away (A5) incorporating extraction flue) to extend opening hours to between 11.00 and 24.00 hours Sunday to Thursday and 11.00 and 01.00 hours on Friday and Saturday.

**Applicant:** Laila Limited

**Officer:** Chris Swain 292178

**Approved on 13/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The use hereby permitted shall not be open or in use except between the hours of 11:00 - 24:00 on Sundays to Thursday and 11:00 - 01:00 Fridays and Saturdays.

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site location plan			7 November 2013

**BH2013/03857**

**71 Florence Road Brighton**

Installation of rooflight to front roofslope.

**Applicant:** Ms Andrea Anderson

**Officer:** Wayne Nee 292132

**Approved on 14/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The rooflight hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site plan	489(PL)2		13 November 2013
Existing and proposed	489(PL)1	A	14 January 2014

**BH2013/03895**

**135 Preston Drove Brighton**

Installation of satellite dish to rear part of chimney stack.

**Applicant:** Mr Lawrence Suss

**Officer:** Helen Hobbs 293335

**Approved on 09/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site plan			14th November 2013
Block plan			14th November 2013
Side elevation of roof	Document C		14th November 2013
Satellite details	Document D		14th November 2013

**BH2013/03900**

**109 Chester Terrace Brighton**

Installation of rooflight to front roof slope.

**Applicant:** Robert Hopkins

**Officer:** Emily Stanbridge 292359

**Approved on 10/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The rooflight(s) hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date
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Report from 09/01/14 to 29/01/14

			Received
Proposed Roof light	HO/01		15.11.2013

**BH2013/03939**

**27 Cleveland Road Brighton**

Erection of single storey rear extension and installation of rooflights.

**Applicant:** Adam Rizzuti

**Officer:** Andrew Huntley 292321

**Approved on 21/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

**3) UNI**

Before any works to install the rooflight on the front elevation commence, full details of the rooflight and vertical glazing bar including 1:20 scale elevational drawings and sections shall be submitted to and approved in writing by the Local Planning Authority. The works 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*

**4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site Location Plan			26.11.2013
Existing First Floor Plan		A	19.11.2013
Existing Ground Floor Plan		B	19.11.2013
Proposed First Floor Plan		C	19.11.2013
Proposed Ground Floor Plan		D	19.11.2013
Existing North Elevation		E	19.11.2013
Existing South Elevation		F	19.11.2013
Existing Side Elevation		G	19.11.2013
Proposed North Elevation		H	20.01.2014
Proposed South Elevation		I	19.11.2013
Proposed Side Elevation		J	19.11.2013
Existing Site Plan		K	19.11.2013
Proposed Site Plan		L	19.11.2013

**5) UNI**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

**BH2013/04067**

**6 Old Shoreham Road Brighton**

Erection of single storey rear extension and roof alterations to existing extension.

**Applicant:** Marcus Able

**Officer:** Chris Swain 292178

**Approved on 23/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) BH03.03**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Existing and Proposed	101	A	6 December 2013
Site Location Plan	105		6 December 2013
Site Block Plan	106	A	6 December 2013
Site Block plan showing	201	A	6 December 2013

**BH2013/04087**

**23 Havelock Road Brighton**

Certificate of lawfulness for proposed conversion of flat and maisonette into single dwelling house (C3).

**Applicant:** Copse Mill Properties Ltd

**Officer:** Wayne Nee 292132

**Approved on 29/01/14 DELEGATED**

**1) UNI**

The conversion of two self-contained units into a single dwellinghouse does not constitute a material change of use under Section 55 of the Town and Country Planning Act 1990, as amended.

**BH2013/04250**

**39 Sandgate Road Brighton**

Certificate of lawfulness for proposed loft conversion incorporating rear dormer and 2no rooflights to front.

**Applicant:** Anthony Brown

**Officer:** Steven Lewis 290480

**Approved on 29/01/14 DELEGATED**

**REGENCY**

**BH2013/00937**

**1 Sillwood Terrace Brighton**

Report from 09/01/14 to 29/01/14

Formation of mansard roof to accommodate one 2no bedroom flat with roof terrace.

**Applicant:** Capital Evolution Ltd

**Officer:** Guy Everest 293334

**Refused on 15/01/14 COMMITTEE**

**1) UNI**

By reason of the scale, form, shape, height and depth of the proposed development it fails to respect the existing roofscape of the terrace of which the host property forms part and therefore neither preserves nor enhances the character of the Regency Square Conservation Area. Moreover, because it interrupts the roofscape the proposed development is likely to be harmful to longer views of the terrace from street level within the Conservation Area. The proposed development is therefore contrary to policy HE6 of the Brighton & Hove Local Plan 2005 and SPD09: Architectural Features.

**BH2013/01982**

**75 - 76 Middle Street Brighton**

Internal alteration incorporating creation of corridor between rooms on the third floor.

**Applicant:** The Grapevine

**Officer:** Adrian Smith 290478

**Approved on 23/01/14 DELEGATED**

**1) BH01.05**

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

**BH2013/02565**

**Former Royal Alexandra Hospital 57 Dyke Road Brighton**

Application for approval of details reserved by conditions 11, 19, 25, 29, 31, 32i and 37 of application BH2010/03379.

**Applicant:** Taylor Wimpey South West Thames

**Officer:** Guy Everest 293334

**Approved on 24/01/14 DELEGATED**

**BH2013/03357**

**19 Market Street Brighton**

Existing windows and doors to be re-glazed incorporating the removal of timber glazing bars.

**Applicant:** Baron Homes Corporation Ltd

**Officer:** Christopher Wright 292097

**Approved on 23/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date
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Report from 09/01/14 to 29/01/14

			Received
As Existing	1946/7	A	2 Oct 2013
As Proposed	1946/8	A	2 Oct 2013
Site Location Plan	1946/9	A	2 Oct 2013
Ground Floor Plan As Existing	1946/10	A	2 Oct 2013

**BH2013/03436**

**Flat 2 21 Hampton Place Brighton**

Replacement of existing single glazed timber windows and door with double glazed timber windows and door to rear elevation.

**Applicant:** Miss Karen Jamieson

**Officer:** Emily Stanbridge 292359

**Refused on 13/01/14 DELEGATED**

**1) UNI**

The proposed door, by reason of its design, would be an inappropriate addition which would significantly impact on the architectural and historic character and appearance of this listed building and is therefore contrary to policy HE1 of the Brighton & Hove Local Plan and to the Council's Supplementary Planning Document SPD09 Architectural Features.

**BH2013/03447**

**32 Montpelier Crescent Brighton**

Conversion of ground floor flat into 2no flats (C3), with external alterations including infill of window to front and replacement door and window to rear. (Part-Retrospective).

**Applicant:** Mr Mike Stimpson Properties

**Officer:** Liz Arnold 291709

**Refused on 10/01/14 DELEGATED**

**1) UNI**

The existing ground floor unit is unsuitable for conversion into smaller units of accommodation by virtue of the original floor area being less than 115m<sup>2</sup> and not having more than three bedrooms as pre-existing. The conversion has also resulted in the loss of a unit of residential accommodation suitable for family occupation and fails to provide a suitable unit of accommodation for family occupation. The scheme is thereby contrary to policy HO9 of the Brighton & Hove Local Plan.

**2) UNI2**

The conversion of the ground floor flat into two separate flats results in the garden area and the square bay window of the lounge associated with the rear flat being overlooked from the bedroom of the front flat, resulting overlooking and loss of privacy to the rear flat. As such the proposal is harmful to the amenities of the rear flat and contrary to policies HO9 and QD27 of the Brighton & Hove Local Plan.

**BH2013/03450**

**32 Montpelier Crescent Brighton**

Internal alterations layout of ground floor flat to create 2no flats (C3). External alterations including infill of window to front and replacement door and window to rear. (Part-Retrospective).

**Applicant:** Mike Stimpson Properties

**Officer:** Liz Arnold 291709

**Refused on 10/01/14 DELEGATED**

**1) UNI**

Report from 09/01/14 to 29/01/14

The proposed positioning and size of the drilled of holes into the joists for the proposed extract duct for the bathroom within the front flat would affect the structural integrity of the joists and cause deflection in the floor. As such the proposal would have detrimental impact on the character, architectural setting and significance of the Grade II Listed Building, contrary to policy HE1 of the Brighton & Hove Local Plan, the Council's Supplementary Planning Guidance Notes, SPGBH11: Listed Building Interiors and SPGBH13: Listed Buildings - General Advice and SPD09 on Architectural Features.

**2) UNI2**

The applicant has failed to provide sufficient information in relation to the existing historic features in situ such as the handrail, posts, edging detail to threads to the staircase between ground and first floor level, in the area of the new entrance to the rear flat. As such the Local Planning Authority is unable to fully assess the impacts that these works have had on the architectural and historic character and appearance of the Grade II Listed Building. The proposal is thereby contrary to policy HE1 of the Brighton & Hove Local Plan, the Council's Supplementary Planning Guidance Notes, SPGBH11: Listed Building Interiors and SPGBH13: Listed Buildings - General Advice and SPD09 on Architectural Features.

**BH2013/03594**

**The Old Ship Hotel 31-38 Kings Road Brighton**

Replacement of timber framed windows with double glazed timber framed windows to West elevation.

**Applicant:** The Old Ship Hotel (Brighton) Ltd

**Officer:** Helen Hobbs 293335

**Approved on 24/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

This approval is limited to the works shown on the approved drawings and solely relates to the replacement windows within section 2 and 3 as shown on drawing no. 1069-03 Revision D. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

*Reason: To ensure the satisfactory appearance of the host property and surrounding conservation and to comply with policy HE6 of the Brighton & Hove Local Plan.*

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Existing Ship Street elevation	1069-02	B	29th November 2013
Proposed replacement windows Ship Street elevation	1069-03	D	23rd January 2014
Proposed replacement windows Ship Street	1069-04	D	23rd January 2013



elevation			
Ship Street elevation site plan and existing condition	1069-05	B	29th November 2013
Proposed replacement windows manufacturers details	1069-06	C	23rd January 2014
Proposed replacement windows manufacturers details 2	1069-07	A	23rd January 2014

**BH2013/03678**

**109a-110 Western Road Brighton**

Application for approval of details reserved by condition 6 of application BH2013/00246.

**Applicant:** Joint LPA Receivers

**Officer:** Steven Lewis 290480

**Split Decision on 13/01/14 DELEGATED**

**BH2013/03729**

**62 Montpelier Road Brighton**

Damp proofing works to existing first floor front balcony. (Part retrospective)

**Applicant:** 62 Montpelier Road Ltd

**Officer:** Emily Stanbridge 292359

**Approved on 22/01/14 DELEGATED**

**1) UNI**

The works shall be completed in accordance with the approved details within 6 months of the decision date.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**2) UNI**

The existing tiles shall carefully be removed manually so to avoid unnecessary damage of the stone slab.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**BH2013/03731**

**21 Bedford Square Brighton**

Internal alterations to layout to convert existing ground and lower ground floor office (B1) to 2no one bedroom flats (C3). External alterations to front including new bay windows, lower ground floor entrance, railings and wall.

**Applicant:** Robbie Anderson

**Officer:** Jason Hawkes 292153

**Refused on 23/01/14 DELEGATED**

**1) UNI**

The scheme results in the loss of internal basement stairs, which are seen as an important historic feature for the building. Additionally, the proposal lacks sufficient detail to ensure that the external and internal alterations are appropriate for this prominent listed building within Bedford Square and Regency Square Conservation Area. The scheme therefore detracts from the character and appearance of the listed building and is contrary to policy HE1 of the Brighton & Hove Local Plan.

**BH2013/03752**

**Top Floor Flat 11 Powis Road Brighton**

Report from 09/01/14 to 29/01/14

Application for approval of details reserved by condition 4 of application BH2013/02780.

**Applicant:** S Sackarnd  
**Officer:** Helen Hobbs 293335

**Refused on 16/01/14 DELEGATED**

**1) UNI**

Insufficient information has been submitted to ensure the satisfactory appearance of the development, contrary to policy HE6 of the Brighton & Hove Local Plan.

**BH2013/03761**

**53-54 North Street Brighton**

Display of internally illuminated fascia sign and projecting sign and non illuminated fascia sign. (Retrospective).

**Applicant:** Freshmex (UK) Ltd  
**Officer:** Emily Stanbridge 292359

**Refused on 29/01/14 DELEGATED**

**1) UNI**

The application submitted contains inaccurate information to fully assess the impacts of the scheme. Notwithstanding the lack of detail, there is sufficient information to determine the application. The proposed projecting sign by virtue of its size is considered to form an inappropriate addition to the property which causes unacceptable harm to the character of the street scene and surrounding Old Town conservation area. The proposed scheme is therefore contrary to policies QD12 and HE9 of the Brighton & Hove Local Plan and Supplementary Planning Document 07: Advertisements.

**BH2013/03850**

**23A Preston Street Brighton**

Construction of mansard roof incorporating front & rear dormers, erection of second floor rear extension and associated alterations.

**Applicant:** Mr Rupert Maitland  
**Officer:** Jason Hawkes 292153

**Refused on 09/01/14 DELEGATED**

**1) UNI**

The proposed mansard roof extension would form a visually prominent and inappropriate addition which would detract from the appearance of the building and upset the unity and coherence of the immediate group of buildings. The proposal is therefore deemed to detract from the character and appearance of the street scene and regency square Conservation Area and is contrary to policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan. The scheme is also contrary to the guidance set out in Supplementary Planning Document 12: Design guide for Extensions and Alterations.

**BH2013/03851**

**Old Ship Hotel 31-38 Kings Road Brighton**

Display of internally illuminated fascia and projecting sign.

**Applicant:** Old Ship Hotel  
**Officer:** Sonia Gillam 292265

**Refused on 22/01/14 DELEGATED**

**1) UNI**

The number and size of the signs combined with the method of illumination and close proximity to one another, along with existing car park signage, result in an overly prominent and cluttered appearance to the building detracting from the character of the Old Town Conservation Area contrary to policies QD12 and HE9

Report from 09/01/14 to 29/01/14

of the Brighton & Hove Local Plan.

**BH2013/03884**

**106-121 Kings Road Brighton**

Application for Approval of Details Reserved by Condition 4 of application BH2011/03948.

**Applicant:** Hilton Hotels

**Officer:** Adrian Smith 290478

**Approved on 13/01/14 DELEGATED**

**BH2013/03944**

**Rooftop Telecommunication Mast The Old Ship Hotel 31-38 Kings Road Brighton**

Replacement of the existing 6no antennas with 3no new antennas plus ancillary works.

**Applicant:** Telefónica UK Ltd

**Officer:** Jason Hawkes 292153

**Approved on 23/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The telecommunications equipment hereby approved shall be removed if at any time in the future the equipment becomes obsolete or is no longer required for the purpose for which it was erected.

*Reason: To safeguard the appearance of the building and visual amenities of the surrounding area and Conservation Area and in accordance with policies QD23, QD24 and HE6 of the Brighton & Hove Local Plan.*

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved listed below.

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

Plan Type	Reference	Version	Date Received
Site Location Maps	100		19th November 2013
Existing Site Plan	200		19th November 2013
Proposed Site Plan	201		19th November 2013
Existing Site Elevation A	300		19th November 2013
Proposed Site Elevation B	301		19th November 2013
Details of Existing Triple-band Panel			19th November 2013
Details of Proposed Triple-band Panel			19th November 2013

**BH2013/03976**

**13 Queensbury Mews Brighton**

Report from 09/01/14 to 29/01/14

External alterations to rear elevation including rendering of wall to replace existing wall hung tiles and replacement of crittall window with UPVC window.

**Applicant:** Queensbury Arms Crab & Cask Ltd

**Officer:** Jason Hawkes 292153

**Approved on 15/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

No development shall take place until a sample of the replacement slate tile to be used has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site Plan			20th November 2013
Rear Elevation Refurb	QA524		20th November 2013

**BH2013/03985**

**41 Regency Square Brighton**

Internal alterations to facilitate relocation of 2nd floor bathroom and insertion of cast iron air brick to rear elevation.

**Applicant:** Ms Julie White

**Officer:** Steven Lewis 290480

**Approved on 16/01/14 DELEGATED**

**1) BH01.05**

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

**2) UNI**

In accordance with the email correspondence received on 10th January 2014, the walls shall be made good using lime plaster and any overboarding, dry lining shall be removed.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**3) UNI**

All new and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the listed building.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**BH2013/04003****15B Imperial Arcade Brighton**

Reinstatement of rear entrance to cafe.

**Applicant:** Mr Cemal Ozkahrahan**Officer:** Emily Stanbridge 292359**Approved on 17/01/14 DELEGATED****1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location Map			22.11.2013
Existing ground floor layout	1229 01		22.11.2013
Proposed ground floor layout	1229 02		22.11.2013
North elevation as existing	1229 03		22.11.2013
North elevation as proposed	1229 04		22.11.2013

**BH2013/04013****12 Victoria Road Brighton**

Erection of single storey rear conservatory.

**Applicant:** M Wiseman**Officer:** Robert McNicol 292198**Approved on 21/01/14 DELEGATED****1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Block plan			26 November 2013
Site location plan			26 November 2013
Existing plan and elevation	8578 EXISTING		14 January 2014
Proposed plan and elevation	8578 PROPOSED		26 November 2013

**BH2013/04017****20 Marlborough Street Brighton**

Erection of single storey extension to ground floor level and extension to first floor level to the rear.

Report from 09/01/14 to 29/01/14

**Applicant:** P Bowler  
**Officer:** Sonia Gillam 292265  
**Refused on 21/01/14 DELEGATED**

**1) UNI**

The proposed first floor extension, by virtue of its design, form and siting would appear overbearing and unneighbourly when viewed from neighbouring properties, particularly from the rear of the adjacent property, No. 40 Upper North Street. It would result in loss of outlook and a heightened sense of enclosure, and, in the absence of evidence to the contrary, loss of light to this property. As such the proposal would adversely impact on the residential amenity of this property and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed first floor extension, by virtue of its design, form and siting, would form an unsympathetic feature which would fail to demonstrate a high standard of design and make a positive contribution to the visual quality of the environment. As such the proposal would be detrimental to the character and appearance of the property and the visual amenities enjoyed by neighbouring properties and is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

**BH2013/04063**

**145-148 Western Road Brighton**

Display of 2no internally illuminated fascia signs, 1no internally illuminated hanging sign and 1no ATM vinyl sign.

**Applicant:** Sainsburys Supermarkets Ltd  
**Officer:** Andrew Huntley 292321

**Approved on 27/01/14 DELEGATED**

**1) UNI**

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

*Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.*

**2) UNI**

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.*

**3) UNI**

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety.*

**4) UNI**

The illumination of the advertisement shall be non-intermittent.

*Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.*

**5) UNI**

No advertisement is to be displayed without the permission of the owner of the

site or any other person with an interest in the site entitled to grant permission.  
*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*

**6) UNI**

No advertisement shall be sited or displayed so as to -  
(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);  
(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or  
(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*

**7) UNI**

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.*

**BH2013/04149**

**15 Middle Street Brighton**

Application for approval of details reserved by condition 3 of application BH2013/03279.

**Applicant:** Sushi Mania

**Officer:** Robin Hodgetts 292366

**Approved on 23/01/14 DELEGATED**

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

**BH2013/02756**

**Ground Floor Flat 42 Buckingham Place Brighton**

Erection of single storey rear extension.

**Applicant:** Mrs C Biedermann

**Officer:** Andrew Huntley 292321

**Approved on 24/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
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Existing Ground Floor and Roof Plans. Location and Block Plans	181BP42/01		12.08.2013
Existing Rear and Side Elevation (E)	181BP42/02		12.08.2013
Existing Side Elevation (W) and Section AA	181BP42/03		12.08.2013
Proposed Ground Floor and Roof Plans. Location and Block Plans.	181BP42/04		12.08.2013
Proposed Rear and Side Elevation (E)	181BP42/05		12.08.2013
Proposed Side Elevation (W) and Section AA	181BP42/06		12.08.2013

**BH2013/03099**

**35 Providence Place Brighton**

Extension to rear elevation flat roof to accommodate new first floor (Retrospective).

**Applicant:** Atlas Property (Europe) Ltd

**Officer:** Anthony Foster 294495

**Refused on 13/01/14 DELEGATED**

**1) UNI**

The roof extension by virtue of its height, choice of material and awkward relationship with the existing eaves level of the rear roof slope would appear as a discordant feature not in keeping with the character of the existing property contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 Design guide for extensions and alterations.

**BH2013/03327**

**19 Regent Street & Parking Spaces rear of 38 Gardner Street on Regent Street Brighton**

Erection of 2no three storey buildings each containing 2no two bedroom maisonettes, one incorporating a garage and 1no commercial unit (A1 or A2 or B1) at ground floor level.

**Applicant:** Venosc Ltd

**Officer:** Sue Dubberley 293817

**Approved on 10/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles, motorcycles and bicycles belonging to the occupants of and visitors to the development hereby approved.

*Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.*

**3) UNI**

No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and HE6 of the Brighton & 5. Hove Local Plan.*

Report from 09/01/14 to 29/01/14



#### **4) UNI**

Access to the flat roof of the buildings hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

*Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

#### **5) UNI**

If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

*Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.*

#### **6) UNI**

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 windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed in the rear elevation of the dwellings hereby approved without planning permission obtained from the Local Planning Authority.

*Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

#### **7) UNI**

Prior to commencement of development large scale details of the elevations and its elements including of balustrading, windows, doors, copings and parapets (1:20 elevations and 1:1 scale frame sections) and. and samples of all materials and colours shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.*

#### **8) UNI**

The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

*Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.*

#### **9) UNI**

No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority details of the doors and gates (none, including garage doors should open out across the public highway).

*Reason: In the interest of highway safety and to enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies TR7, QD2 and QD15 of the Brighton & Hove Local Plan.*

#### **10) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no residential

development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

*Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

**11) UNI**

No non-residential development shall commence until details are submitted to and approved in writing by the Local Planning Authority demonstrating low water use and efficient water fittings.

*Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

**12) UNI**

The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

*Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.*

**13) UNI**

Prior to the first occupation of the development hereby permitted the redundant vehicle crossovers in Regent Street shall be reinstated back to a footway by raising the existing kerb and footway in accordance with a specification that has been approved in writing by the Local Planning Authority. Reason: In the interests of highway safety and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.

**14) UNI**

The new/extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted and in accordance with a specification that has been approved in writing by the Local Planning Authority.

*Reason: In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.*

**15) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

*Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

**16) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date
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			Received
Block and location plan	1		27/09/2013
Existing site plan	2		27/09/2013
Existing section through 40 gardner street	4		27/09/2013
Existing section through 38 gardner street	5		27/09/2013
Proposed ground and first floor	7		21/11/2013
Proposed second floor and roof plans	8		21/11/2013
Proposed section through no.19	9		27/09/2013
Proposed section through no.21	10		27/09/2013
Proposed elevations east and west	11		21/11/2013
Proposed south elevation	12		21/11/2013
Proposed north elevation	13		21/11/2013
Section through 41 Gardener street	16		11/12/2013
Section through 36 Gardner street	17		13/12/2013

### **BH2013/03548**

#### **27 Kensington Gardens Brighton**

Alterations to shopfront including installation of 2no entrance doors and 2no sets of bi-folding doors (Retrospective).

**Applicant:** Eli & Joyce Limited

**Officer:** Emily Stanbridge 292359

**Refused on 23/01/14 DELEGATED**

#### **1) UNI**

The proposed shopfront represents an inappropriate design by reason of the incorporation of full length bi-folding doors which results in the loss of the stall riser, an important feature of historic shop fronts which is characteristic along Kensington Gardens and the North Laine Conservation Area. In addition, the use of UPVC in inappropriate and results in the door frames having an overly thick appearance. The development therefore causes harm to the appearance of the property, wider street and the character and appearance of this part of the North Laine Conservation Area. The development is therefore contrary to policies QD1, QD2, QD5, QD10 and HE6 of the Brighton & Hove Local Plan and SPD02: Shop front design.

### **BH2013/03602**

#### **Royal Pavillion Shop 4-5 Pavilion Buildings Brighton**

Display of non-illuminated fascia sign, non-illuminated hanging sign and 3no window vinyls (retrospective).

**Applicant:** Brighton & Hove City Council

**Officer:** Sonia Gillam 292265

**Approved on 28/01/14 DELEGATED**

#### **1) BH10.01**

This consent shall expire 5 years from the date of this notice whereupon the

signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

*Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.*

**2) BH10.02**

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.*

**3) BH10.03**

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety.*

**4) BH10.04**

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.*

**5) BH10.05**

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*

**6) BH10.06**

No advertisement shall be sited or displayed so as to-

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*

**BH2013/03769**

**31-33 Bath Street Brighton**

Application for approval of details reserved by condition 18 of application BH2012/02147.

**Applicant:** Natterjack Construction

**Officer:** Wayne Nee 292132

**Approved on 29/01/14 DELEGATED**

**BH2013/03804**

**53 Surrey Street Brighton**

Report from 09/01/14 to 29/01/14

Replacement of front bay windows with timber double hung sashes.

**Applicant:** Miss Philippa McEvoy

**Officer:** Emily Stanbridge 292359

**Approved on 29/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

All new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such thereafter.

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location Plan			07.11.2013
Replacement bay sash windows	1749/01		07.11.2013
Window Section			07.11.2013

**BH2013/03829**

**Buckingham Lodge Buckingham Place Brighton**

Rendering of existing brickwork panels on rear elevation.

**Applicant:** Natterjack Construction Co Ltd

**Officer:** Chris Swain 292178

**Approved on 22/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The development hereby permitted shall be finished in a smooth white render (Product: webersil P, Colour: Winter White) received 21 November 2013 and shall be retained as such there after.

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Existing elevations	D.01		11 November 2013
Proposed elevations	0958-PA-013		11 November 2013

**BH2013/03971**

Report from 09/01/14 to 29/01/14

## **9 Foundry Street Brighton**

Prior approval for change of use from offices (B1) to residential (C3).

**Applicant:** Osterbery & Lale Ltd

**Officer:** Adrian Smith 290478

**Prior Approval is required and is refused on 14/01/14 DELEGATED**

### **1) UNI**

1. The site is suspected of being potentially contaminated given its previous known uses. In accordance with the provisions of paragraph N (8)(c) of Class J, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended, prior approval for the change of use from office to residential is required and hereby refused as it has not been demonstrated that the site is either not contaminated or is safe for its intended residential use. As such the proposal is contrary to policy SU11 of the Brighton & Hove Local Plan 2005.

This decision is based on the information listed below:

Plan Type	Reference	Version	Date Received
Site plan and existing floor plans	1013/1		20/11/2013
Proposed floor plans	1013/2		20/11/2013

## **BH2013/04004**

### **100 - 101 Queens Road Brighton**

Display of 1no. internally illuminated fascia sign and 1no. internally illuminated logo sign.

**Applicant:** The Royal British legion

**Officer:** Chris Swain 292178

**Refused on 27/01/14 DELEGATED**

### **1) UNI**

The proposed logo signage by reason of its height, scale and bulk would appear as an overly dominant element that relates poorly to the slim form of the protruding canopy, detracting from the appearance and character of the building, the street scene and the wider conservation area. As such, the proposed advertisement is harmful to amenity and contrary to policy QD12 of the Brighton & Hove Local Plan and the Council's Supplementary Planning Document 'Advertisements' (SPD07).

## **BH2013/04048**

### **1-2 Queen Square and 4-8 Dyke Road Brighton**

Prior approval for change of use from offices (B1) to residential (C3) for form 4no residential units and cycle parking facilities at basement level.

**Applicant:** Baron Homes Corporation

**Officer:** Christopher Wright 292097

**Prior Approval is required and is refused on 22/01/14 DELEGATED**

## **BH2013/04238**

### **Brighton Railway Station Queens Road Brighton**

Application for approval of details reserved by condition 2 of application BH2013/01065.

**Applicant:** Southern Rail

**Officer:** Paul Vidler 292192

**Approved on 09/01/14 DELEGATED**

Report from 09/01/14 to 29/01/14

**BH2013/04280****31 Stanley Road Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.5m, for which the maximum height would be 3.1m, and for which the height of the eaves would be 2.2m.

**Applicant:** Mr & Mrs Chandler

**Officer:** Wayne Nee 292132

**Prior approval not required on 21/01/14 DELEGATED**

**WITHDEAN****BH2013/03368****188 Surrenden Road Brighton**

Erection of new first floor to replace existing roof, incorporating associated alterations and rooflights to side elevations.

**Applicant:** Mr & Mrs Simon and Jelena Rogers

**Officer:** Helen Hobbs 293335

**Approved on 24/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

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.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Existing ground floor plan	0001		2nd October 2013
Proposed ground floor plan	0001		29th November 2013
Existing first floor plan	0002		2nd October 2013
Proposed first floor plan	0002		29th November 2013
Proposed roof plan	0003		29th November 2013
Existing roof plan	0003		2nd October 2013
Existing elevations	0004a - d		2nd October 2013
Proposed elevations	0004a - b		29th November 2013
Proposed elevations	0004c - d		29th November 2013

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Existing context elevation	0005		2nd October 2013
Proposed context elevation	0006		29th November 2013
Block plan	0006		2nd October 2013
Proposed south context elevation	0007		29th November 2013
Window context	0007		29th November 2013

### **BH2013/03975**

#### **55 Surrenden Crescent Brighton**

Application for variation of condition 2 of application BH2011/02948 (Erection of two storey rear and single storey side extensions) to allow for a minor material amendment to single storey side extension.

**Applicant:** Madeleine Babicki

**Officer:** Sonia Gillam 292265

**Approved on 22/01/14 DELEGATED**

#### **1) UNI**

The development hereby permitted shall be commenced before 29 November 2014. Reason: To accord with the original permission and to ensure that the Local Planning Authority retains the right to review unimplemented permissions.

#### **2) UNI**

The proposed first floor window in the north elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such. Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

#### **3) UNI**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building. Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

#### **4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Section	01		21/11/2013
Existing GF plan	01		21/11/2013
Proposed GF plan	02		21/11/2013
Existing FF plan	03		21/11/2013
Proposed FF plan	04		21/11/2013
Existing roof plan	05		21/11/2013
Proposed roof plan	06		21/11/2013
Existing elevations	07		21/11/2013
Existing elevations 2	08		21/11/2013
Proposed elevations	09		21/11/2013



Proposed elevations 2	10		21/11/2013
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**BH2013/03981**

**238 & 240 London Road Brighton**

Erection of two storey side extension, erection of conservatory to rear and alterations to fenestration to 240 London Road. Insertion of rooflight to north elevation and infill of opening to east elevation to 238 London Road.

**Applicant:** Stephen Carrington

**Officer:** Christopher Wright 292097

**Approved on 24/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) BH03.03**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**3) UNI**

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 windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed on the north facing side elevations of the extension without planning permission obtained from the Local Planning Authority.

*Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**4) UNI**

The first floor level window on the north facing flank elevation of the two storey side extension hereby permitted shall be obscure glazed and, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, non-opening. The window shall thereafter be permanently retained as such.

*Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**5) UNI**

2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Ground Floor Plan As Existing	03		21 Nov 2013
First Floor Plan As Existing	04		21 Nov 2013
Ground Floor Plan As Proposed	05		21 Nov 2013
First Floor Plan As Proposed	06		21 Nov 2013
Roof Plan As Proposed	07		21 Nov 2013
East & West Elevations As	08		21 Nov 2013

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Existing			
North & South Elevations As Existing	09		21 Nov 2013
Annexe Elevations As Existing	10		21 Nov 2013
Annexe Elevations As Existing	11		21 Nov 2013
East & West Elevations As Proposed	12		21 Nov 2013
North & South Elevations As Proposed	13		21 Nov 2013
Site Location Plan and Block Plan	14		21 Nov 2013

### **BH2013/04011**

#### **53 Dene Vale Brighton**

Erection of side extension at first floor level above existing side extension.

**Applicant:** Peter Bjerre Nielsen

**Officer:** Clare Simpson 292454

**Approved on 21/01/14 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

#### **2) BH03.03**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

#### **3) UNI**

The first floor window in the rear (southern) elevation of the extension hereby permitted shall be obscure glazed and shall thereafter be permanently retained as such.

*Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

#### **4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location Plan	CH579/001		25th November 2013
Existing Plans	CH579/002		25th November 2013
Existing Elevations	CH579/003		25th November 2013
Existing Sections	CH579/004		25th November 2013
Proposed plans	CH579/006		25th November

			2013
Proposed elevations	CH579/007		25th November 2013

**BH2013/04012**

**53 Dene Vale Brighton**

Creation of driveway with associated excavation and retaining wall with railings.

**Applicant:** Peter Bjerre Nielsen

**Officer:** Clare Simpson 292454

**Refused on 21/01/14 DELEGATED**

**1) UNI**

The development, by reason of its scale and design and resulting loss of front garden, would appear an unduly prominent addition which would detract from the character and appearance of the property and wider surrounding area. The proposal is thereby contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

**BH2013/04079**

**49 Compton Road Brighton**

Erection of a part one part two storey rear extension.

**Applicant:** Adrian Greening

**Officer:** Andrew Huntley 292321

**Refused on 27/01/14 DELEGATED**

**1) UNI**

The proposed rear extension is of a poor design, is poorly related to the host dwelling and would erode the original plan form, uniformity of the roofs and first floor elements of the outriggers. The proposal would therefore be detrimental to the character and appearance of the existing dwelling and the wider area and is contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

**2) UNI2**

The proposed extension, by reason of its height, depth and proximity to the boundary, would have a detrimental impact on the residential amenity of number 47 Compton Road by appearing visually overbearing and resulting in a loss of outlook. The proposal is therefore contrary to Policies QD14 and QD27 of the Brighton & Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

**BH2013/04099**

**Land South of Block E Kingsmere London Road Brighton**

Creation of 7no car parking spaces to the south and 1no car parking space to the east of land at Block E, Kingsmere.

**Applicant:** Anstone Properties Ltd

**Officer:** Sonia Gillam 292265

**Refused on 28/01/14 DELEGATED**

**1) UNI**

The proposed development would be in close proximity to a tree protected by Tree Preservation Order 1972/5a. In the absence of evidence to the contrary, the development would result in significant damage to the health and vitality of a protected Cooper Beech tree, by virtue of structural instability resulting from the lowering of the ground level to accommodate the proposed spaces. The development would therefore fail to make a positive contribution to the visual quality of the environment or retain existing open space, trees and grassed areas in an effective way, contrary to policies QD1, QD2, QD3 and QD16 of the

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Brighton & Hove Local Plan and Supplementary Planning Document 06: Trees and Development Sites.

**2) UNI2**

The proposed car parking space to the rear of Block E, by virtue of its siting in close proximity to the rear windows of the ground floor flat, would result in an unneighbourly form of development which would significantly impact on the living conditions of the occupants by way of loss of outlook and, in the absence of evidence to the contrary, loss of light to this dwelling. As such the proposal would adversely impact on the residential amenity of this property and is contrary to policy QD27 of the Brighton & Hove Local Plan.

**BH2013/04148**

**Ash House 26 Tongdean Lane Brighton**

Prior approval for change of use of 3no offices (B1) on ground and first floors to 1no residential dwelling (C3).

**Applicant:** Mr Barry Hills

**Officer:** Christopher Wright 292097

**Prior approval not required on 27/01/14 DELEGATED**

**BH2013/04384**

**34 Herbert Road Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.8m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

**Applicant:** Nigel Buchanan

**Officer:** Helen Hobbs 293335

**Prior approval not required on 27/01/14 DELEGATED**

**EAST BRIGHTON**

**BH2013/02834**

**32 Chesham Road Brighton**

Alterations to roof including 2no rooflights to the front and 2no dormers to the rear.

**Applicant:** I Dunkerton

**Officer:** Sue Dubberley 293817

**Refused on 23/01/14 DELEGATED**

**1) UNI**

The height, design and bulk of the proposed rear roof extension and dormers roof would result in it appearing as an unsympathetic and incongruous addition when viewed from the rear at Kemp Town Place. As such the proposal would be of detriment to the character and appearance of the existing building and East Cliff Conservation Area, and would be harmful to the setting of the Grade II listed properties of Kemp Town Place, contrary to policies QD1, QD2, QD14, HE3 and HE6 of the Brighton & Hove Local Plan and the guidance set out in SPD12 'Design guide for extensions'.

**2) UNI2**

The proposed rooflights by virtue of their size and appearance would be unsympathetic additions to the roof and would harm the appearance of the building and the East Cliff Conservation Area. The development is therefore contrary to policies HE6, QD1, QD2 and QD14 of the Brighton & Hove Local plan and the guidance set out in SPD12 'Design guide for extensions' .

**BH2013/02878**

**Car Park to Rear of Sussex Row Bristol Gardens Brighton**

Erection of 7no garages in car park.

**Applicant:** Sparks & Dowsing

**Officer:** Sonia Gillam 292265

**Refused on 22/01/14 DELEGATED**

**1) UNI**

1. The development, by virtue of its siting and resulting reduction in rear amenity space, would result in an unneighbourly form of development which would have an overbearing and unduly dominant impact upon the adjacent properties and associated gardens at nos. 2 and 3 Sussex Row. The development would lead to a loss of outlook and, in the absence of any evidence to the contrary, loss of light to these properties. As such the proposal would adversely impact on residential amenity and is thereby contrary to policy QD27 of the Brighton & Hove Local Plan.

**BH2013/03674**

**192 Donald Hall Road Brighton**

Replacement of existing UPVC window and door with UPVC patio doors.

**Applicant:** Ms Laura Timperley

**Officer:** Andrew Huntley 292321

**Refused on 16/01/14 DELEGATED**

**1) UNI**

The proposed French doors would not retain or reinforce the uniformity of the façade as a whole but would erode the uniformity of the building to the detriment of the character and appearance of the area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

**BH2013/03836**

**2 Chesham Street Brighton**

Erection of single storey rear extension.

**Applicant:** Mr Richard Rutter

**Officer:** Chris Swain 292178

**Refused on 24/01/14 DELEGATED**

**1) UNI**

The proposed rear addition, by reason of design, siting, depth and scale would result in an inappropriate and visually harmful addition that disrupts the original plan form of the building and detracts from the appearance and character of the building, the wider terrace and the East Cliff Conservation Area. The proposal is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

**2) UNI2**

The proposal, by reason of its height, scale, design and close proximity to the shared boundary would result in a detrimental overbearing impact and an unacceptable sense of enclosure to the adjoining property, No. 4 Chesham Street, detracting from the residential amenity currently enjoyed by this property, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

**BH2013/03979**

**Flat 5 Collingwood House 127 Marine Parade Brighton**

Report from 09/01/14 to 29/01/14

Internal alterations to layout of flat.

**Applicant:** Mr Geoffrey Keattch  
**Officer:** Emily Stanbridge 292359  
**Approved on 16/01/14 DELEGATED**

**BH2013/04114**

**45 Rugby Place Brighton**

Certificate of lawfulness for proposed loft conversion incorporating dormer to rear with Juliette balcony and 2no rooflights to front.

**Applicant:** Mr John Tzilalis-Walker  
**Officer:** Emily Stanbridge 292359  
**Approved on 23/01/14 DELEGATED**

**HANOVER & ELM GROVE**

**BH2013/03559**

**14 Agnes Street Brighton**

Insertion of new window and soil pipe to front elevation.

**Applicant:** Chris Adams  
**Officer:** Emily Stanbridge 292359  
**Refused on 16/01/14 DELEGATED**

**1) UNI**

The proposed window by virtue of its design is considered to form an unacceptable addition to the property. The proposed window does not match in style to the existing timber sliding sash windows and therefore does not retain the uniformity of the property. The proposals are therefore contrary to policy QD14 within the Brighton & Hove local plan.

**BH2013/03712**

**148 Lewes Road Brighton**

Application for Approval of Details Reserved by Conditions 3, 4, 5 and 6 of application BH2012/03741.

**Applicant:** Shaws of Brighton  
**Officer:** Anthony Foster 294495  
**Split Decision on 21/01/14 DELEGATED**

**1) UNI**

APPROVE the details pursuant to conditions 3, and 5 subject to full compliance with the submitted details.

**1) UNI**

The details pursuant to conditions 4 and 6 are NOT APPROVED

**BH2013/03717**

**172 Lewes Road Brighton**

Certificate of lawfulness for existing use of house as a small House in Multiple Occupation (C4).

**Applicant:** Mr Scott Morgan  
**Officer:** Adrian Smith 290478  
**Approved on 09/01/14 DELEGATED**

**BH2013/03766**

**77 Carlyle Street Brighton**

Installation of 2no dormers to rear elevation.

**Applicant:** Mr Ian Bingham  
**Officer:** Emily Stanbridge 292359

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**Approved on 13/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location plan	1.B.21 3 of 4		05.11.2013
Block Plan	1.B.21 4 of 4		05.11.2013
Existing elevation	1.B.21 1 of 4		05.11.2013
Proposed elevations	1.B.21 2 of 4		05.11.2013

**BH2013/03770**

**29 Clayton Road Brighton**

Change of use from single dwelling (C3) to small house in multiple occupation (C4).

**Applicant:** Mr Miguel Puerta

**Officer:** Sue Dubberley 293817

**Approved on 15/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

*Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.*

**3) UNI**

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.

*Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.*

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#### 4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site plan			20/11/2013
Site plan	A2/41022		20/11/2013
Existing plan			20/11/2013
Proposed plan			20/11/2013

#### **BH2013/03790**

##### **5 Ryde Road Brighton**

Installation of rooflights to front and rear elevations, replacement of existing windows and back door with UPVC windows and door and alterations to existing rear lobby.

**Applicant:** Ms Claire Gandy

**Officer:** Emily Stanbridge 292359

**Approved on 10/01/14 DELEGATED**

##### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

##### **2) UNI**

The external finishes of the rear lobby hereby permitted shall match in material, colour, style, bonding and texture to those of the existing building.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

##### **3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location Plan			06.11.2013
Existing plans and elevations	001	A	03.12.2013
Proposed plans and elevations	101	C	03.12.2013
Existing section A-A and side elevation		A	15.11.2013
Proposed section A-A and side elevation	102	B	15.11.2013

#### **BH2013/04005**

##### **289 Freshfield Road Brighton**

Creation of new crossover and hardstanding with alteration to front boundary fence.

**Applicant:** Mr Uddin

**Officer:** Emily Stanbridge 292359

**Approved on 23/01/14 DELEGATED**

##### **1) BH01.01**

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The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

## **2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Street and block plan	003		25.11.2013
Proposed road crossing and hard standing (existing)	001		25.11.2013
Proposed road crossing and hard standing (proposed)	002		25.11.2013

### **BH2013/04033**

#### **167 Elm Grove Brighton**

Change of Use of from retail (A1) to House in Multiple Occupation (Sui generis) including replacement of shop front with sash window, additional lower ground floor windows and associated alterations.

**Applicant:** Michael Davies

**Officer:** Adrian Smith 290478

**Refused on 20/01/14 DELEGATED**

## **1) UNI**

The proposed change of use to a House in Multiple Occupation (sui generis) would fail to support a mixed and balanced community and would result in the area becoming imbalanced by the level of similar such uses, to the detriment of local amenity. The proposal is therefore contrary to policy CP21 of the Brighton & Hove City Plan Part One (submission document) and policy QD27 of the Brighton & Hove Local Plan.

### **BH2013/04077**

#### **164-166 Elm Grove Brighton**

Application for approval of details reserved by condition 5 of application BH2013/01561.

**Applicant:** Simmons & Smith Ltd

**Officer:** Liz Arnold 291709

**Approved on 22/01/14 DELEGATED**

### **HOLLINGDEAN & STANMER**

### **BH2013/03754**

#### **Cockcroft Building University of Brighton Lewes Road Brighton**

Application for approval of details reserved by condition 3 of application BH2013/00008.

**Applicant:** University Of Brighton

**Officer:** Wayne Nee 292132

**Approved on 24/01/14 DELEGATED**

### **BH2013/03866**

#### **81 Dudley Road Brighton**

Demolition of existing rear conservatory and erection of single storey rear and

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side extension with raised rear decking with steps to garden.

**Applicant:** Ms Anne-Marie Williams

**Officer:** Emily Stanbridge 292359

**Refused on 27/01/14 DELEGATED**

**1) UNI**

The proposed extension by virtue of its design, scale, height and form represents an inappropriate addition to this property. The proposed design of this wrap around extension disrupts the original readable form of the existing building, altering its character and appearance resulting in an overly dominant addition. The proposed roof form and alterations are considered to relate poorly to the existing property, resulting in an unsympathetic addition. The proposals are therefore contrary to QD14 within the Brighton & Hove Local Plan and SPD12: Design guide for extensions and alterations.

**2) UNI2**

The raised decking to the rear of the property forms an inappropriate addition to the main dwelling enabling unrestricted views into the rear gardens of No's 18 and 20 Hollingbury Place and to 79 Dudley Road. This would result in increased harmful levels of over looking and loss of privacy to these neighbouring properties, contrary to policy QD27 within the Brighton & Hove Local Plan.

**BH2013/03877**

**64 Stephens Road Brighton**

Change of use from dwelling (C3) to either dwelling (C3) or House in Multiple Occupation (C4).

**Applicant:** Iain Boyle

**Officer:** Adrian Smith 290478

**Approved on 10/01/14 DELEGATED**

**1) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site plan			21/11/2013
Pre-existing and existing ground floor plan	DFS/09.118/01		22/11/2013
Pre-existing first floor plan	DFS/09.118/02		22/11/2013
Existing first floor plan	DFS/09.118/02 a		22/11/2013

**2) UNI**

Within three months of the date of permission, full details of a scheme for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved within three months of the date of formal approval of the details and be retained for use at all times.

*Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

Within three months of the date of permission, full details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use within three

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months of the date of formal approval of the details and shall thereafter be retained for use at all times.

*Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.*

#### **4) UNI**

No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) shall be carried out without planning permission obtained from the Local Planning Authority.

*Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

### **MOULSECOOMB & BEVENDEAN**

#### **BH2013/03325**

##### **49 Auckland Drive Brighton**

Change of use from single dwelling (C3) to small house in multiple occupation (C4).

**Applicant:** Ms Christine Hammond

**Officer:** Anthony Foster 294495

**Approved on 16/01/14 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

#### **2) UNI**

The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

*Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.*

#### **3) UNI**

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.

*Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.*

#### **4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Floor Plan			30/10/2013
Proposed Floor Plan			06/01/2014
Site Plan			02/10/2013

### **BH2013/03482**

#### **48 Barcombe Road Brighton**

Erection of wooden lean-to, timber framed building and garage with creation of raised decking to the rear (part retrospective).

**Applicant:** Monroe's Hair & Beauty Salon

**Officer:** Chris Swain 292178

**Refused on 27/01/14 DELEGATED**

#### **1) UNI**

The detail and accuracy of the submitted drawings are considered inadequate to enable a comprehensive assessment of the application and the resultant visual impact upon the existing building and the wider surrounding area or the full impacts on neighbouring amenity. The application consequently cannot be fully assessed against policies QD14 and QD27 of the Brighton & Hove Local Plan, or the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

### **BH2013/03876**

#### **1 Dartmouth Crescent Brighton**

Change of use from a dwelling house (C3) to a small House in Multiple Occupation (C4).

**Applicant:** John Stevens

**Officer:** Anthony Foster 294495

**Approved on 24/01/14 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

#### **2) UNI**

The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

*Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.*

#### **3) UNI**

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.

*Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.*

#### **4) UNI**

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The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site Plan			29/11/2013
Existing and proposed floor plans			29/11/2013

**BH2013/04177**

**28 Ashurst Road Brighton**

Certificate of lawfulness for proposed erection of side extension to first floor and roof.

**Applicant:** Mr Barry Richardson

**Officer:** Adrian Smith 290478

**Approved on 10/01/14 DELEGATED**

**QUEEN'S PARK**

**BH2013/03481**

**43 Freshfield Road Brighton**

Change of use from basement store (B8) to lower ground floor studio flat (C3). (Retrospective)

**Applicant:** Dr M Cole

**Officer:** Adrian Smith 290478

**Refused on 23/01/14 DELEGATED**

**1) UNI**

The basement studio flat, by virtue of its small internal floor area, limited outlook, natural light and ventilation, represents a cramped, enclosed, gloomy and oppressive living environment creating a poor standard of accommodation. The proposal is thereby contrary to policy QD27 of the Brighton & Hove Local Plan.

**BH2013/03499**

**14 The Albemarle Marine Parade Brighton**

Replacement UPVC double glazed windows to front and side.

**Applicant:** Mr Craig Thatcher

**Officer:** Chris Swain 292178

**Approved on 17/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site location plan			25 November 2013
Window details			25 November 2013
Technical specification			25 November 2013

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**BH2013/03505****Flat 3 58 Marine Parade Brighton**

Replacement of 4no roof lanterns.

**Applicant:** Georgian House Freehold Ltd**Officer:** Wayne Nee 292132**Approved on 22/01/14 DELEGATED****1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

No development shall commence until 1:1 details of the proposed glazing bars and details of the proposed finish colour have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

*Reason: For the avoidance of doubt; to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**3) UNI**

2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Existing roof plan	0147/100	A	15 November 2013
Proposed roof plan	0147/101	A	15 November 2013
Section	VRL-PYC-S-D G-001		15 November 2013
Section	VRL-PYC-S-D G-002		15 November 2013
Section	VRL-PYC-S-D G-003		15 November 2013
Section	VRL-PYC-S-D G-004		15 November 2013
Supplier details			15 November 2013
Site plan	0147/102		14 October 2013

**BH2013/03506****Flat 3 58 Marine Parade Brighton**

Replacement of 4no roof lanterns.

**Applicant:** Georgian House Freehold Ltd**Officer:** Wayne Nee 292132**Approved on 22/01/14 DELEGATED****1) BH01.05**

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

**2) UNI**

No development shall commence until 1:1 details of the proposed glazing bars and details of the proposed finish colour have been submitted to and approved in Report from 09/01/14 to 29/01/14

writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

*Reason: For the avoidance of doubt; to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**BH2013/03576**

**Brighton Pier Madeira Drive Brighton**

Permanent retention of dome shaped structure.

**Applicant:** The Noble Organisation

**Officer:** Anthony Foster 294495

**Approved on 28/01/14 DELEGATED**

**1) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location Plan			18/10/2013
Layout			23/10/2013

**BH2013/03577**

**Brighton Pier Madeira Drive Brighton**

Permanent retention of dome shaped structure.

**Applicant:** The Noble Organisation

**Officer:** Anthony Foster 294495

**Approved on 28/01/14 DELEGATED**

**BH2013/03680**

**19 Queens Park Terrace Brighton**

Formation of rear dormer.

**Applicant:** Fraser Trewick

**Officer:** Robin Hodgetts 292366

**Approved on 14/01/14 COMMITTEE**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) BH12.02**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

**3) UNI**

This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Location plan	E01		29/10/13
Existing plan	E02		29/10/13
Existing section	E03		29/10/13
Existing elevation	E04		29/10/13

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Block plan	P01		29/10/13
Proposed plan	P02		29/10/13
Proposed section	P03		29/10/13
Proposed elevation	P04		29/10/13

**BH2013/03706**

**Sea Life Centre Madeira Drive Brighton**

Internal alterations to layout including new tanks and displays and repair and remedial works.

**Applicant:** Sea Life Centre Brighton

**Officer:** Sue Dubberley 293817

**Approved on 09/01/14 DELEGATED**

**1) BH01.05**

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

**2) UNI**

No development shall commence until full details of the method of fixing of the studwork (new partitioning and display surfaces against the south perimeter wall) has been submitted to and approved in writing by the Local Planning Authority. The studwork shall be installed in strict accordance with the approved details and shall thereafter be retained as such.

*Reason: To ensure a satisfactory impact upon the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**3) UNI**

No development shall commence until full details of the fixing method for the proposed ceiling netting has been submitted to and approved in writing by the Local Planning Authority. The netting shall be installed in strict accordance with the approved details and shall thereafter be retained as such. Reason: To ensure a satisfactory impact upon the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

**BH2013/03873**

**10 Freshfield Place Brighton**

Certificate of lawfulness for a proposed loft conversion incorporating a rear dormer, rear roof extension and a rooflight to the front elevation.

**Applicant:** Mrs Emma Curtayne

**Officer:** Adrian Smith 290478

**Refused on 10/01/14 DELEGATED**

**1) UNI**

1. The development is not permitted under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995, as amended, as the volume of the roof additions exceeds 40 cubic metres and the proposed roof extension would not retain a 20cm separation from the eaves where practicable.

2. The development is not permitted under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, as the proposed extension in its entirety does not fall within the red line of the site.

Informatives:

1. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date
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			Received
Site plan			16/12/2013
Existing plans and elevations and proposed floor plans			16/12/2013
Proposed elevations and section			16/12/2013

**BH2013/04089**

**22 Tower Road Brighton**

Creation of balcony with glass balustrade to front elevation.

**Applicant:** Mrs Gail Hopkins

**Officer:** Emily Stanbridge 292359

**Approved on 28/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location Plan	131103-S0		03.12.2013
Block Plan	131103-P0		03.12.2013
Roof plan and block plan as existing	S1		03.12.2013
Section and south elevation as existing	S4		03.12.2013
Ground and first floor plan as existing	S3		03.12.2013
Ground and first floor plan as existing	S2		03.12.2013
Roof plan and block plan as proposed	P1		03.12.2013
Section and south elevation as proposed	P4		03.12.2013
Ground and first floor plan as proposed	P2		03.12.2013
Ground and first floor plan as proposed	P3		03.12.2013

**BH2013/04143**

**175 Freshfield Road Brighton**

Certificate of lawfulness for proposed single storey rear extension, single storey side extension, loft conversion with creation of dormer to rear and installation of 3no rooflights to front.

**Applicant:** Mrs M Brierley

**Officer:** Sonia Gillam 292265

**Approved on 29/01/14 DELEGATED**

**BH2013/04179**

**27 Richmond Place Brighton**

Application for Approval of Details Reserved by Condition 6 of application BH2013/01304.

**Applicant:** Stephen Logue

**Officer:** Anthony Foster 294495

**Approved on 21/01/14 DELEGATED**

**ROTTINGDEAN COASTAL**

**BH2013/03568**

**Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land Brighton Marina Brighton**

Application for approval of details reserved by condition 58 of application BH2012/04048.

**Applicant:** Brunswick Developments Group Plc

**Officer:** Paul Vidler 292192

**Approved on 22/01/14 DELEGATED**

**BH2013/03569**

**11 Welesmere Road Rottingdean Brighton**

Demolition of existing conservatory and erection of two storey rear extension incorporating roof extensions and installation of rooflights to front elevation.

**Applicant:** Mr & Mrs Hyde

**Officer:** Emily Stanbridge 292359

**Approved on 14/01/14 COMMITTEE**

**1) UNI**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location Plan and Block Plan			05.12.2013
Existing floor plans and elevations	01	A	23.10.2013
Proposed floor plans and elevations	02	A	05.12.2013

**BH2013/03721**

**16 Glynde Avenue Saltdean Brighton**

Demolition of existing garage to facilitate erection of a side extension with

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associated hip to barn end roof extension, side dormer and rooflights to front and rear roof slopes.

**Applicant:** Martin Leppard  
**Officer:** Sue Dubberley 293817  
**Refused on 13/01/14 DELEGATED**

**1) UNI**

1. It is considered that the roof extension and dormer would appear as an incongruous and unsympathetic alteration, due to the additional bulk, mass and form resulting in an overly dominant roof form to the property which would be out of character and obtrusive within the street scene. The proposal would therefore be detrimental to the character and appearance of the existing building and the visual amenities of the surrounding area, contrary to policies QD14 of the Brighton & Hove Local Plan and SPD12, Design Guide for Extensions and Alterations.

**BH2013/03860**

**44 Grand Crescent Rottingdean Brighton**

Conversion of single dwelling into 3no two bedroom self-contained flats (C3) with associated alterations, parking, refuse and recycling areas (retrospective).

**Applicant:** Mr Trevor Stewart  
**Officer:** Adrian Smith 290478

**Approved on 23/01/14 DELEGATED**

**1) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site plan	BC01		29/11/2013
Block plan	BC01		11/11/2013
Pre-existing floor plans	BC-03		29/11/2013
Pre-existing elevations	BC07 BC09 BC11 BC13		11/11/2013
Existing block plan	BC02		11/11/2013
Existing floor plans	BC04 BC05 BC06		11/11/2013
Existing elevations	BC08 BC10 BC12 BC14		11/11/2013

**2) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, within three months of the date of permission, a BRE issued BREEAM Domestic Refurbishment Final/Post Construction Certificate confirming that each residential unit built has achieved a rating of 'pass' as a minimum shall be submitted to, and approved in writing by, the Local Planning Authority.

*Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Report from 09/01/14 to 29/01/14*

*Building Design.*

**3) UNI**

Within three months of the date of permission, full details of a scheme for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved within three months of the date of formal approval of the details and be retained for use at all times.

*Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.*

**4) UNI**

Within three months of the date of permission, full details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use within three months of the date of formal approval of the details and shall thereafter be retained for use at all times.

*Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.*

**BH2013/03892**

**Maddalena Bazehill Road Rottingdean Brighton**

Certificate of lawfulness for proposed erection of garage extension to side incorporating alteration to ground levels and 2no single storey outbuildings in rear garden.

**Applicant:** Mr Jobie Edwards

**Officer:** Wayne Nee 292132

**Refused on 13/01/14 DELEGATED**

**1) UNI**

The eaves height of the proposed side extension would exceed the eaves of the existing dwellinghouse, and as such would not be permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

**2) UNI2**

The height of both the outbuildings would exceed 2.5 metres, and the outbuildings would be within 2 metres of the site boundary. As such this would not be permitted development under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

**BH2013/03920**

**26 Saltdean Drive Saltdean Brighton**

Installation of steel balcony to the rear and alterations to fenestration.

**Applicant:** Barry Mather

**Officer:** Wayne Nee 292132

**Refused on 13/01/14 DELEGATED**

**1) UNI**

The proposed balcony, due to its size, elevated height and design, would result in over dominant structure that would detract from the character and appearance of the existing property. The proposal is therefore contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan.

**2) UNI2**

The balcony, due to its elevated height and size, would represent an un-neighbourly and overbearing addition for nearby residents by reason of increased overlooking, loss of privacy, and the potential for noise and

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disturbance. This would be to the detriment of residential amenity; therefore the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

#### **BH2013/03994**

##### **8 Waterfront Brighton Marina Brighton**

Change of use from retail (A1) to health, fitness and weight loss studio (D2) with associated alterations.

**Applicant:** Sásta Fitness

**Officer:** Adrian Smith 290478

**Approved on 20/01/14 DELEGATED**

##### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

##### **2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site plan			25/11/2013
Existing floor plan	001		25/11/2013
Proposed floor plan	002		25/11/2013
Existing and proposed elevations	003		25/11/2013

#### **BH2013/04115**

##### **4 Tudor Close Dean Court Road Rottingdean**

Application for approval of details reserved by condition 3 of application BH2012/02883.

**Applicant:** Mrs Denise Hopper

**Officer:** Adrian Smith 290478

**Approved on 13/01/14 DELEGATED**

#### **WOODINGDEAN**

#### **BH2013/03616**

##### **Unit 2 & Unit 13 Woodingdean Business Park Sea View Way Brighton**

Installation of wall mounted grilles, roof mounted ventilation cowls and sun pipes to Unit 13 and masts with cable connection to Unit 2.

**Applicant:** Reflex Nutrition Ltd

**Officer:** Andrew Huntley 292321

**Approved on 24/01/14 DELEGATED**

##### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

##### **2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Existing Ground Floor Plan	12		23.10.2013
Existing Roof Plan	13		23.10.2013
Existing Section	14		23.10.2013
Existing Elevations	15		23.10.2013
Proposed Ground Floor Plan	16		23.10.2013
Proposed First Floor Plan	17	A	23.10.2013
Proposed Roof Plan	18	A	23.10.2013
Proposed Section	19	A	23.10.2013
Proposed Elevations	20	A	23.10.2013
Site Location and Block Plan	21		23.10.2013
Proposed Catenary Link	22		23.10.2013
Sound Pressure Level Information	DOC/23		23.10.2013

### **BH2013/03833**

#### **Ireland Lodge Lockwood Crescent Brighton**

Installation of new timber fence to form an enclosed garden within the site and installation of concrete ramps.

**Applicant:** Brighton & Hove City Council Property & Design

**Officer:** Robin Hodgetts 292366

**Approved on 15/01/14 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

#### **2) UNI**

No development shall commence until a fence for the protection of the tree located immediately to the south of the building adjacent to the proposed development has been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fence shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

*Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.*

#### **3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site location plan	001		12/11/13
Existing block plan	002		20/11/13
Proposed block plan	003		20/11/13
Existing ground floor plan	300		20/11/13
Proposed ground floor plan	301		20/11/13

Existing and proposed east elevations	302		12/11/13
Existing and proposed south elevations	303		12/11/13
Existing and proposed ramp elevations	304		20/11/13
Proposed ramp section	305		20/11/13

**BH2013/03910**

**52 Channel View Road Brighton**

Erection of single storey rear extension incorporating raised terrace with steps and balustrading to rear garden.

**Applicant:** Daniel Fitzpatrick

**Officer:** Andrew Huntley 292321

**Approved on 13/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) BH03.03**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**3) UNI**

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 windows other than those expressly authorised by this permission shall be constructed in the western elevation of the extension hereby approved without planning permission obtained from the Local Planning Authority.

*Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location plan	0102-05-13/01	A	18.11.2013
Existing site plan	0102-05-13/02	A	18.11.2013
Proposed site plan	0134-09-13/03	A	18.11.2013
Existing elevation drawing	0134-09-12/04	A	18.11.2013
Proposed elevation drawing	0134-09-13/05	B	18.11.2013
Proposed Section	0134-09-13/06	B	18.11.2013

**BH2013/04278**

**27 Falmer Gardens Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.94m, for which the maximum height would be 3.9m, and for which the height of the eaves would be Report from 09/01/14 to 29/01/14

2.4m.

**Applicant:** Mr Lee Saxelby

**Officer:** Andrew Huntley 292321

**Prior approval not required on 23/01/14 DELEGATED**

## **BRUNSWICK AND ADELAIDE**

### **BH2013/02371**

#### **54 Brunswick Square Hove**

Damp repair works to lower ground floor flat and ground floor maisonette.

**Applicant:** Mr G Winters

**Officer:** Robert McNicol 292198

**Approved on 27/01/14 DELEGATED**

#### **1) BH01.05**

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

#### **2) UNI**

The hereby approved replacement cornicing in the ground floor corridor shall be 'Small Georgian' as stated in an email dated 15th January 2014.

*Reason: For the avoidance of doubt and to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

### **BH2013/02873**

#### **11A Brunswick Street West Hove**

Excavation at basement level with associated relocation of entrance and removal of window to side elevation. Installation of French doors to rear elevation at basement level with associated repositioning of window. (Part Retrospective)

**Applicant:** Andrew Aldridge

**Officer:** Christopher Wright 292097

**Approved on 22/01/14 DELEGATED**

#### **1) UNI**

Within 3 months of the date of this decision 1:5 scale section drawings showing the reveal in which the French doors to the southern elevation of the premises have been installed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details within 3 calendar months of the date of the approval of the details.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

#### **2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
As Existing & As Proposed Floor Plans	DC/11A-BSW/01		4 Sep 2013



**BH2013/02874**

**11A Brunswick Street West Hove**

Excavation at basement level with associated relocation of entrance and removal of window to side elevation. Installation of French doors to rear elevation at basement level with associated repositioning of window. Internal alterations to layout of office. (Part Retrospective)

**Applicant:** Andrew Aldridge

**Officer:** Christopher Wright 292097

**Approved on 22/01/14 DELEGATED**

**1) BH01.05**

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

**2) UNI**

Within 3 calendar months of the date of this decision 1:5 scale section drawings showing the reveal in which the French doors to the southern elevation of the premises have been installed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details within 3 calendar months of the date of the approval of the details. Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

**BH2013/03299**

**6 Palmeira Avenue Hove**

Installation of handrail to front steps.

**Applicant:** Ms Patricia Thompson

**Officer:** Emily Stanbridge 292359

**Refused on 10/01/14 DELEGATED**

**1) UNI**

Insufficient information has been submitted to fully assess the impacts of the scheme. The drawing submitted does not show an accurate representation of the front entrance to the property and does not include sufficient detail to accurately scale the proposal. Sufficient information has however been provided to determine the application. The brackets proposed to the existing masonry will detract from the appearance of the entrance to the property. In addition, the metal work should be kept to a minimum and insufficient justification has therefore been provided for the immediate upright to the handrail which adds further clutter to the entrance. The proposal would cause harm to the character of the building and would fail to preserve or enhance the Brunswick Town Conservation Area contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

**BH2013/03306**

**8 Adelaide Crescent Hove**

Internal alterations to house incorporating revised layout with a new staircase joining the ground floor and basement level.

**Applicant:** Mr Graham Nicholas

**Officer:** Steven Lewis 290480

**Approved on 28/01/14 DELEGATED**

**1) BH01.05**

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

Report from 09/01/14 to 29/01/14

## **2) UNI**

In accordance with the email correspondence received on 21st January 2014, the vent shall be clay or metal, fitted flush with the wall and painted the same colour as the wall.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

### **BH2013/03747**

#### **18 Church Road Hove**

Display of externally illuminated fascia signs.

**Applicant:** M & O Trading Ltd

**Officer:** Sonia Gillam 292265

**Approved on 15/01/14 DELEGATED**

#### **1) BH10.01**

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

*Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.*

#### **2) BH10.02**

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.*

#### **3) BH10.03**

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety.*

#### **4) BH10.04**

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.*

#### **5) BH10.05**

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*

#### **6) BH10.06**

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*

**7) BH10.07**

The illumination of the advertisement shall be non-intermittent.

*Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.*

**BH2013/03845**

**2 Upper Market Street Hove**

External alterations including alterations to fenestration including replacement of louvers grille to front door with glass, replacement of existing concrete roof tiles with slate, raising of kerb to pavement to facilitate ground floor grille, removal of existing extraction and installation of new extractors and re-instatement of railings to rear roof terrace. Internal alterations including alterations to layout to facilitate installation of new staircase at lower ground and ground floor level, re-instatement of fireplace to ground floor level, remove and block up door to bathroom at second floor level and creation of bathroom to third floor level.

**Applicant:** Ms Caroline Scott

**Officer:** Liz Arnold 291709

**Approved on 20/01/14 DELEGATED**

**1) BH01.05**

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

**2) UNI**

No works shall take place until large scale joinery details of the new doors have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**3) UNI**

No works shall take place until a sample of the replacement roof slate has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**4) UNI**

No works shall take place until 1:20 details of the proposed basement stair balustrade and nosing profile, to match those on the upper floors, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**5) UNI**

No works shall take place until details, including the material and appearance of the new vent to the front elevation hereby approved have been submitted to and approved in writing by the Local Planning Authority. The works shall be

implemented in strict accordance with the agreed details.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

## **BH2013/03846**

### **2 Upper Market Street Hove**

Alterations to existing dwelling including alterations to fenestration including replacement of louvers grille to front door with glass, replacement of existing concrete roof tiles with slate, raising of kerb to pavement to facilitate ground floor grille, removal of existing extraction and installation of new extractors and re-instatement of railings to rear roof terrace.

**Applicant:** Ms Caroline Scott

**Officer:** Liz Arnold 291709

**Approved on 20/01/14 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

#### **2) UNI**

No development shall take place until details, including the material and appearance of the new vent to the front elevation hereby approved have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

#### **3) UNI**

No development shall take place until a sample of the replacement roof slate has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

#### **4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location and Block Plans	CH 576/001	Rev. A	25th November 2013
Existing Plans, Elevations & Sections	CH 576/002		12th November 2013
Proposed Basement and Ground Floor Plans	CH 576/003	Rev. B	13th January 2014
Proposed 2nd Floor and 3rd Floor Plans	CH 576/004	Rev. B	13th January 2014
Proposed Elevations & Sections BB	CH 576/005	Rev. B	13th January 2014
Proposed Section and Windows and Doors	CH 576/006	Rev. A	25th November 2013
Proposed Elevations & Sections BB	CH 576/007	Rev. B	13th January 2014
Windows and Doors	CH 576/008	Rev. B	13th January 2014

Report from 09/01/14 to 29/01/14

**BH2013/03858**

**119-120 Western Road Hove**

Replacement of existing front windows at first and second floor level with timber sash windows, recovering of flat roof and associated works.

**Applicant:** Mrs Margaret Senley

**Officer:** Jason Hawkes 292153

**Approved on 17/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

All new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such thereafter. The new windows shall also include traditional horn details to match existing in accordance with the email received on the 17th January 2014.

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
O/S Extract / Block Plan	PO1		13th November 2013
Proposed Plans	PO2	A	20th November 2013
Joinery Details			7th January 2014
Horn Detail PBA			17th January 2014

**BH2013/03874**

**29 Brunswick Street East Hove**

Prior approval for change of use from offices (B1) to residential (C3).

**Applicant:** Mr Ian Woodhouse

**Officer:** Christopher Wright 292097

**Prior approval not required on 09/01/14 DELEGATED**

**BH2013/03883**

**17a Western Street Brighton**

Application for approval of details reserved by condition 3 of application BH2013/03072.

**Applicant:** Robert Beveridge

**Officer:** Helen Hobbs 293335

**Approved on 10/01/14 DELEGATED**

**BH2013/03917**

**Palmeira Mansions 33 Church Road Hove**

Installation of replacement aluminium double glazed casement windows to basement and ground floor to front and ground, first and second floor to rear.

**Applicant:** The English Language Centre

Report from 09/01/14 to 29/01/14

**Officer:** Jason Hawkes 292153

**Approved on 21/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The replacement front windows shall exactly match the dimensions of existing front windows at first and second floor level.

*Reason: To preserve the character and appearance of the listed building in accordance with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site & Block Plans	ELC-001		26th November 2013
Casement Window - The English Language Centre			18th November 2013

**BH2013/03918**

**Palmeira Mansions 33 Church Road Hove**

Installation of replacement aluminium double glazed casement windows to basement and ground floor to front and ground, first and second floor to rear.

**Applicant:** The English Language Centre

**Officer:** Jason Hawkes 292153

**Approved on 21/01/14 DELEGATED**

**1) BH01.05**

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

**2) UNI**

The replacement front windows shall exactly match the dimensions of existing front windows at first and second floor level.

*Reason: To preserve the character and appearance of the listed building in accordance with policy HE1 of the Brighton & Hove Local Plan.*

**BH2013/03984**

**Upper Floors 28-29 Western Road Hove**

Prior approval for change of use from offices (B1) to residential (C3) for form 9no residential units.

**Applicant:** HR Developments Ltd

**Officer:** Christopher Wright 292097

**Prior Approval is required and is approved on 16/01/14 DELEGATED**

**BH2013/04069**

**Ground and First Floor Maisonette 27 Adelaide Crescent Hove**

Conversion of ground and first floor three bedroom maisonette to 2no one bedroom flats with associated alterations.

Report from 09/01/14 to 29/01/14

**Applicant:** Safeguide Ltd  
**Officer:** Christopher Wright 292097

**Approved on 23/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Existing Details	25549/7		28 Nov 2013
Existing Details	25549/8		28 Nov 2013
Proposed Basement/Ground Floor Details (Ground Floor Only)	25549/10	B	28 Nov 2013
Proposed First To Second Floor Layouts (First Floor Only)	25549/11	B	28 Nov 2013
Location Plan and Site Plan	25549/12	A	28 Nov 2013
Rear Ground Floor Infill Window Elevation As Proposed	25549/15		28 Nov 2013
Rear Ground Floor Infill Window Elevation As Existing	25549/16		28 Nov 2013
Bathroom Pod Details x 2	25549/17		28 Nov 2013
Kitchen Pod Details x 3	25549/17		28 Nov 2013

**3) UNI**

Before works to the window commence, 1:1 joinery details of the replacement window to the rear elevation hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The joinery details shall exactly match the existing windows unless otherwise agreed in writing. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

**4) UNI**

If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

*Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.*

**BH2013/04070**

**Ground and First Floor Maisonette 27 Adelaide Crescent Hove**

Report from 09/01/14 to 29/01/14

Conversion of ground and first floor three bedroom maisonette to 2no one bedroom flats with associated alterations.

**Applicant:** Safeguide Ltd

**Officer:** Christopher Wright 292097

**Approved on 23/01/14 DELEGATED**

**1) BH01.05**

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

**2) UNI**

All existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise agreed in writing with the Local Planning Authority. Any damage to decorative plasterwork, panelling or mouldings caused by previous alterations shall be repaired to original profiles in the traditional manner and to match exactly the originals.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**3) UNI**

No development shall take place until details of the kitchen and bathroom drainage and extractor systems are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.

*Reason: To ensure the satisfactory preservation and appearance of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**4) UNI**

Before works to the window commence, 1:1 joinery details of the replacement window to the rear elevation hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The joinery details shall exactly match the existing windows unless otherwise agreed in writing. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**5) UNI**

No works shall take place until details of the method of fire protection of the doors, including 1:20 scale elevations of doors and 1:1 scale moulding sections, have been submitted to and approved in writing by the Local Planning Authority. All existing original doors shall be retained and where they are required to be upgraded to meet fire regulations details of upgrading works shall be submitted to and approved in writing by the Local Planning Authority. Self-closing mechanisms, if required, shall be of the concealed mortice type. The works shall be carried out in accordance with the approved details.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**CENTRAL HOVE**

**BH2013/03004**

**8 Vallance Court Hove Street Hove**

Certificate of lawfulness for existing use of a roof terrace.

Report from 09/01/14 to 29/01/14



**Applicant:** Mr David Cranfield  
**Officer:** Jason Hawkes 292153  
**Approved on 16/01/14 DELEGATED**

**BH2013/03661**

**Flat 41 The Priory 8 St Catherines Terrace Hove**

Replacement of existing UPVC window and door with UPVC patio doors and window.

**Applicant:** Edna Sonkin  
**Officer:** Emily Stanbridge 292359

**Approved on 13/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location Plan			11.11.2013
Block Plan			28.10.2013
Schedule of photographs			28.10.2013
Proposed door			28.10.2013
Brochure pages			28.10.2013

**BH2013/03723**

**Flat 2 Little Courtenay 7 Courtenay Terrace Hove**

Replacement of existing metal bay window with timber triple glazed bay window.

**Applicant:** Mrs Dinah Du Sautoy  
**Officer:** Andrew Huntley 292321

**Approved on 15/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site Plan			04.11.2013
Window Details			30.10.2013
Proposed Window Elevations	01		20.11.2013

**BH2013/03724**

**Flat 2 Little Courtenay 7 Courtenay Terrace Hove**

Replacement of existing metal bay window with timber triple glazed bay window.

Report from 09/01/14 to 29/01/14

**Applicant:** Mrs Dinah Du Sautoy  
**Officer:** Andrew Huntley 292321

**Approved on 15/01/14 DELEGATED**

**1) BH01.05**

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

**2) UNI**

No development shall take place until full details of the proposed mullions and transom with 1:20 or 1:1 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be white painted timber with concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

**BH2013/03881**

**Day Centre Connaught Road Hove**

Erection of two storey side extension to create internal staircase incorporating removal of existing spiral staircase, formation of front lobby, internal alterations to layout, new shed and relocation of existing sheds, installation of canopies, revision to fencing and parking and associated works.

**Applicant:** Brighton & Hove City Council

**Officer:** Steven Lewis 290480

**Approved on 23/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for: a method statement to identify, risk assess and address the unidentified contaminants.

*Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.*

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site Plan	ED225-001		14/11/2013
Block Plan	ED225-002		14/11/2013
Ground Floor Existing	ED225-003		14/11/2013
Roof Plan Existing	ED225-004		14/11/2013
Existing Elevations & Sections	ED225-005		14/11/2013
Ground and First Floor Plans	ED225-006		14/11/2013

Report from 09/01/14 to 29/01/14

Proposed			
Proposed Roof Plan	ED225-007		14/11/2013
Proposed Elevations & Sections	ED225-008	A	03/12/2013
Proposed External Works	ED225-009	C	03/12/2013
Existing External Works Plan	ED225-010		28/11/2013
Proposed East Elevation Door	ED225-011		14/11/2013
Existing West Elevation	ED225-012		28/11/2013
Proposed West Elevation	ED225-013		28/11/2013
Proposed Shed	ED225-014		28/11/2013
North Wall elevation	ED225-015		03/12/2013
Canopy	ED225-016		03/12/2013

### **BH2013/03966**

#### **74 Osborne Villas Hove**

Application for approval of details reserved by conditions 3i, 3ii, 3iii, 3iv and 3v of application BH2013/02857.

**Applicant:** Dan Whittingham

**Officer:** Mark Thomas 292336

**Approved on 13/01/14 DELEGATED**

### **BH2013/04030**

#### **9 & 11 Hove Street Hove**

Erection of single storey extensions to rear of No's 9 and 11.

**Applicant:** Gary Coombs

**Officer:** Christopher Wright 292097

**Approved on 20/01/14 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

#### **2) UNI**

The works hereby permitted shall not commence until documentary evidence (in the form of a proposed timescale and signed contracts by all interested parties) for the works hereby approved has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the development will be constructed in its entirety concurrently to both 9 & 11 Hove Street. The works shall be carried out to within the approved timescale unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To protect the amenity of adjacent properties and in accordance with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

#### **3) UNI**

No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the programme of archaeological work has been completed in accordance with the approved Written Scheme of Archaeological Investigation.

*Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan.*

Report from 09/01/14 to 29/01/14

#### 4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site Location Plan/Site Plan	390/PA1		25 Nov 2013
Existing Ground Floor Plan	390/PA2		25 Nov 2013
Existing First Floor Plan	390/PA3		25 Nov 2013
Existing Elevations	390/PA4		25 Nov 2013
Proposed Ground Floor Plan	390/PA5		25 Nov 2013
Proposed First Floor Plan	390/PA6		25 Nov 2013
Proposed Elevations	390/PA7		25 Nov 2013

#### **BH2013/04220**

##### **26 Fourth Avenue Hove**

Application for Approval of Details Reserved by Condition 3 of Application BH2013/03417.

**Applicant:** Edward Telesford

**Officer:** Christopher Wright 292097

**Approved on 22/01/14 DELEGATED**

#### **GOLDSMID**

#### **BH2013/02905**

##### **20A Cromwell Road Hove**

Conversion of outbuilding to form one bedroom dwelling (Retrospective).

**Applicant:** Mr M Wood

**Officer:** Mark Thomas 292336

**Refused on 14/01/14 COMMITTEE**

#### 1) UNI

The creation of a unit of self-contained residential accommodation would result in an intensification of use which would result in significantly increased levels of overlooking and loss of privacy to residents of no. 20 Cromwell Road, as well as overlooking from no. 20 Cromwell Road and its garden towards the building in question. Further, the creation of a permanent living unit would introduce a much greater level of activity, with resultant comings and goings through the rear garden at times when the area might be expected not to be in use. The proposed development would represent a poor standard of living accommodation for occupiers of the garden building, and would result in a loss of amenity for occupiers of no. 20 Cromwell Road and, to a lesser extent, towards neighbouring properties. As such, the proposed development would be contrary to policy QD27 of the Brighton & Hove Local Plan.

#### **BH2013/03496**

##### **187 Dyke Road Hove**

Erection of two storey extension to replace existing single storey extension and terrace.

**Applicant:** RT Williams

**Officer:** Christopher Wright 292097

**Refused on 14/01/14 COMMITTEE**

#### 1) UNI

The extension by reason of its scale, massing, bulk, site coverage, materials and Report from 09/01/14 to 29/01/14

detailing is considered poorly designed, and an over-development of the site, and would have a seriously harmful impact upon the character and appearance of the building to be extended and the visual amenity of the area. This is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

**2) UNI2**

The extension by reason of its siting, scale and massing would have an unduly harmful and dominating impact upon the amenities of adjacent occupiers resulting in a loss of outlook, increased sense of enclosure, overshadowing and an overbearing impact. This is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2013/03714**

**Flat 3 33 Wilbury Road Hove**

Erection of single storey side extension at second floor level and loft conversion incorporating rooflights.

**Applicant:** Mr Walter Manenti

**Officer:** Helen Hobbs 293335

**Refused on 24/01/14 DELEGATED**

**1) UNI**

The proposed mansard roof extension, and associated front rooflight, due to its design and prominent position would detract from the character and appearance of the host property and would therefore fail to preserve or enhance the Willet Estate Conservation Area. The proposal is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12 Design Guide on Extensions and Alterations.

**2) UNI2**

The proposed front rooflight within the main roof would compromise the uniformity of the immediate group of properties the application property is sited within. The proposal would cause significant harm to the character and appearance of the host property and the surrounding Willett Estate Conservation Area. The proposal is thereby contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12 Design Guide on Extensions and Alterations.

**BH2013/03773**

**70 Fonthill Road Hove**

Erection of a single storey rear extension.

**Applicant:** Mr & Mrs N Dudeney

**Officer:** Christopher Wright 292097

**Approved on 21/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) BH03.03**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**3) UNI**

The development hereby permitted shall be carried out in accordance with the

Report from 09/01/14 to 29/01/14

approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location & Block Plans	10320-Loc		5 Nov 2013
Existing and Proposed Floor Plans & Elevations	10320-01	A	5 Nov 2013

**BH2013/03783**

**Flat 20 Gainsborough House 4-6 Eaton Gardens Hove**

Replacement of existing aluminium/timber framed windows and balcony doors with UPVC.

**Applicant:** P Channon

**Officer:** Robert McNicol 292198

**Approved on 14/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Block plan	11/13/02 1 of 3		6 November 2013
Location plan, balcony door detail	11/13/02 2 of 3		6 November 2013
Proposed window details	11/13/02 3 of 3		13 January 2013
Window specification	Profile22 Issue 9		6 November 2013
Annotated photographs			6 November 2013

**BH2013/03821**

**68 Wilbury Road Hove**

Installation of roof lantern to rear flat roof.

**Applicant:** Leslie Barber

**Officer:** Guy Everest 293334

**Approved on 10/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
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Report from 09/01/14 to 29/01/14

Site Location Plan, Existing & Proposed Plans	23201.01		11/11/2013
Synseal details			19/11/2013

**BH2013/03902**

**St Annes Convent 3 & 3a Lansdowne Road Hove**

Application for approval of details reserved by conditions 3, 4(a), 5, 7, 8, 9, 10, 11 and 13(a) of application BH2012/03223.

**Applicant:** P D Harris Ltd

**Officer:** Liz Arnold 291709

**Approved on 16/01/14 DELEGATED**

**BH2013/03936**

**Second Floor Flat 23 Cromwell Road Hove**

Internal alterations to layout of flat including creation of additional bedroom.

**Applicant:** Mr D Fernandes

**Officer:** Emily Stanbridge 292359

**Approved on 17/01/14 DELEGATED**

**1) UNI**

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

**2) UNI**

The proposed entrance door shall be of timber construction with recessed panels and be of a specified size and design as agreed in writing by the Local Planning Authority prior to commencement of work. Any fireproofing to doors should be an integral part of the door construction, and self closing mechanisms, if required, shall be of the concealed mortice type.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**3) UNI**

Any cornicing previously damaged by the installation of the lobby should be properly repaired to match exactly to the original cornicing in this respective part of the building

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**BH2013/04016**

**73 Shirley Street Hove**

Certificate of lawfulness for proposed loft conversion incorporating 3no roof lights to front and dormer to rear.

**Applicant:** Lee Shawyer

**Officer:** Helen Hobbs 293335

**Approved on 27/01/14 DELEGATED**

**BH2013/04081**

**28 Ranelagh Villas Hove**

Certificate of lawfulness for the proposed erection of a single storey rear extension.

**Applicant:** Kieran McGuinness

**Officer:** Emily Stanbridge 292359

**Approved on 27/01/14 DELEGATED**

## **HANGLETON & KNOLL**

### **BH2013/02797**

#### **118 Holmes Avenue Hove**

Certificate of lawfulness for proposed loft conversion incorporating enlargement of existing rear dormer and rooflight to front roof slope.

**Applicant:** Claire Moran

**Officer:** Helen Hobbs 293335

**Refused on 29/01/14 DELEGATED**

#### **1) UNI**

The cubic content of the resulting roof space would exceed 50 cubic metres, and as such would not be permitted development under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

#### **2) UNI2**

The side window would not be obscure glazed and it is unclear whether any openable part would be above 1.7m of the internal floor level of the room it is to be positioned within. As such this would not be permitted development under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

### **BH2013/03911**

#### **100 Hallyburton Road Hove**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable extension, front and rear rooflights, side window and rear dormer and erection of single storey rear extension.

**Applicant:** Mr & Mrs Adrian Pearcey

**Officer:** Helen Hobbs 293335

**Approved on 23/01/14 DELEGATED**

### **BH2013/04055**

#### **32 Fallowfield Crescent Hove**

Erection of single storey rear extension with roof lantern.

**Applicant:** Mr A Warne

**Officer:** Helen Hobbs 293335

**Refused on 22/01/14 DELEGATED**

#### **1) UNI**

The proposed extension, by reason of its height, depth and bulk in conjunction with the existing extension, relates poorly to the existing property and results in an overdevelopment of the property, detrimental to the character and appearance of the existing property and the surrounding area, contrary to policies QD14 of the Brighton & Hove Local Plan.

#### **2) UNI2**

The proposed extension, by virtue of its height, depth and bulk, would result in an un-neighbourly form of development, and would have an overbearing impact on 34 Fallowfield Crescent. As such the proposal would adversely impact on the residential amenity currently enjoyed by that property, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

### **BH2013/04128**

#### **10 Lynchets Crescent Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5m, for which the maximum

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height would be 3.4m, and for which the height of the eaves would be 2.15m.

**Applicant:** Tracey Brockbank

**Officer:** Clare Simpson 292454

**Prior Approval is required and is refused on 10/01/14 DELEGATED**

**1) UNI**

The plans submitted within this application do not reflect the measurements stated within the application form. The plans show that the proposed height of the development would be in excess of the 3.4 metres stated on the application form.

This decision is based on the information listed below:

Plan Type	Reference	Version	Date Received
Proposed plans			4th December 2013

**BH2013/04339**

**86 Fallowfield Crescent Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3.225m, and for which the height of the eaves would be 2.825m.

**Applicant:** David Wriglesworth

**Officer:** Christopher Wright 292097

**Prior Approval is required and is approved on 27/01/14 DELEGATED**

**SOUTH PORTSLADE**

**BH2013/02047**

**1 Wellington Road Portslade**

Demolition of existing building and erection of part five, part four, part three and part two storey building comprising commercial units on basement and ground floor and 9no one and two bedroom residential units on floors above.

**Applicant:** Urban Mosaics Ltd. & Citispace Developments Ltd

**Officer:** Guy Everest 293334

**Approved on 27/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The basement and ground floor commercial units (nos. 1 & 2), as identified on drawing nos. PLA/06 & PLA/09, shall only be used within Class A1 (shops) and / or Class A2 (financial and professional services) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

*Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

No commercial deliveries or waste collection shall occur except between the

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hours of 08:00 and 19:00 on Monday to Fridays and 09:00 and 17:00 on Saturdays, Sundays, Bank or Public Holidays.

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

**4) UNI**

No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

*Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.*

**5) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

*Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

**6) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM Shell and Core rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

*Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

**7) UNI**

Notwithstanding the submitted plans no development shall commence until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

*Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.*

**8) UNI**

No development shall take place above the ground floor slab level 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.

*Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.*

**9) UNI**

No development shall take place above the ground floor slab level until elevations

and sections at a scale of 1:20 of the commercial shopfronts, the residential entrance, the balconies and any associated balustrading, the windows and their reveals, the solar shading structures and projecting canopy have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details and be maintained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.*

**10) UNI**

No development shall take place above the ground floor slab level until a scheme for the soundproofing of the building between ground floor commercial units and first floor residential units has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

*Reason: To safeguard the amenities of the occupiers of future occupants of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.*

**11) UNI**

No development shall take place above the ground floor slab level until a scheme for the soundproofing of the residential units has been submitted to and approved in writing by the Local Planning Authority. The measures shall include details of glazing specifications and alternative means of ventilation. The development shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

*Reason: To safeguard the amenities of the occupiers of future occupants of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.*

**12) UNI**

No development shall take place above the ground floor slab level until details of the ventilation strategy for the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

*Reason: To safeguard the amenities of the occupiers of future occupants of the development, ensure the efficient use of resources and to comply with policies SU2, SU10 and QD27 of the Brighton & Hove Local Plan.*

**13) UNI**

Notwithstanding the submitted plans no development shall take place above the ground floor slab level until details of compliance with Lifetime Homes standards have been submitted to and approved prior to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

*Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.*

**14) UNI**

Prior to the occupation of the development the redundant vehicle crossover to Station Road shall be reinstated back to footway by raising the existing kerb and footway. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.

*Reason: In the interests of highway safety and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.*

**15) UNI**

The development hereby approved shall not be occupied until details of refuse and recycling storage facilities for the commercial and residential units have 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.

*Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.*

**16) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

*Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

**17) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Block Plan & Site Location Plan	PLA/01		18/06/2013
Existing Building Plans	PLA/02		18/06/2013
Existing Building Elevations	PLA/03		18/06/2013
Ground & First Floor (proposed)	PLA/06		18/06/2013
Second & Third Floor (proposed)	PLA/07		18/06/2013
Basement Plan (proposed)	PLA/09		18/06/2013
Section B-B (proposed)	PLA/14		18/06/2013
Roof Level (proposed)	PLA/08	A	01/10/2013
Context Elevations (proposed)	PLA/10	A	01/10/2013
Elevations (proposed)	PLA/11	A	01/10/2013
Elevations (proposed)	PLA/12	A	01/10/2013
Section A-A (proposed)	PLA/13	A	01/10/2013
Section C-C (proposed)	PLA/15	A	01/10/2013

**BH2013/02399**

**St Nicholas C of E Junior School Locks Hill Portslade**

Application for approval of details reserved by conditions 4, 5, 6, 7, 8, 9, 10, 11 & 12 of application BH2012/02548.

**Applicant:** Ms Gillian Churchill

**Officer:** Guy Everest 293334

**Split Decision on 22/01/14 DELEGATED**

**1) UNI**

The details pursuant to conditions 4 & 7 subject to full compliance with the submitted details.

**1) UNI**

The details pursuant to conditions 5, 6, 8, 9, 10, 11 & 12 are NOT APPROVED for the following reason(s):

**Condition 5 & 6**

The submitted tree protection and landscaping details fail to demonstrate that existing visually important trees on the site would be adequately protected and retained. The submitted details are therefore contrary to policies QD1, QD15 and QD16 of the Brighton & Hove Local Plan.

**Condition 8**

There is no evidence that the development is registered with the BRE under BREEAM, and no Design Stage Assessment Report or Design Stage Certificate (demonstrating the development would achieve a BREEAM rating of 50% in energy and water within overall 'Very Good') has been submitted.

**Condition 9**

The submitted details do not assess the risk from landfill gas (from Victoria Road Landfill site). The submitted details are therefore contrary to policies QD1, QD15 and QD16 of the Brighton & Hove Local Plan, and the level of risk should be professionally and objectively assessed by qualified consultants.

**Condition 10**

No scheme detailing improvements to footways, pedestrian crossing facilities and wider mobility improvements in the vicinity of the site has been submitted.

**Condition 11**

A School Travel Plan has not been submitted.

**Condition 12**

A BRE issued post-construction review certificate (demonstrating the development would achieve a BREEAM rating of 50% in energy and water within overall 'Very Good') has not been submitted.

**BH2013/03452**

**44 Greenways 50 Highlands Road Portslade**

Replacement UPVC double glazed windows and doors.

**Applicant:** Mr K Hewitt

**Officer:** Guy Everest 293334

**Approved on 10/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date
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Report from 09/01/14 to 29/01/14

			Received
Site Location Plan			09/10/2013
Existing and Proposed Windows Drawing			09/10/2013

**BH2013/03485**

**Belgrave Training Centre Clarendon Place Portslade**

Demolition of existing external link roof between main building and building to the West and erection of single storey extension between the buildings including ramped access.

**Applicant:** Brighton & Hove City Council

**Officer:** Jason Hawkes 292153

**Approved on 10/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

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.

*Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.*

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site and Block Plans	001	A	6th January 2014
Existing Floor Plans	300		11th October 2013
Proposed Floor Plans	301		11th October 2013
Existing and Proposed North Elevation	302	A	6th January 2014
Existing and Proposed South Elevation	303		16th October 2013
Existing and Proposed East Elevation	305		6th January 2014
Proposed Cycle Shelter	306		6th January 2014

**BH2013/03676**

**20 Church Road Portslade**

Conversion of existing retail unit (A1) and flat to single dwelling including alterations to fenestration to front elevation.

**Applicant:** Mr C Dhajan

**Officer:** Jason Hawkes 292153

**Refused on 24/01/14 DELEGATED**

**1) UNI**

Insufficient information has been submitted to adequately demonstrate that the premises are no longer economically viable as a retail unit. The scheme is Report from 09/01/14 to 29/01/14

therefore contrary to policy SR8 of the Brighton & Hove Local Plan.

## **2) UNI2**

The design of the proposed external alterations would detract from the character and appearance of the property and would result in a dwelling which would harm the character of the street scene failing to relate well to both the adjacent dwellings and shop units. The scheme is therefore contrary to policies QD1, QD2, QD3 and QD14 of the Brighton & Hove Local Plan.

### **BH2013/03887**

#### **15-19 rear of 15-19 and 15A Norway Street Brighton**

Application for approval of details reserved by condition 19 of application BH2012/03940.

**Applicant:** Spear Developments

**Officer:** Jason Hawkes 292153

**Approved on 14/01/14 DELEGATED**

### **BH2013/04304**

#### **23 Norway Street Portslade**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.7m, for which the maximum height would be 3m, and for which the height of the eaves would be 2.5m.

**Applicant:** Mr Philip Mabbott

**Officer:** Helen Hobbs 293335

**Prior approval not required on 23/01/14 DELEGATED**

### **BH2013/04305**

#### **9 Vale Road Portslade**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.92m, for which the maximum height would be 3.625m, and for which the height of the eaves would be 2.575m.

**Applicant:** Mr & Mrs Baring

**Officer:** Sonia Gillam 292265

**Prior approval not required on 27/01/14 DELEGATED**

## **HOVE PARK**

### **BH2013/03182**

#### **7a Barrowfield Lodge Barrowfield Drive Hove**

Replacement of 3no crittal aluminum single glazed windows with aluminum double glazed windows.

**Applicant:** Michael Balfe

**Officer:** Helen Hobbs 293335

**Approved on 16/01/14 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

#### **2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Report from 09/01/14 to 29/01/14

Plan Type	Reference	Version	Date Received
Site plan			17th September 2013
Style design sheet - proposed window details			17th September 2013
Manufacturing brochure			17th September 2013

### **BH2013/03502**

#### **1 Barrowfield Drive Hove**

Erection of replacement boundary wall incorporating a rendered concrete block wall, concrete pillars and close boarded timber fence.

**Applicant:** Mr Amir Solehi

**Officer:** Helen Hobbs 293335

**Approved on 27/01/14 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

#### **2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Replacement boundary wall	11617		14th October 2013

### **BH2013/03533**

#### **9 Park View Road Hove**

Demolition of existing garage and erection of single storey side extension, creation of bay window to first floor elevation and other external alterations.

**Applicant:** Clive Wilkins

**Officer:** Christopher Wright 292097

**Approved on 23/01/14 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

#### **2) BH03.03**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

#### **3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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



Plan Type	Reference	Version	Date Received
Site Location Plan			16 Oct 2013
Block Plan			16 Oct 2013
Existing Ground Floor Plan	01		16 Oct 2013
Existing First Floor Plan	02		16 Oct 2013
Existing Roof Plan	03		16 Oct 2013
Existing Front Elevation	04		16 Oct 2013
Existing Rear Elevation	05		16 Oct 2013
Existing North Side Elevation	06		16 Oct 2013
Existing South Side Elevation	07		16 Oct 2013
Proposed Ground Floor Plan	08	D	16 Oct 2013
Proposed First Floor Plan	09	D	16 Oct 2013
Proposed Rear Elevation	12	D	16 Oct 2013
Proposed Front Elevation	11	E	13 Jan 2014
Proposed North Side Elevation	13	E	13 Jan 2014
Proposed South Side Elevation	14	E	13 Jan 2014
Proposed Extension Cross Section	18		16 Oct 2013

### **BH2013/03742**

#### **Blatchington Mill School Nevill Avenue Hove**

Erection of two storey extensions to classrooms and ancillary accommodation.

**Applicant:** Blatchington Mill School

**Officer:** Christopher Wright 292097

**Approved on 21/01/14 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

#### **2) UNI**

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.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

#### **3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location Plan	001	A	1 Nov 2013
Site Plan	002	A	1 Nov 2013
Existing Ground Floor	100	A	1 Nov 2013
Existing First Floor	101	A	1 Nov 2013
Proposed Ground Floor	110	A	1 Nov 2013

Proposed First Floor	111	A	1 Nov 2013
Existing Elevations	115	A	1 Nov 2013
Proposed Elevations	116	A	1 Nov 2013

**BH2013/03799**

**Lancing College Preparatory School The Droveaway Hove**

Erection of covered walkway to west elevation.

**Applicant:** Lancing College Preparatory School

**Officer:** Christopher Wright 292097

**Approved on 27/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site Layout - Walkway	BN13040021/1 01		7 Nov 2013
Block Layout - Walkway	BN13040021/1 02		7 Nov 2013
Pergoda Walkway Existing and Proposed Elevations	BN13040021/1 03		3 Dec 2013
Proposed Walkway	BN12050018/2 06		7 Nov 2013
Block Plan			7 Nov 2013
Proposed covered walkway and pagola type walkway			7 Nov 2013

**BH2013/03802**

**317 Dyke Road Hove**

Demolition of existing dwelling and erection of 2no detached dwellings.

**Applicant:** Mr & Mrs M Spiers

**Officer:** Clare Simpson 292454

**Approved on 27/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A and D of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

*Reason: The Local Planning Authority considers that further development could Report from 09/01/14 to 29/01/14*

*cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

The first and second floor windows on the side elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

*Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**4) UNI**

The new dwelling(s) hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

*Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.*

**5) UNI**

With the exception of the 'terrace' areas as approved on drawing no.PL12, access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

*Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.*

**6) UNI**

No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme.

*Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.*

**7) UNI**

No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for the foundations of the front boundary wall has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

*Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.*

**8) UNI**

No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

*Reason: To safeguard the amenities of nearby properties and to safeguard the*

*character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.*

**9) UNI**

No development shall take place until full details of the proposed screening of the second floor terraces are submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be carried out in its entirety before occupation of the development and shall be retained in place thereafter.

*Reason: As insufficient details have been submitted and in order to protect adjoining properties from overlooking and noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.*

**10) UNI**

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.

*Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.*

**11) UNI**

No development shall commence until sample elevations and sections at a 1:20 scale of the circular stair towers, windows and their reveals, cills and brise soleils, parapets and balustrading have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details and be maintained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.*

**12) UNI**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments. The boundary treatments shall be provided in accordance with the approved details before the building is occupied.

*Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1, QD15 and QD27 of the Brighton & Hove Local Plan.*

**13) UNI**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

*Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.*

**14) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

*Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton &*

*Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

**15) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

*Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

**16) UNI**

The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

*Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.*

**17) UNI**

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

*Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.*

**18) UNI**

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.

*Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.*

**19) UNI**

The new/extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted and in accordance with a specification that has been approved in writing by the Local Planning Authority.

*Reason: In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.*

**20) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Existing site Plan Location and Block Plan	EX01		6th November 2013
Existing Elevations	EX02		6th November 2013
Proposed ground floor, site plan, proposed basement plans & proposed location plan	PL10		6th November 2013
Proposed first floor plans and proposed Block Plans	PL11		6th November 2013
Proposed second floor and roof plans	PL12		6th November 2013
Proposed Dyke Road Street elevation, front elevation and rear elevation	PL 13		6th November 2013
Proposed Side Elevations	PL14		6th November 2013

**BH2013/03844**

**106 Woodland Drive Hove**

Certificate of Lawfulness for proposed decking with balustrades to rear.

**Applicant:** Mr Phil Moore

**Officer:** Robin Hodgetts 292366

**Refused on 13/01/14 DELEGATED**

**1) UNI**

By virtue of its height above the original ground levels the decking is not permitted under the terms of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

**BH2013/03922**

**61 Elizabeth Avenue Hove**

Certificate of lawfulness for proposed loft conversion incorporating 2no side dormers, side rooflights and rear gable end with Juliet balcony and installation of rear folding doors.

**Applicant:** Mr Trevor Swaysland

**Officer:** Liz Arnold 291709

**Split Decision on 09/01/14 DELEGATED**

**BH2013/03952**

**34 Cobton Drive Hove**

Erection of single storey rear side extension.

**Applicant:** Nicole Underwood

**Officer:** Jason Hawkes 292153

**Refused on 16/01/14 DELEGATED**

**1) UNI**

The side extension, by reason of its design, scale and siting, would stand out as an inappropriate and unduly prominent addition. The extension would therefore form an unsympathetic and overly dominant addition to the detriment of the character and appearance of the dwelling and wider surrounding area. The proposal is thereby contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

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**BH2013/03960**

**61 Hill Brow Hove**

Application for Approval of Details Reserved by Conditions 5 and 7 of Application BH2013/00286.

**Applicant:** Mr G S Bhermi

**Officer:** Adrian Smith 290478

**Approved on 10/01/14 DELEGATED**

**BH2013/03973**

**185 Old Shoreham Road Hove**

Installation of ground mounted free standing photovoltaic array in rear garden.

**Applicant:** Mrs Veta Chittenden

**Officer:** Liz Arnold 291709

**Approved on 27/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site Location Plan			18th November 2013
Block Plan			2nd December 2013
Ahead Renewable Energy Manufacturer Details			2nd December 2013

**BH2013/03991**

**8 Hove Park Road Hove**

Erection of a single storey rear extension.

**Applicant:** Ginny Lewis

**Officer:** Emily Stanbridge 292359

**Approved on 17/01/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

**2) UNI**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

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### 3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site location plan	12/074/06		22.11.2013
Block Plan	12/074/06		22.11.2013
Rear extension	12/074/04		22.11.2013
Rear extension	12/074/05		22.11.2013

### **BH2013/04071**

#### **4 Sandringham Close Hove**

Erection of single storey front extension to facilitate creation of porch.

**Applicant:** Mr S Sharifi

**Officer:** Helen Hobbs 293335

**Refused on 27/01/14 DELEGATED**

#### **1) UNI**

The proposed porch, by reason of its design, siting and scale, would unbalance the pair of semi detached properties and would unduly disrupt the uniform pattern of the immediately surrounding area. The proposal is thereby contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 Design Guide on Extensions and Alterations.

### **BH2013/04152**

#### **89 King George VI Drive Hove**

Certificate of lawfulness for proposed erection of single storey side extension.

**Applicant:** Mrs Jennifer Walker

**Officer:** Helen Hobbs 293335

**Approved on 23/01/14 DELEGATED**

### **BH2013/04359**

#### **103 Nevill Avenue Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3.1m, and for which the height of the eaves would be 2.7m.

**Applicant:** Mr Steven Goff-Beardsley

**Officer:** Helen Hobbs 293335

**Prior approval not required on 23/01/14 DELEGATED**

## **WESTBOURNE**

### **BH2013/03814**

#### **First Floor Flat 102 Coleridge Street Hove**

Creation of dormer to rear and installation of 2no rooflights to front. (Part retrospective)

**Applicant:** Safain Bosotor

**Officer:** Helen Hobbs 293335

**Approved on 09/01/14 DELEGATED**

#### **1) BH03.03**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**2) UNI**

The development hereby approved, as shown on plan No. 13-132-02/D shall be carried out in full within 6 months of the date of this permission.

*Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.*

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Plans and elevations	13-132-02/D		8th January 2014
Site plan	13-132/Loc/A		8th November 2013
Pre-existing plans	13-1320-01/A		8th November 2013
Existing plans	13-132-02/A		8th November 2013

**BH2013/03823**

**15 Raphael Road Hove**

Certificate of Lawfulness for proposed loft conversion incorporating front rooflights and rear dormer.

**Applicant:** Anna Murphy

**Officer:** Robin Hodgetts 292366

**Approved on 09/01/14 DELEGATED**

**WISH**

**BH2013/03709**

**193 Portland Road Hove**

Display of 4no non-illuminated hoarding signs.

**Applicant:** Affinity Sutton

**Officer:** Emily Stanbridge 292359

**Approved on 20/01/14 DELEGATED**

**1) UNI**

This consent shall expire on 31st January 2015 whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

*Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.*

**2) UNI**

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.*

**3) UNI**

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No advertisement shall be sited or displayed so as to -

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*

#### **4) UNI**

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.*

#### **5) UNI**

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*

#### **6) UNI**

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

*Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety.*

### **BH2013/03906**

#### **Portslade Railway Station Portland Road Hove**

Installation of ticket vending machine with canopy.

**Applicant:** Southern Rail

**Officer:** Emily Stanbridge 292359

**Approved on 27/01/14 DELEGATED**

#### **1) UNI**

The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

### **BH2013/03929**

#### **25 Welbeck Avenue Hove**

Alterations to existing double garage to create rear garden room, including installation of doors and windows, increased height and solar panel to roof.

**Applicant:** Mr Seroj Janiyan

**Officer:** Helen Hobbs 293335

**Approved on 10/01/14 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

#### **2) UNI**

The garden room hereby permitted shall be used solely as ancillary residential

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accommodation in connection with the enjoyment of the main property as a single dwellinghouse and it shall at no time be occupied as a separate unit of accommodation.

*Reason: To enable the Local Planning Authority to retain control over subdivision of the site and in order to protect the amenities of adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.*

### **3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Existing plans, section and elevations	01		18th November 2013
Proposed plans, sections and elevations	02		18th November 2013

#### **BH2013/04127**

##### **43 Coleman Avenue Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

**Applicant:** Tim Hardwicke

**Officer:** Helen Hobbs 293335

**Prior approval not required on 09/01/14 DELEGATED**

#### **BH2013/04129**

##### **47 Brittany Road Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.65m, for which the maximum height would be 3.3m, and for which the height of the eaves would be 2.75m.

**Applicant:** Ian Waddingham

**Officer:** Andrew Huntley 292321

**Prior approval not required on 09/01/14 DELEGATED**

#### **BH2013/04196**

##### **18 Middleton Avenue Hove**

Creation of dormer to front elevation.

**Applicant:** Andrew Page

**Officer:** Sonia Gillam 292265

**Refused on 28/01/14 DELEGATED**

### **1) UNI**

1. The proposed dormer would be unduly bulky and dominate the front roofslope, and, given its prominent location, would unbalance the semi-detached pair of dwellings, causing significant harm to the character and appearance of the property and the wider street scene. As such, the proposed dormer would be contrary to policy QD14 of the Brighton & Hove Local Plan, and SPD12: Design guide for extensions and alterations.

#### **BH2013/04276**

##### **44 St Leonards Gardens Hove**

Prior approval for the erection of a single storey rear extension, which would

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extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3m, and for which the height of the eaves would be 2.7m.

**Applicant:** Miss Tracy Golding & Miss Jane Vickers

**Officer:** Helen Hobbs 293335

**Prior approval not required on 23/01/14 DELEGATED**

### **Withdrawn Applications**

**PLANS LIST 19 February 2013****PRESTON PARK**

**Application No: BH2014/00001**  
**37 Preston Park Avenue**

Front garden: 1no Holly (A) and 1no Box (B) - reduce height by approx 2m and shape creating more distinction between Holly and Box, lift growth away from pavement. Rear garden: 1no Sycamore on driveway (C) - 30-40% canopy reduction, reduction to include removal of branches overhanging neighbouring house, lift canopy above driveway. Group of Sycamore, Holly and Hazel along back of house (F) - prune canopies away from property and rear gardens, reduce Sycamore height by approximately 30%, remove Sycamore growing in courtyard wall to stump, reduce height of Hazel coppice by approx 30% height and shape. 1no Purple Cherry (H) - trim back and crown lift. 1no Sycamore at rear of garden - 30% thinning of canopy. 1no Sycamore on edge of lawn - 20% thinning and removal of selected branches.

Applicant: Mr David Morgan-Jones  
**Approved on 10 Jan 2014**

**Application No: BH2014/00126**  
**95 Springfield Road**

Fell 1no Acacia dealbata (T1). It had two main branches, one of which we cut off over 18 months ago (with permission) because its weight was pulling the tree over the house. The tree doesn't seem to have recovered from the shock of losing this branch, followed soon after by last year's severe winter, and is still leaning over the house. We would therefore like permission to cut it down and replace it with a new tree, possibly of the same species or a birch (we have yet to decide which). Whichever species we choose we would be looking for a fairly mature specimen as the tree is a main feature in our garden. The tree is definitely weakened and not doing well and it does lean quite strongly so, were it to fall, it would certainly hit the house. (Tree has very limited public visibility and in common with many Acacias has a weak root system; would not justify a TPO.)

Applicant: Ms Kathrin Schreckenber  
**Approved on 21 Jan 2014**

**Application No: BH2014/00198**  
**28 Rugby Road**

1no Horse Chestnut (T1) reduce by 1-1.5m.

Applicant: Mr Duncan Armstrong  
**Approved on 24 Jan 2014**

**Application No: BH2014/00200**  
**Elm Court, 192 Dyke Road**

1no Beech (T1) 25% crown reduction. 1no Hornbeam (T2) and 1no Sycamore (T3) maximum 30% crown reduction and maximum 30% crown thin.

Applicant: Mrs Pamela Hays  
**Approved on 24 Jan 2014**

**Application No: BH2014/00201**  
**42 Chester Terrace**

Fell 1no Elder (T1).

Applicant: Mrs Clare Morrison  
**Approved on 24 Jan 2014**

## **REGENCY**

**Application No: BH2014/00056**  
**15 Montpelier Villas**

Fell 1no Leylandii (T1) - recent strong winds have caused the tree to move and it now leans on its twin. Tree is not visible from any public area and now windblown thus not sustainable.

Applicant: Mr Michael Napier  
**Approved on 16 Jan 2014**

**Application No: BH2014/00098**  
**GFF, 25 Belvedere Terrace, Brighton**

Sycamore in rear garden - reduce by 4-5m.

Applicant: Mr J Hatch  
**Approved on 21 Jan 2014**

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

**Application No: BH2014/00127**

## **81 Princes Road, Brighton**

1no Horse Chestnut (T1) - crown lift to approximately 5.5m above ground level over the highway and the site access.

Applicant: Morgan Carn

**Approved on 23 Jan 2014**

## **WITHDEAN**

**Application No: BH2014/00015**

**38B Whittingehame Gardens**

1no Ash (T1) reduce crown by 2.0m to 2.5m, no pruning wounds to exceed 75mm in diameter.

Applicant: Mrs Rosemary Walford

**Approved on 10 Jan 2014**

**Application No: BH2014/00087**

**Twin Owls, 12 Tongdean Lane, Brighton**

T2 Fagus sylvatica (Beech) - thin crown of tree by up to 30% to include the removal of crossing branches and dead wood. T3 Fagus sylvatica 'Purpurea' (Copper Beech) - thin crown of tree by up to 30% to include the removal of crossing branches and dead wood.

Applicant: Ms Charmaine Stevens

**Approved on 21 Jan 2014**

**Application No: BH2014/00100**

**British Telecom, Withdean Grange London Road**

T51, T52, T53, T54, T55, T56, T57, T58 - cut back any lateral growth extending towards the buildings (94 – 101 Leahurst Court Road) to give, where possible, up to 2m clearance from the buildings. Lateral branches will be pruned up to 2m above gutter height. Pruning work will only be carried to tree branches/limbs within 2m of the buildings. Overhanging hedge growth or basal growth will be pruned back to form a vertical "hedge" line. Pruning work will conform to British Standards 3998: 2010 Tree work recommendations.

Applicant: Mr P Saunders

**Approved on 21 Jan 2014**

**Application No: BH2014/00197**

**Surrenden Lodge, Surrenden Road**

1no Sycamore (T1) reduce to 3m from property, clean crown, remove dead, dying, diseased and crossing branches. 1no Sycamore (T2) reduce to 3m from property, selectively remove 2no secondary branches on north of crown, outside main crown form. 1no multi-stemmed Elm (T3) remove crossing limb originating from base of tree, shorten heavy elongated limb to west by up to 5m.

Applicant: Mr Tom Lean  
**Approved on 24 Jan 2014**

### **EAST BRIGHTON**

**Application No: BH2014/00141**  
**Flat 1, 8 Eaton Place**

Fell 1no Sycamore (T1). Tree has no public visibility, thus will not justify a TPO.

Applicant: Jackie Ellis  
**Approved on 21 Jan 2014**

### **ROTTINGDEAN COASTAL**

**Application No: BH2014/00142**  
**42 Gorham Avenue, Brighton**

1no Sycamore (T1) - thin, lift and reduce overhang by 25%.

Applicant: Simon Herbert  
**Approved on 21 Jan 2014**

### **BRUNSWICK AND ADELAIDE**

**Application No: BH2014/00096**  
**19 Cambridge Road, Hove**

Tree of Heaven in rear garden - reduce by 2-3m.

Applicant: Mr J Hatch  
**Approved on 21 Jan 2014**

### **SOUTH PORTSLADE**

**Application No: BH2014/00132**  
**Kings School Free School, Mile Oak Road**



4no Sycamores (T1-T4) reduce and reshape by 4 metres and crown lift to 5.5metres over road and remove major dead wood. 9no Limes (T6-T14) remove major deadwood from crowns.

Applicant: Mr Richard Green  
**Approved on 21 Jan 2014**

## **HOVE PARK**

**Application No: BH2014/00130**  
**51 Amherst Crescent, Hove**

1no Willow (T1) reduce height and spread of crown from 10m to 5m because of excessive shading.

Applicant: Mr Simon Cassin  
**Approved on 21 Jan 2014**

## **WESTBOURNE**

**Application No: BH2014/00134**  
**14 Princes Square**

Fell and grind stump to 150mm depth 3no Prunus dammeri (T5, T27,T28), 1no Prunus dulcis (T6), 2no Prunus sylvestris (T7, T24), 5no Elder T9,T10,T14,T16,T17), 4no Cupressocyparis Leylandii (T13,T18,T19,T20), 1no Pyrus (T26). None of these trees are visible from a public area thus have no public amenity value.

Applicant: Ms Natalie Barb  
**Approved on 24 Jan 2014**

**Application No: BH2014/00138**  
**14 Princes Square**

1no Prunus Kanzan (T1), 1no Laburnum (T3) and 1no Prunus Pissardii (T25) - clean through crown. 1no Bay (T2) trim shape by 1m (30%). 1no Acer pseudoplatanus (T12) clean through crown and crown lift to 3m. 1no Ulmus (T15) clean through crown and shape canopy over garden. 3no Cupressocyparis Leylandii (T21,T22,T23) shape upper crowns by 30% as a group to growth points.

Applicant: Ms Natalie Barb  
**Approved on 24 Jan 2014**



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

BH2013/02895

346 Dyke Road Brighton

Remodelling of existing dwelling incorporating a loft conversion, raising of ridge height, hip to gable roof extensions, installation of ramp and creation of balcony to front elevation.

Conversion of garage to habitable accommodation, removal of conservatory to rear, alterations to fenestration and associated works.

APPEAL LODGED

09/01/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HANOVER & ELM GROVE**

BH2013/02817

243 Hartington Road Brighton

Application for variation of condition 2 of application BH2012/00173 (Demolition of existing workshop and erection of a new 3no bed two storey dwelling house incorporating accommodation at lower ground floor and roof space and outbuilding to rear to be used as ancillary office) to allow for minor material amendments.

APPEAL LODGED

10/01/2014

Delegated

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

BH2013/02190

72 Shirley Drive Hove

Erection of two storey front/side extension. New roof dormer and rooflights.

APPEAL LODGED

14/01/2014

Delegated

**WARD****PRESTON PARK**

APPEAL APP NUMBER BH2013/03683  
ADDRESS 140A Springfield Road Brighton  
DEVELOPMENT DESCRIPTION Replacement of timber single glazed sash windows with UPVC double glazed sash windows and replacement of timber door with composite door.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 16/01/2014  
APPLICATION DECISION LEVEL Delegated

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**WARD** **QUEEN'S PARK**  
APPEAL APP NUMBER BH2013/02668  
ADDRESS 6 Marine Gardens Brighton  
DEVELOPMENT DESCRIPTION Erection of single storey side extension.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 16/01/2014  
APPLICATION DECISION LEVEL Delegated

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**WARD** **QUEEN'S PARK**  
APPEAL APP NUMBER BH2013/02811  
ADDRESS Flat 3 41-45 St James's Street Brighton  
DEVELOPMENT DESCRIPTION Erection of an additional storey to facilitate the erection of 1no four bedroom flat with associated external alterations.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 16/01/2014  
APPLICATION DECISION LEVEL Delegated

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**WARD** **HANGLETON & KNOLL**  
APPEAL APP NUMBER BH2013/03356  
ADDRESS 126 Stapley Road Hove  
DEVELOPMENT DESCRIPTION Erection of conservatory and single storey extension to the rear.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 17/01/2014  
APPLICATION DECISION LEVEL Delegated

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**WARD** **WITHDEAN**  
APPEAL APP NUMBER BH2013/01675  
ADDRESS Land to the rear of The Roundhouse London Road Brighton  
DEVELOPMENT DESCRIPTION Erection of two storey three bedroom dwelling (C3).  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 24/01/2014  
APPLICATION DECISION LEVEL Delegated

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<b><u>WARD</u></b>	<b>WISH</b>
<b><u>APPEAL APP NUMBER</u></b>	BH2013/03494
<b><u>ADDRESS</u></b>	9 Glebe Villas Hove
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Erection of single storey rear extension.
<b><u>APPEAL STATUS</u></b>	APPEAL LODGED
<b><u>APPEAL RECEIVED DATE</u></b>	24/01/2014
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>HANGLETON &amp; KNOLL</b>
<b><u>APPEAL APP NUMBER</u></b>	BH2013/03554
<b><u>ADDRESS</u></b>	253 Old Shoreham Road Hove
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Erection of single storey rear extension.
<b><u>APPEAL STATUS</u></b>	APPEAL LODGED
<b><u>APPEAL RECEIVED DATE</u></b>	29/01/2014
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>QUEEN'S PARK</b>
<b><u>APPEAL APP NUMBER</u></b>	BH2013/03587
<b><u>ADDRESS</u></b>	14 Tower Road Brighton
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Conversion of existing garage into habitable living space, erection of single storey rear extension, replacement of roof tiles and other associated alterations.
<b><u>APPEAL STATUS</u></b>	APPEAL LODGED
<b><u>APPEAL RECEIVED DATE</u></b>	29/01/2014
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>HOLLINGDEAN &amp; STANMER</b>
<b><u>APPEAL APP NUMBER</u></b>	BH2013/03414
<b><u>ADDRESS</u></b>	6 Woodview Close Brighton
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Erection of two storey side and rear extension.
<b><u>APPEAL STATUS</u></b>	APPEAL LODGED
<b><u>APPEAL RECEIVED DATE</u></b>	29/01/2014
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated



**Brighton & Hove  
City Council****INFORMATION ON HEARINGS / PUBLIC INQUIRIES****19<sup>th</sup> February 2014**

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

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**1 De Montford Road, Brighton**

Planning application no: BH2013/00853

Description: Change of use from former chapel (D1) to house in multiple occupation (sui generis). (Retrospective).

Decision: Delegated

Type of appeal: Informal Hearing

Date: 11<sup>th</sup> March 2014

Location: Hove Town Hall

**1 De Montford Road, Brighton**

Planning application no: BH2013/02539

Description: Certificate of Lawfulness for existing use as a residential dwelling.

Decision: Delegated

Type of appeal: Informal Hearing

Date: 11<sup>th</sup> March 2014

Location: Hove Town Hall

**Flat 5a, 6 Palmeira Square, Hove BN3 2JA**

Planning application no: BH2012/01706

Description: Creation of 1no one bed studio flat. (Retrospective)

Decision: Delegated

Type of appeal: Public Inquiry

Date: 24th June 2014

Location: Hove Town Hall

**Flat 5a, 6 Palmeira Square, Hove BN3 2JA**

Planning application no: BH2012/01707

Description: Internal alterations to create 1no one bed studio flat. (Retrospective)

Decision: Delegated

Type of appeal: Public Inquiry

Date: 24th June 2014

Location: Hove Town Hall

**21 Rowan Avenue, Hove BN3 7JF**

Description: Change of use to Dog Kennels.

Decision: Enforcement

Type of appeal: Informal Hearing

Date: 1<sup>st</sup> July 2014

Location: Brighton Town Hall



**Brighton & Hove  
City Council**

**20-22 Market Street and 9 East Arcade, Brighton**

Planning application no: BH2013/01279

Description: Change of use from retail (A1) to restaurant (A3) incorporating installation of ventilation system.

Decision: Delegated

Type of appeal: Informal Hearing

Date: TBC

Location: TBC



**APPEAL DECISIONS**

	<b>Page</b>
<p><b>A – 90 HARTINGTON ROAD, BRIGHTON – HANOVER &amp; ELM GROVE</b></p> <p>Application BH2013/00530 – Appeal against refusal for Conversion of house into 4 self contained flats. <b>APPEAL DISMISSED &amp; COSTS REFUSED</b> (delegated decision)</p>	<b>219</b>
<p><b>B – 7 WATERLOO STREET, HOVE – BRUNSWICK &amp; ADELAIDE</b></p> <p>Application BH2013/00256 &amp; BH2013/00511 – Appeals in relation to non-determination for recessed roof terrace and the re-instatement of the dilapidated parapet wall and chimney. <b>APPEALS ALLOWED &amp; COSTS DISMISSED</b> (delegated decision)</p>	<b>225</b>
<p><b>C – 147 WESTBOURNE STREET, HOVE – WESTBOURNE</b></p> <p>Application BH2013/01993 – Appeal against refusal for erection of a rear dormer roof extension. <b>APPEAL DISMISSED</b> (delegated decision)</p>	<b>235</b>
<p><b>D – PORT HALL MEWS, PORT HALL ROAD, BRIGHTON – PRESTON PARK</b></p> <p>Application BH2012/03806 – Appeal against refusal re-submission of BH2012/01901 for conversion of mews to form 6no. two-storey town houses and 2no. single storey cottages with associated garaging and parking. <b>APPEAL ALLOWED</b> (delegated decision)</p>	<b>237</b>
<p><b>E – 16 MAYFIELD CRESCENT, BRIGHTON – PATCHAM</b></p> <p>Application BH2013/02384 – Appeal against refusal for single storey rear extension. <b>APPEAL DISMISSED</b> (delegated decision)</p>	<b>245</b>
<p><b>F – 33A UPPER ROCK GARDENS, BRIGHTON – QUEEN’S PARK</b></p> <p>Application BH2013/01745 – Appeal against refusal for demolition of existing rear conservatory and erection of new full width rear extension. <b>APPEAL ALLOWED</b> (delegated decision)</p>	<b>247</b>
<p><b>G – 22A BARON ESTATES, EAST STREET, BRIGHTON – REGENCY</b></p> <p>Applications BH2012/03423 &amp; BH2012/03424 – Appeal against refusal for conversion of upper floors from offices to two flats. <b>APPEALS DISMISSED</b> (delegated decision)</p>	<b>251</b>

**H – A1 & 1B, 2 LANCASTER ROAD, BRIGHTON – PRESTON PARK 257**

Application BH2013/00998 – Appeal against refusal for single storey rear extension and the installation of bifold doors and windows.

**APPEAL DISMISSED** (delegated decision)

**I – 26 LUSTRELLS CRESCENT, SALTDEAN, BRIGHTON – ROTTINGDEAN COASTAL 261**

Application BH2013/03180 – Appeal against refusal for rear facing dormer to an existing loft conversion. **APPEAL DISMISSED** (delegated decision)

**J – SITE AT 179 OLD SHOREHAM ROAD, HOVE – HOVE PARK 263**

Enforcement Ref. APP/Q1445/C/13/2204521 & APP/Q1445/C/13/2204522 – Enforcement in relation to without planning permission, the change of use of the Land by the subdivision of the house on the Land ("the Property") to form two maisonettes.

**ENFORCEMENTS UPHeld** (delegated decision)

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## Appeal Decision

Site visit made on 21 November 2013

**by Timothy C King BA(Hons) MRTPI**

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

**Decision date: 13 January 2014**

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### **Appeal Ref: APP/Q1445/A/13/2203527**

#### **90 Hartington Road, Brighton, BN2 3PB**

- 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 Lewis and Co Planning against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/00530, dated 19 February 2013, was refused by notice dated 7 May 2013.
  - The development proposed is '*Conversion of house into 4 self contained flats.*'
- 

#### **Application for Costs**

1. An application for costs was made by Lewis and Co Planning against Brighton & Hove City Council. This application is the subject of a separate decision.

#### **Decision**

2. The appeal is dismissed.

#### **Preliminary Matter**

3. The proposal involves the conversion of a three storey dwellinghouse into four self-contained flats, comprising three 1-bed units and one 2-bed unit. The Council raises no objection to the conversion of the property, in principle, and appears satisfied that, save for the creation of a flat in the basement, the proposal is acceptable in all other respects. I agree with this approach.

#### **Main Issue**

4. The main issue in this appeal is whether the proposed development would provide for a satisfactory standard of living conditions for the future occupiers of the basement flat, with particular regard to outlook.

#### **Reasons**

5. The proposed one-bed basement flat would be a spacious unit, lit by the excavation of two lightwells, one to the front and one at the rear corner, and also with the creation of a sunken patio accessed via the flat's side entrance steps. This would allow for windows to be installed in the flank wall which would face across the 3m deep patio area.
-

6. The appellant has provided a Daylight Report which indicates that the living and bedroom areas would receive adequate levels of daylight from the two light wells and side windows to accord with BRE standards and the Council does not challenge this. The concern relates, instead, to the outlook which the flat's occupiers could realistically enjoy.
7. The patio would be sunken to a depth of some 2.25m and would, itself, effectively act as a well. The living room's two windows would look out across the small patio to its surrounding wall whilst the side bedroom window would face directly onto the outside steps leading to the entrance door. Although the unit would also get natural light from the proposed front and rear lightwells, parts of the flat would receive comparatively little. Moreover, with such a limited aspect, the outlook afforded to the occupiers would be poor with a distinct sense of enclosure due to the flat's setting below ground level. These factors compound the objections. The inadequate outlook from the living room windows would be significantly below the standard of living conditions that future occupiers could reasonably expect from a self-contained unit of residential accommodation.
8. I therefore conclude that, due to the limited outlook and a resultant sense of enclosure, the proposed basement flat's living conditions would be of an unacceptable standard and the objectives of Policy QD27 of the Brighton & Hove Local Plan 2005 would not be met.

*Other matters*

9. The appellant refers to the National Planning Policy Framework (the Framework) and the presumption in favour of sustainable development in respect of applications for new housing. However, the presumption is not at the expense of complying with the requirements of other policies and, in this instance, I have identified a development plan objection.
10. I note also the references to the Council being unable to demonstrate a five year housing land supply and the two recent appeal decisions (*APP/Q1445/A/12/2183454 and APP/Q1445/A/13/2191882*) produced by the appellant which concludes as such. Thereby the Local Plan (LP) is not up to date. However, in the latter appeal the Inspector commented that LP Policy QD27 is consistent with the Framework. He goes on to mention that para 14 of the Framework indicates that where a relevant policy is out of date planning permission should be granted unless any adverse effects would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Both the above appeals were dismissed on this basis and, similarly, in determining this appeal, I have concluded, accordingly.
11. The appellant also makes the point that the scheme has evolved as a result of amendments made from a previous proposal, and pre-application discussions had been favourable in this respect, meaning that the issue of outlook is finely balanced. Further, it is stated that the basement flat is well proportioned, of adequate size and the patio would provide outside amenity space for the flat. As I have mentioned, the principle of the conversion is not at issue and the proposal is in accordance with LP Policy HO9. However, I must determine the appeal on the basis of the proposal before me, and the harm I have found outweighs these other factors.

**Conclusion**

12. For the above reasons, and with regard to all matters raised, I conclude that the appeal should be dismissed.

*Timothy C King*

INSPECTOR





## Costs Decision

Site visit made on 21 November 2013

**by Timothy C King BA (Hons) MRTPI**

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

Decision date: 13 January 2014

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### **Costs application in relation to Appeal Ref: APP/Q1445/A/13/2203527 90 Hartington Road, Brighton, BN2 3PB**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Lewis and Co Planning for a full award of costs against Brighton & Hove City Council.
  - The appeal was against the refusal of planning permission for the conversion of a house to 4 self contained flats.
- 

### **Decision**

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

### **Reasons**

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The basis of the costs application is that the Council's decision to refuse planning permission was contrary to the advice the applicant received from the Council at the pre-application stage, that the Council failed to adequately justify its decision to refuse planning permission, and that the Council failed to submit a statement of case.
4. In respect of the first point I refer to paragraph B8 of the Circular which mentions that allegations of mishandling planning applications or pre-application discussions may be indicators of unreasonable behaviour. The guidance goes on to state, however, that the purpose of the costs application process is not to resolve by investigation every allegation of unreasonable behaviour. Rather it is to decide whether or not an award of costs is justified on the available evidence in a particular case. In this instance, the submitted e-mail exchanges show that the case officer considered that the scheme's re-design had overcome the reason for refusal on a previous scheme. The case officer also indicates that a new application made in this respect would receive general officer support.
5. The final e-mail to the officer in the exchange is rather pointed in its attempt to receive the assurances sought. In turn, the advice given to the applicant in the e-mails should not have appeared so definite, with disclaimers best used to cover the officers in the event that planning permission might be refused, as happened here. Nonetheless, the opinion of an officer is not binding on the

Council as other factors have to be weighed into the process. When reaching its eventual decision the Council in simply not going along with the officer's informal views and, instead, refusing planning permission was not unreasonable behaviour. However, as I have indicated, the process could have been handled better.

6. The Council's reliance on the case report alone to substantiate its case does not in itself amount to unreasonable behaviour in an appeal proceeding by written representations. Indeed, such a report, together with relevant background documents, should reasonably be sufficient to present the Council's case. What is important, in a case involving matters of judgement, is whether or not the report is sufficient to substantiate the Council's case.
7. In my view the case report is sufficient in depth. It illustrates the Council's concerns and describes why the outlook from the basement flat would be poor, mentioning that the unit would be substantially enclosed. This is reflected in the decision notice, citing Local Plan Policy QD27 which is clearly relevant to the case.
8. I do not therefore consider that the Council's reliance on its case report alone gave rise to the appellant incurring wasted expense. It is obvious that the appellant understood the objections raised and, in fact, submitted a detailed rebuttal in this regard when lodging the initial grounds of appeal. The appellant subsequently backed this up with the submission of a more detailed counter-argument. As such, it can be reasonably concluded that the issues involved were clear from the start.
9. As detailed in my appeal decision I concur with the Council's decision to refuse planning permission which I find was adequately justified, and I do not believe that the Council has been shown to have behaved unreasonably.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009, has not been demonstrated.
11. For the reasons given above, I refuse the application for an award of costs.

*Timothy C King*

INSPECTOR





## Appeal Decision

Site visit made on 24 September 2013

by **P Eggleton BSc(Hons) MRTPI**

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

Decision date: 10 January 2014

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### **Appeal Ref: APP/Q1445/A/13/2198757**

#### **7 Waterloo Street, Hove, East Sussex BN3 1AQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Sir Ronald De Witt against the decision of Brighton and Hove City Council.
  - The application Ref BH2013/00256 is dated 25 January 2013.
  - The development proposed is a recessed roof terrace and the re-instatement of the dilapidated parapet wall and chimney.
- 

### **Appeal Ref: APP/Q1445/E/13/2198762**

#### **7 Waterloo Street, Hove, East Sussex BN3 1AQ**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
  - The appeal is made by Sir Ronald De Witt against the decision of Brighton and Hove City Council.
  - The application Ref BH2013/00511 is dated 14 February 2013.
  - The development proposed is a recessed roof terrace and the re-instatement of the dilapidated parapet wall and chimney.
- 

### **Application for Costs**

1. An application for costs was made by Sir Ronald De Witt against Brighton and Hove City Council and is the subject of a separate decision.

### **Decisions**

2. The appeals are allowed and planning permission and listed building consent are granted for a recessed roof terrace and the re-instatement of the dilapidated parapet wall and chimney at 7 Waterloo Street, Hove, East Sussex in accordance with the terms of the applications, BH2013/00256 and BH2013/00511, subject to the following conditions which relate to both decisions:
    - 1) The development/works hereby permitted shall be begun before the expiration of three years from the date of this decision.
-

- 2) The development/works hereby permitted shall be carried out in accordance with the following approved plan: PL01A.
- 3) Notwithstanding the submitted details, no development/works shall take place until revised details of the proposed window and door have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 4) The materials used in the external surfaces of the alterations hereby permitted shall match those of the existing building.

### **Main Issues**

3. The main issues are the effect of the proposal on the significance of the heritage assets; whether it would preserve the special architectural and historic interest of the listed building; and whether it would preserve or enhance the character or appearance of the conservation area.

### **Reasons**

4. Both the planning and listed building appeals are against the failure of the Council to reach a decision.
5. The property is a listed building that lies within the Brunswick Town Conservation Area. Its period design positively contributes to, and is reflective of, the character and appearance of the wider area. The front of the property faces Waterloo Street which is one of a small number of roads that run directly towards the sea. These roads are of considerable importance to the conservation area and the curved elements of the frontage and its detailing reflects the high status and importance of the elevations that face these roads.
6. The side elevation of the property faces Lower Market Street. This is a road which does not include the grandeur of the frontages of Waterloo Street but the properties nevertheless exhibit period forms and detailing. They are important to the cohesive and broadly uniform character and appearance of the conservation area. The side elevation of this property is highly detailed and adds significantly to the quality of the building overall. The upper parapet detailing is clearly secondary to the more imposing frontage design but it emphasises the importance and quality of this elevation which is also prominent in views from Waterloo Street.
7. The rear addition, which is the subject of this appeal, is separated from the main side elevation by a recess and it is much lower in height. From Waterloo Street, this element forms a visual link between the main side elevation and the frontage of the property beyond. Its parapet detailing is much less ornate and relates only to its frontage. The screening effect of the main building ensures that the pitched roof behind the parapet is barely visible.
8. In longer views from the west, this rear element of the property similarly provides a visual link between the higher buildings. More of the angled roof behind the parapet is visible but it remains largely screened. It appears as an entirely subservient feature that is viewed against the setting of the higher rear elevation of the main building. This includes a rear parapet which screens views of the main pitched roof beyond.

9. In closer views, the dual pitched roof and central valley of this small rear element are clearly evident from the street. The angled roof and chimney stack represent the rear elevation and it is only the position of this dwelling on a corner that results in them being in clear public view. Although of importance to the form and character of the building overall, the lack of a return parapet, to match that of the main rear elevation, does indicate the lesser importance of this element.
10. Notwithstanding the clearly greater importance of the main part of this building, the proposal would nevertheless result in the loss of the original historic form of this small area of roof. The significance of this listed building would be harmed and the special architectural and historic interest would not be preserved. In terms of the advice within the *National Planning Policy Framework*, the harm would be 'less than substantial'. The *Framework* requires that the harm be balanced against the public benefits of the proposal.
11. The appearance of the valley roof does not present an attractive finish to this rear elevation. Its appearance is entirely at odds with the neat lines of these period properties. The existing front facing parapet ensures that, to some extent, it harmonises with the more important elements of the property. The revised parapet would continue the frontage parapet to the sides and would be more reflective of the character and appearance of the property overall. It would result in a more attractive and more unified appearance. The proposed repair of the chimney would be a further enhancement.
12. Although generally there would be little public benefit to the alteration of rear elements such as this, that have a limited wider visual impact, in this case the rear elevation is within the public realm. It does not currently benefit from the detailing that generally hides pitched roof forms and unifies the public appearance of these period properties. In these particular circumstances, I find that the introduction of a parapet to the rear elevation would enhance rather than preserve the existing appearance of this property. Given the relative importance of this element to the building overall, it would also enhance its character.
13. The works would be sympathetic to the appearance of the property overall and would result in improvements with regard to the street scene. The proposal would enhance the character and appearance of the conservation area. The *Framework* is clear with regard to the desirability of new development making a positive contribution to local character and distinctiveness and this proposal gains support in this regard.
14. Overall, I have found that the proposal would result in harm to the significance of this listed building and although it would relate to only this small rear element, it would not preserve its special architectural and historic interest. The harm would be 'less than substantial'. I afford great weight to the asset's conservation and the *Framework* requires that the harm be balanced against the public benefits of the proposal.
15. The works would significantly improve the appearance of the property when viewed from Lower Market Street. This would result in the enhancement of the character and appearance of the conservation area which is also a heritage asset. Given the nature of this rear addition, although finely balanced, I find

the public benefit of the improved overall appearance of the property and the enhancement of the conservation area to be sufficient, in this particular case, to outweigh the harm that would result to the listed building. The proposal would overall, satisfy the heritage requirements of the *Framework*.

16. Policy HE1 of the Brighton and Hove Local Plan 2005 (LP) accepts changes to listed buildings if they would not have an adverse effect on the architectural and historic character and appearance of the building and its setting; would respect the scale, design, materials and finishes of the building; and would preserve its historic fabric. The historic form of the roof of this small rear element would be lost although the roof tiles are clearly not original. I have had regard to the scale of this impact on the architectural and historic character of the building overall. The works, including the repaired chimney, would enhance the appearance of the property and the new materials, that would be visible, would match those of the main building. On balance, despite the loss of the historic form, the proposal would satisfy the policy's overall objectives.
17. As the character and appearance of the conservation area would be enhanced, the proposal would not conflict with Policy HE6. The reinstatement of the chimney would gain some support from its detailed requirements.
18. Policy QD14 similarly requires high standards of design. The design has been carefully considered to respect the character of the building. This policy, together with Policy QD27, also seeks to protect neighbouring residents. Although there would be an increased potential for noise, the walls, together with the position of neighbouring windows, would ensure that living conditions within adjoining accommodation would not be unacceptably harmed. These limited works would not result in any significant changes with regard to light or outlook for nearby residents.
19. The Council have produced a supplementary planning document *SPD 09: Architectural Features*. This advises that roofs of historic buildings are often their 'crowning glory' and an integral part of the overall design. This roof is clearly not the crowning glory of this property. The SPD explains that locally, many buildings have a double pitched roof with a central valley and the retention of this original roof form is important even if not publically visible. It advises that roofs of historic rear extensions should be retained and refers specifically to the removal of pitched roofs to form roof terraces.
20. The SPD suggests that such alterations may not only result in the loss of the original roof form but may also require the fixing of guardrails and result in the introduction of other paraphernalia into the historic roofscape. This design has avoided the concerns with regard to railings and other high-level additions but the loss of the original roof form would clearly conflict with the guidance. Although the SPD describes itself as a draft, it has been the subject of public consultation and was approved by the Council in 2009. It accords with the general requirements of LP Policy HE1 and can therefore be afforded considerable weight.
21. The Council's *Supplementary Planning Guidance Note: Roof Alterations and Extensions* does not go into detail with regard to this type of development but it does advise that alterations to the roof of a listed building will not be

accepted if the special architectural or historic interest of the building would be harmed. It suggests that a building's historic roof structure and form should be retained. The proposal conflicts with this guidance. This document was approved by the Council in 1999 and relates to former Local Plan policies. I afford it less weight than the SPD but its objectives are not significantly different to those of the more up to date guidance.

22. I fully acknowledge the concerns of the Council's Heritage Officer and the conflict with the detailed guidance of the SPD. The Heritage Officer has also raised concerns with regard to the detailing of the new door and the replacement window. I share these concerns, particularly with regard to the false glazing bars, but generally, these details would not be acceptable for a property of this nature. I am satisfied however that a condition requiring more appropriate details, would overcome this concern.
23. The proposal would provide an outdoor seating area for this large property. It has also attracted some local support and in particular, I note the resolution of the Council that the applications would have been supported. I acknowledge the conflict with the Council's guidance and the views of their professional experts. I have found that the proposal would overall, satisfy the heritage requirements of the *Framework*. I also conclude that on balance, the benefits of the proposal would outweigh both the concerns raised and the conflicts with the supplementary guidance. I therefore allow the appeals.
24. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. New plans would be necessary to achieve satisfactory detailing for the window and door as described above and I have required that all the works match the existing to ensure that they would have a satisfactory appearance.

*Peter Eggleton*

**INSPECTOR**



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## Costs Decision

by **P Eggleton BSc(Hons) MRTPI**

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

Decision date: 10 January 2014

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### **Costs application in relation to appeals Ref: APP/Q1445/A/13/2198757 and APP/Q1445/E/13/2198762**

#### **7 Waterloo Street, Hove, East Sussex BN3 1AQ**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Sir Ronald De Witt for a full award of costs against Brighton and Hove City Council.
  - The appeal was made against the failure to determine both a planning and a listed building application within the prescribed period for a recessed roof terrace and the reinstatement of the dilapidated parapet wall and chimney.
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#### **Decision**

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

#### **Reasons**

2. Circular 03/2009 advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant claims that the Council acted unreasonably by not providing information as to why the decisions were delayed and in failing to estimate when the decisions would be made.
4. The eight week period for determination of the planning permission expired on 26 March 2013 but the eight week period for the listed building consent application, which was submitted after the planning application, ended on 11 April 2013. An email dated 3 April 2013 advised that the officer was working on the recommendations.
5. An email from the agent on 12 April 2013 was in response to a telephone call from the Council on 10 April 2013. This indicates that the applications were to be recommended for refusal but would not be placed on a committee agenda until an outstanding matter was resolved. This appears to have related to concerns raised by a Councillor regarding pre-application discussions. A letter from the Council on 24 April 2013 states that 'I would be grateful if we could resolve this point prior to the application being determined'.
6. The appellant asked that the applications be put on the first available agenda on 26 April 2013 and the response to that request was made on the same day. It advised that they would be placed on the next available agenda. I have a copy of an email dated 24 May advising that the applications were on the agenda for the 5 June 2013 meeting. The appeal was also dated 24 May 2013.

7. It would seem that the appellant was aware of the progress of the applications at most times. There appears to be a period between 10 and 26 April 2013 when the Council were seeking further information and did not wish to proceed with the applications until it was received. The information sought does not appear to be directly relevant to the consideration of the applications but to administrative concerns raised by a Councillor. From the limited background information I have, it would appear that this delay was unreasonable, particularly as clarification could have been sought separately during the run up to a committee.
8. The correspondence of the 26 April 2013 and more particularly the 24 May 2013 provides information regarding the timeframe for determination. Whilst the first of these emails was not precise, they both provided some certainty that the application was being put forward for consideration by the committee. There is obviously a run up period in the preparation of an agenda. I am not aware of these details but the applications were not placed on the agenda for the next meeting after 26 April 2013 which was the 15 May 2013.
9. The Council clearly did delay the determination by their actions between 10 and 26 April 2013. If I accept that the Council failed to get the applications on the first available agenda following the correspondence of 26 April 2013, then this would represent a further unnecessary delay. However, even if I accept that both of these matters represented unreasonable behaviour, it does not necessarily mean that the appellant was put to unnecessary or wasted expense.
10. I am not persuaded that the appellant was left, following the correspondence of 26 April 2013, in a position whereby it was not clear that a decision was likely in the near future, subject to committee timetables. The appellant chose to appeal on the same day that the actual date of a committee meeting had been confirmed by email. I am not in a position to know whether the appeal was lodged before or after that email was received and the appellant has made no comment on this. However, it was the appellant's decision to submit the appeal, despite the assurances from the Council, that led to the subsequent costs.
11. Whilst the requirements set out in paragraph B10 of the Circular were not fully met by the Council, I do not find that this led to additional costs. The appellant had the opportunity to wait for the outcome of the Council's deliberations and despite the shortcomings within the correspondence and my concerns relating to the period between 10 and 26 April, I am not satisfied that the Council gave insufficient assurance that a decision was imminent.
12. The second concern of the appellant is that a number of documents were ignored by the Council. The appellant states that the second letters from residents of 1 and 49 Lower Market Street were written after the agenda report was finalised and they were not then reported at the committee. The view of the Conservation Advisory Group was not reported in the agenda. I can see no reference in the minutes to it being reported to the meeting as suggested by the Council. It is reported that Councillor Davey said that it was a shame there was no comment from the Group but this suggests to me that he was responding to a lack of any comment rather than reporting their position which was to offer 'no comment'.
13. I find the appellant's views on these matters to be quite compelling. However,



whilst such omissions would represent unreasonable behaviour, they did not prejudice the decision as the Councillors voted to support the applications. I am unclear therefore, what costs resulted for the appellant.

14. The third element of the appellant's application relates to the fact that the officers did not view the roof from within the property and that if they had they may have reached a different conclusion. The form of the valley roof can be viewed from the street and the plans of the architect are of a high quality. Photographs of the views from the windows are dated as having been received with the first application. I am satisfied that a fully informed decision could be reached from this information. I have no evidence to suggest that the officers would have taken an alternative view had they viewed the roof from within the property.
15. The final concern relates to advice that the officers would maintain an objection to the principle of the development for any subsequent applications, even following the resolution of the Committee. The appellant advises that the Area Manager contacted the architect the day after the meeting to invite the submission of applications and I have a copy of a letter setting out the officer's position. This includes an undertaking that the previous resolution would be reported.
16. I find the approach of the officer to be reasonable and helpful. The decision requires a balance between the loss of the original form of the roof and the benefits of the works. The officers are entitled to take a view on this balance and it would be inconsistent if they reached an alternative judgement on the basis of the same information. The same would obviously also be the case with regard to the Committee. I do not find unreasonable behaviour on behalf of the Council in this respect.
17. Overall, I do have a number of concerns with regard to the conduct of the Council. However, the Circular requires that unreasonable behaviour must result in the party applying for costs to incur unnecessary or wasted expense. The appellant chose to exercise the right of appeal in the light of the Council advising that the applications would be included on the next available agenda, with a recommendation for refusal. I do not consider that the actions of the Council led to unnecessary or wasted expense by the appellant.
18. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009, has not been demonstrated.

*Peter Eggleton*

INSPECTOR



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## Appeal Decision

Site visit made on 6 January 2014

**by D Lamont BSC(Hons) MBA MRTPI MCMI**

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

**Decision date: 14 January 2014**

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**Appeal Ref: APP/Q1445/A/13/2204631**

**147 Westbourne Street, Hove, East Sussex, BN3 5FB.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs David Toscano against Brighton & Hove City Council.
  - The application Ref BH2013/01993, dated 17 June 2013, was refused by notice dated 13 August 2013.
  - The development proposed is erection of a rear dormer roof extension.
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### Decision

1. The appeal is dismissed.

### Main Issues

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

### Reasons

3. The host property is a traditional terraced property within a suburban area of similar properties. The traditional form and appearance of the host property has largely been retained, consistent with similar properties in the area. This provides the subject property and the area with a traditional charm and character. Some of the properties have been the subject of larger dormer extensions to the rear. However, as such examples are relatively few, the traditional character of the terraces' roofscape, which contributes to the traditional suburban character of the area, is generally maintained.
  4. Within the host property's terraced group is a large rear dormer roof extension. It lies to the rear of No. 149 Westbourne Street and adjacent to the subject appeal property. It has a pair of central glazed doors and Juliet balcony and rear-facing windows on either side. Although this is at variance with the traditional roofscape which predominates locally, it is an exception to the group's traditional roof form which is otherwise generally maintained and contributes to the traditional built character of the building and the wider area.
  5. A bedroom has been created within the host property's roof and is served by a rear rooflight. However, the window is of a relatively modest scale within the
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context of the rear roof surface and it respects the rear roof plane and finishes. Consequently, the rear roofscape of the property largely maintains the traditional character and appearance of the rear of the host property and the local roofscape. The proposal would create a large dormer which is similar in scale, form design and details to the adjacent one at No.149. It would create a full height dormer which would extend across the majority of the host roof to close to its boundary with No. 149, where the existing dormer starts.

6. The proposal would create an extension of such bulk and massing as to detract from the predominantly traditional character and appearance of the roof profile and form of the host property and that which predominates locally and contributes to the area's character and appearance. The harm would be exacerbated by the design of the central glazed doors, Juliet balcony, adjacent windows and extensive tile-hung cladding. These details would be inconsistent with the rear elevation and traditional roof plane of the host property and which predominate locally to contribute to the area's traditional charm.
7. The harm would be exacerbated by the proximity of the subject dormer to the adjacent existing dormer. The combined effect of the adjacent dormers would be read from Byron Street as an excessively wide continuum of an expanse of substantial dormer extension which is out of character with the predominant rooflines and details of the area. The harm would be further exacerbated by the prominence of the dormer as viewed from the private rear gardens to the east, which serve the housing onto Byron Street and Coleridge Street.
8. For these reasons, I conclude that the proposal would cause substantial harm to the character and appearance of the host property and the area. This would also be contrary to the Brighton & Hove Local Plan 2005 (Local Plan) saved Policy QD14 and the Council's 'Design Guide for Extensions and Alterations' (SPD); which require extensions to be of a siting, design, detail and external finishes which are well-related to the property and surrounding area.
9. I have considered the appellants' argument that the proposed structure would be similar to the adjacent structure and that there are other similar examples locally. However, the existence of comparable development examples alone does not warrant departure from Local Plan policy and guidance; and these issues do not outweigh the considerations which have lead to my conclusion.
10. For these reasons, and having had regard to all other matters raised, I conclude that the proposal would cause substantial harm to the character and appearance of the host property and the area, contrary to Local Plan Policy QD14 and the SPD, and dismiss the appeal.

*D Lamont*

INSPECTOR

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## Appeal Decision

Site visit made on 16 December 2013

**by Louise Phillips MA (Cantab), MSc, MRTPI**

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

**Decision date: 21 January 2014**

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**Appeal Ref: APP/Q1445/A/13/2204382**

**Port Hall Mews, Port Hall Road, Brighton, Sussex BN1 5PB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr S Agar, Agar Property, against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/03806, dated 23 November 2012, was refused by notice dated 28 June 2013.
  - The development proposed is described as "re-submission of BH2012/01901 for conversion of mews to form 6no. two-storey town houses and 2no. single storey cottages with associated garaging and parking".
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### Decision

1. The appeal is allowed and planning permission is granted for the conversion of the mews to form 6no. two-storey town houses and 2no. single storey cottages with associated garaging and parking at Port Hall Mews, Port Hall Road, Brighton, Sussex BN1 5PB in accordance with the terms of the application, Ref BH2012/03806, dated 23 November 2012, and the plans submitted with it, subject to the conditions set out in Annex 1.

### Main Issue

2. The main issue is the effect of the proposed development on the employment opportunities available in the area.

### Reasons

3. Port Hall Mews is a self-contained commercial site to the rear of residential properties on Dyke Road and Port Hall Road. Vehicle and pedestrian access is gained off Port Hall Road via a narrow drive which is stated to be in the ownership of 170 and 170A Dyke Road. There is also a right of way through the yard for the house at number 14 Port Hall Road just outside the site to the north east. The mews buildings comprise an L-shaped block of small, two-storey units referred to in the evidence as Blocks A and B, and a separate block of single storey garage units in Block C.
4. At the time of my site visit, part of Block C was in use as a garage workshop and the two flats which are stated to exist on the first floor of Block A were possibly occupied, but the rest of the units were vacant at both ground and first floor levels. It would appear that most of the vacant units were last in use

- as garage/workshops at ground floor level with associated offices and storage above.
5. The appeal scheme, which seeks to convert the buildings for residential use, is a resubmission of planning application reference BH2012/01901 which was refused by the Council in October 2012 for four reasons including the loss of the industrial/office use. This is now the only reason for refusal in relation to the present scheme and the Council is satisfied that the other reasons have either been addressed, or could be addressed by the imposition of appropriate planning conditions. Therefore, I have dealt with the appeal on the basis that the loss of the employment use is the principal matter of contention between the main parties.
  6. The case for the Council is that the appellant has not adequately demonstrated that the proposal complies with Policy EM3 of the Brighton and Hove Local Plan 2005 (Local Plan). To help achieve the Council's strategic priority of getting people into work, this policy requires that sites in industrial use are assessed against a set of criteria to determine whether or not they are suitable for modern industrial purposes before they are released for other uses. I consider that Policy EM3 is relevant to my decision in terms of assessing the potentially adverse impacts of the proposal. I also consider that the National Planning Policy Framework (the Framework) is relevant to my decision and I have taken particular account of the provisions referred to by the appellant in relation to the presumption in favour of sustainable development and housing land supply.
  7. The majority of the assessment criteria included within Policy EM3 relate to the physical suitability of the site for modern industrial purposes. In terms of its general location, the site is near to the centre of Brighton, and I can see no particular reason why access for employees by car, public transport or on foot should be difficult. More specifically, it is located within a primarily residential area and the appellant's marketing agent has suggested that a fear of complaints from the surrounding occupiers has deterred potential interest. However, the site is quite self-contained and no evidence has been provided to suggest that complaints have been an issue.
  8. The site would appear to include a sufficient mix of accommodation from which to run a small business or businesses, and had the buildings been adequately maintained, their quality would seem to be appropriate for their intended use. Therefore, while I note that the Council's Economic Development Officer has indicated that the site is not best suited to modern business requirements, I do not consider that it is fundamentally unsuitable in the terms of Policy EM3.
  9. In addition to the site specific assessment criteria, Policy EM3 requires regard to be had for the length of time the site has been vacant and for the efforts made to market it for employment uses. In terms of the first requirement, the Council states that much of the site was occupied until November 2012 and that because part of it is still in use, the site is not redundant. Whilst part of Block C is presently in business use, the occupier has provided a letter stating his intention to retire in the near future. Third parties have noted that this particular vacancy will not therefore arise out of viability issues, but the vacancy of the rest of the site, which appears to have been in use by a number of businesses in the past, would suggest a wider problem.
  10. In terms of the second requirement, the Council considers that the marketing strategy has been deficient because the premises have only been advertised as

a whole rather than as individual units which may appeal to start-up businesses. Whilst I recognise that the premises have now been marketed for sale and rent for some time, I agree that the Council's suggested approach might have been more successful, particularly given that the units are likely to have become available at different times. Similarly, while the appellant has stated that no interest came forward to use or redevelop the site for the Council's preferred live-work or affordable housing purposes, it does not appear that it has been specifically marketed for these uses. Therefore, in terms of marketing, I do not consider that the requirements of Policy EM3 have been fully met.

11. However, I have also had regard to the issues which the marketing agent has identified as having deterred interest in the site. These include a generally weak commercial property market; the need to maintain access over the yard for the adjoining house; and the present poor condition of Block C. Given the small size of the yard, I agree that the need to maintain the right of way would significantly reduce the space available for parking and storage and the problem would be exacerbated if the site were to be occupied by several different businesses. This would be likely to reduce the attractiveness of the site to potential occupiers.
12. Similarly, it seems reasonable to suggest that potential occupiers would be deterred by the financial investment required to bring the property up to standard, particularly in a depressed market. In this respect, I also note that the present landlord does not consider it viable to make a capital investment in the property. Thus the use of the site for commercial purposes in the near future is not without significant impediment and given it is largely vacant, I consider that the adverse impact of the proposed change of use on the employment opportunities available in the area would be diminished. In this context, I have considered the proposal in terms of the provisions of the Framework.
13. The additional housing proposed at the appeal site would be a benefit of the development. Paragraph 51 of the Framework states that applications for the change of use of commercial buildings to residential use should normally be approved where there is an identified need for additional housing in the area, provided that there are not strong economic reasons why such development would be inappropriate. The appellant has made an assessment of the Council's five-year supply of deliverable sites for housing and has found it to be insufficient. Given that the Council has not presented any evidence to the contrary, I must conclude that the appellant's findings are not in dispute and that paragraph 51 of the Framework therefore applies.
14. Furthermore, in the absence of a sufficient five-year supply, Policy EM3 of the Local Plan cannot be considered up to date under the terms of paragraph 49 of the Framework because it affects the supply of housing in this case. On this basis, I have considered the proposal in light of the presumption in favour of sustainable development set out at paragraph 14, which states that where relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

15. Given my conclusion that the adverse impact of the proposal on employment opportunities has been diminished by the present circumstances of the site, this would not outweigh the benefit of the additional housing. For the same reason, I further conclude that there are no strong economic reasons why the proposed development would be inappropriate. Therefore, in respect of the main issue of the appeal, I consider that the proposed development would be acceptable.

### **Other Matters**

16. The Council has not raised any objection to the principle of providing housing on this site and it considers that most of the issues which led to the refusal of the previous application have either been addressed or could be dealt with by conditions. Nonetheless, in reaching my decision, I have taken account of the other matters raised by third parties.
17. A number of nearby residents consider that the scheme proposes too many units for the size of the site. Their associated concerns are that no private garden space would be provided with the dwellings; and that the number of cars using the access lane could present a danger to pedestrians using Port Hall Road, which could be exacerbated if cars were not able to turn within the site itself. The adjoining occupier at number 14 Port Hall Road is also concerned that cars parked within the site could block the right of way for her property.
18. In terms of the standard of accommodation to be provided, the Council has considered the issue of garden space and concluded that the mews nature of the development, combined with the close proximity of Dyke Road Park, would make the proposal acceptable in this regard. Therefore, I do not consider that this matter outweighs the benefit of the housing to be provided.
19. I am sympathetic to the objectors' concerns about cars using the site, particularly in relation to them parking within it because the yard is quite small. Whilst the Council states that there is spare capacity in the surrounding controlled parking zone, it seems likely that future occupiers would seek to park outside their homes for reasons of convenience.
20. Given that on-site parking space would be limited, and that the majority of it would be garage-based, I consider that there is the potential for congestion to occur within the site. This could affect general manoeuvring and the right of way, particularly because the owner of an area of hard standing adjacent to the lane has stated that it will be unavailable in the future for use by cars attending the site. However, the Council is satisfied that overall parking provision would be adequate and there is insufficient evidence to the contrary before me to warrant the dismissal of the appeal.
21. Furthermore, the matter of public interest about which I must be concerned, is whether the proposed development is likely to give rise to a highway safety issue. In this respect, the Council considers that the residential use of the site would be likely to generate fewer trips than the existing commercial use. He has also commented that there have been no reported incidents at or around the entrance to the site in the last five years. The balance of the evidence therefore suggests that the proposed development would not increase the risk to highway safety and might in fact improve it and my own impression of the access lane was that it was neither so narrow nor so long that vehicles could not use it safely.



22. The third party representations also make reference to Lifetime Homes requirements; refuse collection; and restrictive covenants. The Council, however, is satisfied that the proposal complies with Lifetime Homes requirements and that the relevant reason for refusing the previous application has been addressed. I also appreciate the concern that additional bins on Port Hall Road would look unsightly if it were necessary to take them there for collection, but it is not clear that this would be the case and my decision does not turn on the matter. Finally, restrictive covenants are private legal agreements between parties, made for their own purposes and enforceable by their beneficiaries. Like other regulatory systems, they operate outside the planning system and are not related to it. They are not relevant to my decision and my decision does not override them.
23. Therefore, these other matters do not outweigh my findings in relation to the main issue of the appeal.

### **Conclusion and Conditions**

24. For the reasons given above I conclude that the appeal should be allowed.
25. I have imposed the standard time limit condition because it has not been suggested that this would be inappropriate in this case. For the avoidance of doubt, and in the interests of proper planning, I have also imposed a condition requiring that the development is carried out in accordance with the approved plans. The Council has suggested a number other conditions in addition which I have considered in light of the advice in Circular 11/95: The Use of Conditions in Planning Permissions.
26. Given its previous industrial use, it is appropriate to impose a condition requiring the site to be investigated for contaminants and, if necessary, requiring any remedial work to be carried out. I consider that conditions requiring the submission and approval of further details relating to the EcoHomes Refurbishment Rating of the dwellings and the provision of cycle parking are necessary to secure a development of the quality expected by the Council in accordance with its adopted policies. In respect of the EcoHomes rating, I note that after 1 July 2014, it will no longer be possible to register for an EcoHomes Refurbishment Rating as the BREEAM Domestic Refurbishment scheme has replaced it. Therefore, the condition allows for the dwellings to be assessed under an equivalent successor scheme.
27. In the interests of the character and appearance of the area and of the living conditions of existing nearby residents and future residents of the development, I have imposed conditions requiring the areas for parking, refuse and recycling to be kept available for those purposes.
28. I have also considered the living conditions of the adjacent properties on Dyke Road in terms of privacy. The rear facing first floor windows of the dwellings in Block A will face the gardens and rear windows of numbers 174-178 Dyke Road (shown as numbers 118-120 on the submitted Location Plan) in close proximity. These windows would serve a hallway; a bedroom; and a living/dining room. I agree with the Council that these windows should be obscure glazed to prevent significant overlooking and given that both the bedroom and living/dining room would have another window to the front, this would not impact unduly upon the living conditions of future occupiers.

29. The rear facing first floor windows of the dwellings in Block B would face the side boundary of the garden of number 182 Dyke Road (shown as number 122 on the submitted Location Plan). These windows would serve a kitchen and a landing/hallway and the Council has suggested that they should also be obscure glazed. However, given the proposed use of the rooms; that there is an access road between the mews buildings and the boundary; and that there is some boundary screening present, I do not consider that this measure is necessary to preserve good living conditions for the neighbouring occupiers. Furthermore, given the depth of the rooms that the windows would serve, they would provide a significant source of light for the new dwellings.
30. Finally, I recognise that the Council's Senior Economic Development Officer has requested a contribution of £4,000 towards a Local Employment Scheme. However, no planning obligation has been provided and the Courts have held that conditions requiring the payment of money are *ultra vires*. In any case, no detailed justification has been provided in support of the requirement and so there is insufficient evidence for me to conclude that it is necessary in the terms of Regulation 122 of the Community Infrastructure Levy Regulations 2010 or paragraph 204 of the Framework.

*Louise Phillips*

INSPECTOR

## **Annex 1 – Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: "Proposed Details", drawing number 28724/2A.
- 3) No development shall take place until a site investigation of the nature and extent of any contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remedy the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be decontaminated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which was not identified in the site investigation, additional measures for the removal of this source of contamination shall be submitted to and approved in writing by the local planning authority. The decontamination of the site shall incorporate the approved additional measures.

- 4) The dwellings hereby approved shall achieve an 'excellent' EcoHomes Refurbishment Rating (or an equivalent rating under an equivalent successor scheme). No dwelling shall be occupied until an appropriate certificate has been issued for it by the Building Research Establishment confirming that an 'excellent' rating has been achieved.
- 5) The garages and car parking spaces to be provided shall be kept available for the parking of motor vehicles at all times. The garages and car parking spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and for that of their visitors and for no other purpose and shall be permanently retained as such thereafter.
- 6) Notwithstanding condition 2 above, no development shall take place until details of the secure cycle parking facilities to be provided for the occupants of, and visitors to, the dwellings hereby approved 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) Before the dwellings hereby approved are occupied, the refuse and recycling storage facilities shall be completed in accordance with the approved plans and shall be kept available for such use thereafter. No development whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting that order) shall be carried out on the land indicated or in such a position as to preclude its use for refuse and recycling storage.
- 8) Before the first occupation of the dwellings in Block A hereby permitted the windows in the rear elevation of Block A shall be fitted with obscured glass and shall be permanently retained in that condition.



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## Appeal Decision

Site Inspection on 15 January 2014

by **Graham Self MA MSc FRTPI**

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

Decision date: 23 January 2014

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**Appeal Reference: APP/Q1445/X/13/2205993**

**Site at: 16 Mayfield Crescent, Brighton BN1 8HQ**

- The appeal is made by Mr Adam Hughes under Section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against the refusal by Brighton and Hove City Council to grant a certificate of lawfulness.
- The application (Reference No. BH2013/02384) dated 5 July 2013 was refused on 18 September 2013.
- The application was made under Section 192 of the Town and Country Planning Act 1990 as amended.
- The application sought a certificate of lawfulness for: "single storey rear extension".

**Summary of Decision: The appeal fails.**

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### Procedural Matter - Application Date

1. The application date quoted in the summary details above is the date specified in the application. The date stated in the council's decision notice and in the appeal form appears to be the date the application was received by the council.

### Reasons

2. The main point of dispute in this case concerns the interpretation of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (the "GPDO"). Taken together with Article 3 of the GPDO, this legislation grants planning permission for the enlargement of a dwellinghouse, subject to numerous provisos and limitations.
3. The proposed extension would meet most of the criteria set out in Class A. For example, such matters as height, area covered, extent of projection from the house and finishing materials would all be within GPDO limits. However, one of the provisos in the GPDO is as follows (text which is not relevant is omitted):

"Development is not permitted by Class A if... the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would...have a width greater than half the width of the original dwellinghouse."
4. There is no dispute that the extension would have a width greater than half the width of the original house. The appellant contends that the enlarged part of the

house would not extend beyond a wall forming a side elevation of the house. The council disagree.

5. The house at the appeal site has a rear projection so that the rear of the house has a "stepped" or "L" shape. That was evidently how the house was originally built. The extent of the projection (a little under 0.7 metres) is quite small, but is more than minimal. In this situation, the "inner" side wall of the projection is "a wall forming a side elevation of the original dwellinghouse". The proposed extension would extend sideways beyond this side wall. Therefore the criterion quoted in paragraph 3 above would not be met.
6. Both the appellant and the council have referred to Technical Guidance published by the government. The guidance states: "A wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall". As Mr Hughes rightly points out, such guidance is only guidance. Indeed, the guidance has not always provided a correct interpretation of the law as set out in the GPDO, which ultimately is a matter for the courts. However, unless and until the definition in the guidance is held to be incorrect by the courts it is appropriate to give it weight. The side wall of the rear projection is at a 90 degree angle to the rear wall of the house and cannot be regarded as part of the rear wall of the house as suggested by Mr Hughes.
7. I note that the proposal has been through the "larger home extension" prior notification process with no objections from neighbouring occupiers, and that planning permission has been granted for full-width rear extensions at other properties nearby. These points do not affect the issue of how the GPDO should be interpreted. I also note Mr Hughes' comments about other appeal decisions, but these were decided before the current version of the government's Technical Guidance was issued.
8. Part of the appellant's case is that a different scheme built using permitted development rights would be worse than the appeal proposal. Mr Hughes also points out that it would be possible to demolish an original back projection and build a new, wider one under permitted development rights, and that this is an example of "clearly untenable situations". What I think Mr Hughes is really arguing is that there are anomalies and quirks in the GPDO. The fact remains that this appeal has to be decided by reference to current legislation.

### **Formal Decision**

9. For the reasons given above I conclude that the council's refusal to grant a certificate of lawfulness for a proposed single storey rear extension, in respect of the application (Reference No. BH2013/02384) dated 5 July 2013, was well founded. I therefore dismiss the appeal.

*G F Self*

Inspector

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## Appeal Decision

Site visit made on 21 November 2013

**by Timothy C King BA(Hons) MRTPI**

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

**Decision date: 23 January 2014**

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### **Appeal Ref: APP/Q1445/A/13/2204185**

### **33A, Upper Rock Gardens, Brighton, BN2 1QF**

- 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 Gerard Raimond, against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01745, dated 24 May 2013, was refused by notice dated 7 August 2013.
  - The development proposed is the demolition of existing rear conservatory and erection of new full width rear extension.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for the demolition of the existing rear conservatory and erection of a new full width rear extension at 33A Upper Rock Gardens, Brighton, BN2 1QF in accordance with the terms of the application Ref BH2013/01745, dated 24 May 2013, subject to the following conditions:
  - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 001, 101C, Block Plan and Site Location Plan.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

### **Main Issue**

2. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to its location within the East Cliff Conservation Area.

### **Reasons**

#### *Character and appearance*

3. 33 Upper Rock Gardens is a five storey, mid-terrace, period property which has been converted into residential flats. No 33A, the appeal property, is a two bedroom flat occupying the entire lower ground floor, with sole use of the rear
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garden. The building has an original three storey outrigger which, at lower ground level, has been extended by a modest single storey conservatory. It is proposed that the conservatory be removed and replaced by a full width single storey addition to an increased depth.

4. The property lies within the extensive East Cliff Conservation Area where the residential streets within are largely characterised by long straight period terraces with uniform frontages faced with smooth stucco render. The terrace on the east side of Upper Rock gardens has characteristic three storey outriggers covering the majority of the properties widths. However, there are also a number of properties that have been extended further at lower ground floor level which I noted at my site visit, given that the terrace is partly viewable from the car park beyond to the rear.
5. No 33A's rear garden is enclosed by sizeable extensions to both the immediate neighbouring properties, each of which are higher and deeper than is now proposed at the appeal site. The extension at No 32, approved by the Council in 2010, is L shaped and fully encloses the property's rear elevation. The appeal proposal would extend back some 1.6m into the side recess, but would leave a small area to the main rear wall of the property undeveloped, creating a lightwell for the flat's main bedroom and a small courtyard, accessed from both the bedroom and kitchen.
6. In June 2013 the Council adopted a Supplementary Planning Document 'design guide for extensions and alterations' (SPD) that advises against extensions projecting beyond the property's side wall which, applied to this case, would include the side wall of the projecting wing or outrigger. In relation to other SPD criteria for rear extensions the proposal accords in that its flat roof would be below cill height and more than half the depth of the rear garden would still remain for the flat's occupiers. The SPD also addresses infill extensions and advises that these should not be overbearing on neighbouring properties and should not normally extend beyond the wall of the outrigger. Whilst the proposal does not comply with the latter criterion it would have no effect on either neighbours' amenities due to the high facing flank walls to the extensions at Nos 32 and 34, neither of which contain facing windows.
7. Given its contextual setting I consider that the extension would be of an appropriate scale, in that neither its depth nor height would exceed that of the neighbouring extensions. The existing conservatory, due to its form and appearance, relates poorly to the original main building and its replacement with the proposed larger extension would result in a better proportioned development and to a more sympathetic design. The bedroom at the end of the recess, is already tunnelled, being between the outrigger, extended by the existing conservatory, and the addition to No 34. As such, I do not consider that the design, incorporating a lightwell for the bedroom, would impact on the visual appearance or character of the property.
8. Turning to the property's location in the East Cliff Conservation Area it is now settled law that preserving the character or appearance of a conservation area can be achieved, not only by a positive contribution to preservation, but also by development which leaves the character or appearance unharmed. In this instance, bearing in mind the existence of other single storey extensions along



the terrace and, more particularly to the properties on either side, I do not believe that any significant harm would result from the proposed development.

9. I conclude that the proposal would be appropriate in its setting and neither the character nor the appearance of the East Cliff Conservation Area would be harmed. Both the character and appearance of the Conservation Area would thereby be preserved. Accordingly, the requirements of Policies QD14 and HE6 of the Brighton and Hove Local Plan would be met, along with the objectives of the SPD.

**Conclusion and Conditions**

10. For the above reasons, and having had regard to all matters raised, I conclude that the appeal should be allowed.

11. I have considered conditions in the light of advice in Circular 11/95. Apart from the standard time limitation condition the Council has suggested two others. For the avoidance of doubt and in the interests of proper planning I shall impose a condition requiring that the development be carried out in accordance with the approved plans. I shall also impose a condition requiring that matching materials for the external surfaces be used in the extension's construction.

*Timothy C King*

INSPECTOR





## Appeal Decisions

Hearing held on 8 January 2014

Site visit made on 8 January 2014

**by Joanna Reid BA(Hons) BArch(Hons) RIBA**

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

**Decision date: 22 January 2014**

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### **Two Appeals at 22A Baron Estates, East Street, Brighton BN1 1HL**

- The appeals are made by Mrs Nazila Blencowe, Baron Homes Corporation, against the decisions of Brighton & Hove City Council.
  - The development and works proposed is conversion of upper floors from offices to two flats.
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### **Appeal A Ref: APP/Q1445/A/13/2200163**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The application Ref BH2012/03423, dated 25 October 2012, was refused by notice dated 17 December 2012.
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### **Appeal B Ref: APP/Q1445/E/13/2200168**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The application Ref BH2012/03424, dated 25 October 2012, was refused by notice dated 17 December 2012.
- 

### **Decisions: Appeals A and B**

1. The appeals are dismissed.

### **Procedural matter**

2. The entrance to the appeal premises is in Bartholomews, but its postal address was confirmed by the appellant's agent to be 22A East Street. For the avoidance of doubt, it includes the upper floors of the buildings identified on the location plans submitted with the applications as 22, 22A, 23 and 23A East Street, and it is referred to as such in the Council's decision notices.

### **Main issues**

3. The listed building, numbers 22, 22A, 23 and 23A East Street, is listed in Grade II and it is located within the Old Town Conservation Area. The Conservation Area is mainly characterised by historic terraced buildings in a mix of uses. The Council has not raised concerns about the Conservation Area in its reasons for refusal. As the proposed development and works would mainly affect the interior of the upper floors of the listed building, the appearance of the Conservation Area would be preserved. The ground floor and basement retail units would not change, and either commercial or residential use of the upper floors would preserve the mixed character of the Conservation Area, so I agree. With this in mind, from my inspection of the site and its surroundings, and

from the representations made at the hearing and in writing, I consider that the main issue in Appeals A and B is:

- Whether the proposed development and works would preserve the special architectural or historic interest of the listed building, and, in Appeal A only, in addition:
- The effect that the proposed change of use would have on the economic vitality and employment opportunities in the city centre.

## **Reasons**

### *Listed building*

4. The listed building includes what was probably 3 terraced late C18 or early C19 townhouses. It now includes ground floor shops with offices on the first and second floors. The historic architecture of the upper floors reflects the historic use of the listed building as dwellings, and this contributes positively to its special architectural interest which it is desirable to preserve, and to the significance of the heritage asset.
5. The proposed horizontal subdivision to form a flat on each floor would be a further change from the historic vertically divided terraced dwellings. However, the conversion of the upper floors to flats would be in accordance with the well established principle that the best use of a heritage asset is often the use for which the building was first intended.
6. The appellant's heritage statement includes the list description but it says little about the interior, where the proposed alterations would take place. The list description notes that the interior was not inspected, but this does not imply that the interior is not important. Great weight should be given to the asset's conservation. So, whilst some historic partitions and internal features have been removed or altered in the past, it is all the more important to conserve the historic fabric and internal features that remain. However, there was little evidence that the evolution of the building had been investigated, or that its historic fabric and features of special interest had been identified.
7. The historic plan form can be one of a heritage asset's most significant features. Even so, the proposed layout of the flats does not appear to have been informed by an understanding of the former siting of the original internal walls. The proposal includes the reinstatement of part of one spine wall and 3 front-facing rooms on both floors. However, insufficient clear and convincing justification was put to me to show that the new walls would respect the historic plan form, or that the scale and proportions of the original principal rooms would be reinstated. Whilst the layout should reasonably satisfy modern living standards, it includes irregularly-shaped rooms, discordant junctions of walls with existing windows, and poor relationships with historic features including a chimney breast, which would damage the special interest of the listed building.
8. From the Council's evidence at the site visit, both staircases include early historic fabric, and the staircase leading to Regent Arcade is largely intact. From what I saw, I agree. However, the latter staircase would be a fire escape from the second floor flat, so it might rarely be appreciated. The views into the light well reveal the characteristic contrast between the elegant fronts and the utilitarian backs, but the plant in the light well and proposals for it are not

shown on the plans. So, whilst they would not be lost, the layout fails to take into account features of special interest which contribute positively to the significance of the heritage asset. The proposed new doors and architraves would fail to respect traditional proportions and existing historic mouldings.

9. Some matters, including the detailed design of the new doors and architraves, could reasonably be dealt with by the main parties' suggested conditions. However, conditions could not be imposed to overcome the harm that the proposed layout would cause, because they would not be reasonable or precise. Although, in terms of the *National Planning Policy Framework* (Framework), the harm to the heritage asset would be less than substantial, the public benefits, including securing the optimum viable use and the need for housing, would be insufficient to outweigh that harm.
10. I consider that the proposal would fail to preserve the special architectural interest of the listed building. It would be contrary to Policies HE1 of the *Brighton & Hove Local Plan 2005* (LP) which reflects the thrust of the statutory duty with regard to listed buildings, and LP Policy HE4 which seeks the reinstatement of original features where appropriate. It would also be contrary to the Framework which aims for heritage assets to be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

#### *Economic vitality and employment opportunities*

11. LP Policy EM5 states that planning permission will not be granted for the change of use of offices premises to other purposes unless they are genuinely redundant, because the premises are unsuitable and cannot be readily converted to provide different types of office accommodation, or where a change of use is the only practicable way of preserving a building of architectural or historic interest. Redundancy will be determined by considering a number of factors including the length of time the premises have been vacant, together with the marketing strategy adopted, and the prevailing vacancy rate for the size and type of office. Emerging Policies SA2 and CP3 of the *Brighton & Hove Submission City Plan Part One* (CP) maintain this thrust.
12. The Framework says that local planning authorities should normally approve planning applications for change to residential use from commercial buildings, where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. The Council's proposed Article 4 direction to remove the government's recently introduced temporary permitted development rights for changes of use from offices to residential uses is not relevant because the appeal premises is part of a listed building. Whilst the main parties agreed at the hearing that there is an identified need for housing, the Council's evidence base<sup>1</sup> for the emerging CP also confirms that the city has a significant shortage of higher quality office accommodation, particularly up to 460 m<sup>2</sup> in size.
13. Although the floor area of the offices is roughly 216 m<sup>2</sup>, and despite the low vacancy rates for such accommodation in the central city area, the premises have been actively marketed, as a whole and on a floor by floor basis, without success since May 2009. There was no schedule of viewings, but the

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<sup>1</sup> *Brighton & Hove City Council Employment Land Study 2012 Final Report*

appellant's agent confirmed at the hearing that few viewings had taken place and no offers had been made. The Council's economic development officer has confirmed that the offices have been actively marketed for a sustained period at a competitive rental level, taking into account the location and the size of the space. From the evidence put to me, I see no reason to disagree.

14. Due to the constraints of the listed building, including the cellular layout of the historic dwellings, its domestic scale, including the narrow doorways and narrow winding stairs, and the lack of ground floor space to provide for inclusive access, the premises would not provide the higher quality office accommodation sought in the area. Moreover, because the building is a designated heritage asset, it could not readily be converted to provide other types of office accommodation without unacceptably eroding its significance.
15. The Council's main concern was that there had been no period of vacancy because the appellant has occupied the offices since about September 2008. However, this is in accordance with the well established principle that the best way to preserve a listed building is to keep the building in active use. It has been a temporary measure as the appellant has had, and continues to have, other offices available for the business elsewhere in the city. The appellant's agent explained that potential occupiers were made aware that the offices could be vacated at short notice, so little weight can be attached to the view that they would have been deterred by the presence of the existing occupiers.
16. Furthermore, my colleague allowed appeals for development and works including the change of use of first, second, third and fourth floors from disused offices to four self-contained flats at the adjoining listed building, 6 Bartholomews, in his appeal decisions ref APP/Q1445/A/13/2189903 and APP/Q1445/E/13/2189912. Whilst the Council confirmed that there had been no objection to the loss of offices because the upper floors at 6 Bartholomews had been vacant, they had been occupied by squatters and considerable malicious damage had been done to the interior of that listed building. As heritage assets are an irreplaceable resource, this also supports the appellant's occupation of the premises. So, in this case a period of vacancy would not be reasonable or necessary, and no other concerns were expressed in the Council's reason for refusal or at the hearing.
17. As the appellant has shown that the offices are to all intents and purposes redundant, and they have been for over 3 years, the change of use would not cause their unacceptable loss. I therefore consider that the proposal would not harm the economic vitality and employment opportunities in the city centre. It would satisfy the thrust of LP Policy EM5, and the Framework.

### *Conclusions*

18. Whilst the proposal would not harm the economic vitality and employment opportunities in the city centre, the failure to preserve the special architectural interest of the listed building is a compelling objection to the scheme. For the reasons given above and having regard to all other matters raised, Appeals A and B fail.

*Joanna Reid*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Paul Burgess BA(Hons)      Appellant's agent,  
BPI MRTPI                      Director, Lewis & Co Planning

### FOR THE LOCAL PLANNING AUTHORITY:

Robert McNicol                Planning officer,  
   Development control and planning policy team,  
   Brighton & Hove City Council

Tim Jefferies BA(Hons)      Senior planning officer (conservation),  
DipTP IHBC                      Heritage team, Brighton & Hove City Council

## **DOCUMENTS PUT IN AT THE HEARING**

- 1 The Council's suggested conditions.
- 2 Appendix 2 of Agenda Item 19 of the Council's 11 July 2013 Policy & Resources Committee, regarding the proposed Article 4 direction, put in by the Council.
- 3 Inspector's letter dated 13 December 2013 regarding the *Brighton & Hove Submission City Plan Part One* (CP), put in by the appellant.
- 4 The Council's notification of the hearing and the list of persons notified.
- 5 Marketing details submitted with the planning application in Appeal A, put in by the appellant.
- 6 Baron Estates' marketing particulars, put in by the appellant.
- 7 Appeal decisions APP/Q1445/A/13/2189903 and APP/Q1445/E/13/2189912, put in by the appellant.
- 8 CP Policies SA2 and CP3, put in by the Council.
- 9 The Council's suggested condition for new services.





## Appeal Decision

Site visit made on 16 December 2013

**by Louise Phillips MA (Cantab), MSc, MRTPI**

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

**Decision date: 23 January 2014**

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**Appeal Ref: APP/Q1445/A/13/2205843**  
**1A and 1B, 2 Lancaster Road, Brighton BN1 5DG**

- 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 Gillian Jones against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/00998, dated 23 May 2013, was refused by notice dated 30 July 2013.
  - The development proposed is a single storey rear extension and the installation of bifold doors and windows.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have taken the description of development from the planning application form. However, I recognise that the proposed plan includes the relocation of a window from the side elevation to the rear elevation of the existing single storey extension to the adjoining flat, number 1A, and I have taken account of this in reaching my decision.

### Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the existing property and surrounding houses; on the living conditions of the neighbouring occupiers at number 64A Old Shoreham Road; and on the living conditions of the occupiers of the flat to be extended.

### Reasons

#### *Character and Appearance*

4. 2 Lancaster Road is an attractive three storey detached house which has been subdivided into flats. Flats 1A and 1B occupy the ground floor. There is a two-storey extension with a pitched roof to the rear which the Council states to be original to the building and a small single storey extension with a pitched roof across the back of Flat 1A, which projects beyond the original extension for approximately half its width. I do not consider that the conversion of the building into flats has harmed the character and appearance of the exterior.

5. The proposed extension to Flat 1B would adjoin and project substantially beyond the single storey addition to Flat 1A and would occupy the remaining width of the building up to the boundary with the Vicarage at 64A Old Shoreham Road. Its depth would be such that it would enclose much of this boundary with the neighbouring property. It would not, however, adjoin the main rear elevation of the appeal property itself which is recessed, and an 'inner courtyard' would therefore be created between the extension and the existing building.
6. The flat roof of the proposed extension would be out of keeping with the existing pitched roof additions to the building and while a section of pitched roof is proposed adjacent to the extension to Flat 1A, this would not overcome its incongruous appearance. The location of the extension towards one side of the building would also relate poorly to the other existing elements which form a more central projection. Whilst the extension would leave a reasonably sized garden for the property, it would nonetheless be large and the garden environment and rear elevation of the building would be dominated by its discordant design. The proposed inner courtyard arrangement would contribute to this effect without substantially adding to the amount of useable living space.
7. Turning to the surrounding houses, the proposed extension would be seen in the context of the properties on Stanford Road which back onto the appeal site; the adjacent semi-detached house on Lancaster Road; and the Vicarage at 64A Old Shoreham Road. All of these are attractive buildings and while the adjacent house on Stanford Road has a two-storey, flat-roofed extension to the rear, this relates well to the host property in terms of its scale. The presence of other similar extensions along the row also provides a consistent context for the design. The deep two-storey projection to the rear of the adjacent house on Lancaster Road similarly relates well to the main part of the building in terms of its scale and pitched roof design.
8. The south side elevation of the appeal property is built right up to the boundary with the rear garden of 64A Old Shoreham Road and beyond the inner courtyard, the wall of the proposed extension would adjoin and be taller than the garden wall. On account of its height and depth along the shared boundary, the extension would be a bulky addition in close proximity to the attractive Vicarage. It would also be highly visible from the garden of the adjacent church from where it would have a similarly cumbersome appearance.
9. For these reasons, I consider that the proposed development would cause significant harm to the character and appearance of the existing property and to the setting of surrounding houses. I recognise that there have been no objections to the proposal and that the present occupants of the other flats in the appeal property have expressed their support for it, as has the neighbour at 64A Old Shoreham Road.
10. However, when balanced against the enduring harm that would be caused to the building and its surroundings, this does not outweigh my findings. I therefore conclude that the proposal would be contrary to Policy QD14 of the Brighton and Hove Local Plan 2005 (Local Plan) which, amongst other things, requires extensions to be well designed and sited relative to the host building and to surrounding properties.

### *Living Conditions*

11. The Council is concerned about the effect of the proposed extension on the living conditions experienced at 64A Old Shoreham Road. However, while the extension would occupy much of the length of the joint boundary, it would not be so close to the property itself as to be overbearing and any impact on sunlight reaching the garden would be minimal due to the orientation of the buildings. Therefore, I do not consider that its impact on living conditions would be significant.
12. I note that the occupier of the adjoining flat in the appeal property, No 1A, has expressed support for the extension and has agreed to move the bathroom window that would be blocked by it. The Council is satisfied that the impact of the extension on the relocated window would not be so significant as to warrant the dismissal of the appeal and I concur.
13. The Council has, however, expressed concern about the effect of the proposed extension and inner courtyard on the occupiers of the appeal flat itself, No 1B. Whilst the development could result in the existing bedroom becoming darker, I consider that the benefit provided by the additional accommodation would outweigh this effect and that, on balance, the proposal would improve the living conditions of the present residents.
14. I therefore conclude that the proposed development would not conflict with Policy QD14 or QD27 of the Local Plan in terms of their aim to protect the amenities of existing and adjacent residents. However, this does not outweigh my conclusions in respect of character and appearance.

### **Other Matters**

15. In reaching my decision, I have taken account of the comments provided by the Brighton and Hove Archaeological Society in respect of the potential archaeological sensitivity of the area. Accordingly, the Council has taken advice from the County Archaeologist who does not consider that any remains are likely to be affected by the proposal. This matter does not, therefore, affect my findings in relation to the main issues of the appeal.

### **Conclusion**

16. For the reasons given above I conclude that the appeal should be dismissed.

*Louise Phillips*

INSPECTOR



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# Appeal Decision

Site visit made on 13 January 2014

**by L Gibbons BA (Hons) MRTPI**

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

**Decision date: 27 January 2014**

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**Appeal Ref: APP/Q1445/D/13/2209986**

**26 Lustrells Crescent, Saltdean, East Sussex BN2 8AR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Graham against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/03180, dated 12 September 2013, was refused by notice dated 11 November 2013.
  - The development proposed is a rear facing dormer to an existing loft conversion.
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## Decision

1. The appeal is dismissed.

## Main Issue

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

## Reasons

3. The appeal property is a detached bungalow in a residential area with similar properties nearby. Although it is set down from the road, due to the hilly nature of the area it is higher than properties to the rear of Lustrells Crescent, which are along Tremola Avenue.
4. The appeal proposal is for a rear facing dormer. The Council's Supplementary Planning Document 12 Design Guide for Extensions and Alterations (SPD) 2013, at section 3.5 refers to dormer windows clearly being a subordinate addition to the roof. Although the proposed dormer is set below the main ridge height and in from the walls of the bungalow, I consider it would be of a size and scale which would be out of proportion with roof of the host property.
5. The areas of tile hanging and spacing between the two windows add to the bulk of the proposed dormer, resulting in a structure which would be very prominent on the roof. The SPD refers to flat roofs being acceptable to reduce the bulk of dormer windows. However, the appeal proposal incorporates a slight pitch to the dormer roof and this would create the appearance of additional height, adding to the prominence of the dormer. Therefore, in my opinion the proposed dormer would not be a subordinate addition to the roof and would be harmful to the character and appearance of the host property.

6. The proposed dormer window would not be directly visible from Lustrells Crescent; however from the rear it would be far more prominent. The host property and properties on Tremola Avenue have wide, but relatively short back gardens. The slope and nature of the gardens results in the properties on Lustrells Crescent being more prominent and visible at the rear than those on Tremola Avenue. Due to its design and size, the proposed dormer window would therefore be very visible from the rear of Nos 9 and 11 Tremola Avenue and from the gardens of adjacent properties along Lustrell Crescent thereby causing harm to the character and appearance of the surrounding area.
7. I conclude that the appeal proposal would cause harm to the character and appearance of the host property and the surrounding area. It would conflict with policy QD14 of the Brighton and Hove Local Plan 2005 which amongst other things seeks to ensure that extensions and alterations are well designed in relation to the property and the surrounding area. It would be contrary to the SPD and the provisions of the National Planning Policy Framework relating to the need for high quality design.
8. The appellants' submitted that there is a wide range of dormers and loft conversions locally as well as within the wider area of Saltdean. This includes a large side dormer at No 30 Lustrells Crescent and dormer windows on Nos 9 and 11 Tremola Avenue. However, I am not aware of the circumstances surrounding their construction, nor indeed whether they have planning permission. Therefore, I am unable to give them significant weight in considering the proposal before me.
9. The appellants' have referred me to the conservatory at No 22, which was visible on my site visit. However, this does not directly parallel the appeal proposal and in any event, each proposal must be judged on its own merits. Whilst I recognise that the materials proposed would match those of the host property, due to the form and size of the dormer window I still consider that it would have a harmful effect on the overall appearance of the property and the surrounding area in general.

#### *Other matters*

10. The appellants' refer to the National Planning Policy Framework particularly in relation to good and inclusive design and whilst I sympathise with the appellants' concerns to make efficient use of the space within the house, this is not a sufficient reason to justify the proposal before me. Although the appeal proposal would add to the variety of housing stock within the area in a sustainable location and would incorporate water and energy-saving measures, these do not outweigh the harm I have found in respect of the character and appearance of the host property and surrounding area.

#### *Conclusion*

11. For the above reasons, having regard to all other matters including concerns of overlooking and loss of privacy raised by neighbours, the appeal is dismissed.

*L Gibbons*

INSPECTOR

## Appeal Decision

Site Inspection on 15 January 2014

by **Graham Self MA MSc FRTPI**

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

Decision date: 24 January 2014

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**Appeal Reference: APP/Q1445/C/13/2204521**

**Site at: 179 Old Shoreham Road, Hove BN3 7EA**

- The appeal is made by Mr V O'Rourke under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Brighton and Hove City Council.
- The notice was dated 24 July 2013.
- The breach of planning control alleged in the notice is: "Without planning permission, the change of use of the Land by the subdivision of the house on the Land ("the Property") to form two maisonettes".
- The requirements of the notice are:
  1. Cease the use of the Property as two self contained residential units.
  2. Remove the kitchen facilities from one of the self contained residential units.
  3. Restore the use of the Property to one residential unit.
- The period for compliance is six months.
- The appeal was made on grounds (a) and (d) as set out in Section 174(2) of the 1990 Act.

**Summary of Decision: The appeal fails; the enforcement notice is varied and upheld; planning permission is refused.**

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**Appeal Reference: APP/Q1445/C/13/2204522**

- This appeal is made by Mrs S M O'Rourke. All other details are the same as those summarised above.

**Summary of Decision: The appeal fails; the enforcement notice is varied and upheld; planning permission is refused.**

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### Procedural Matters

1. The appeals are argued with ground (a) first, and ground (d) as a "fall back position". It is more logical to consider ground (d) first, so that is the sequence I adopt below.

### Ground (d)

2. The basis of the appellants' case is that the appeal property has been used as two flats for at least four years prior to the enforcement notice being issued and therefore the use has become "immune" and lawful. Various documents are

- submitted in support of this claim, including copies of tenancy agreements, insurance documents, bank statements, correspondence, an arrest warrant and other papers relating to a debt (showing the address of a tenant, Mr Matthew Findlay, as 179 Old Shoreham Road), and affidavits by Mr Vincent O'Rourke and Mr Jonathan O'Rourke.
3. Both the affidavits state that Mr O'Rourke and his wife purchased the appeal property in 2006 and that the property has been used as two self-contained units since their purchase. The affidavits refer to various tenants having occupied the upstairs flat and the downstairs flat over various periods from 2006.
  4. The appellants' description of the history of the property, together with the supporting documents, provides on the face of it fairly substantial evidence. Against that, I have to weigh contrary evidence. Mr O'Rourke and his then agent evidently stated in June 2012 that a single-storey rear extension had been built in 2011 under "permitted development" rights. Such rights would only have applied if the property was at that time used as a single dwellinghouse. In June 2012 an application was made to the council's building control department for "proposed change of use from dwelling house to two flats". In August 2012 the appellants' then agent stated in writing to the council that "the house is still a single dwelling", and on 6 September 2012 the agent confirmed in writing that: "The house has always been, since purchase in 2006 and is currently being occupied as a single dwelling". In August 2013 Mr Vincent O'Rourke stated in a letter to the council: "The house remains in single occupancy".
  5. The agent mentioned above (Mr Noel Boswijk) is or was at the relevant time a professionally qualified architect, and it is reasonable to assume that he would have made true statements to the best of his knowledge and belief on behalf of his client. His letter dated 6 September 2012 is of particular note since he states that it is written "further to my meeting with my client" (which for that purpose was New City Trust, of which members of the O'Rourke family were trustees).
  6. In my judgement somebody, somewhere is not telling the truth. Conflicting information has been supplied by and on behalf of the appellants. This is so even within the affidavits, and it is reasonable to expect care to have been taken in the accuracy of such documents. For example, the affidavits refer to "the downstairs flat" and "the upstairs flat", and Mr Jonathan O'Rourke states that he has continued to live in "the downstairs flat" since 2006. But there is no such dwelling, since the house is divided into two maisonettes and the dwelling entered at ground floor level has part of its accommodation on the first floor.
  7. The appeal statement mentions past use "informally" as non self-contained units. This introduces an element of vagueness into the appellants' claims and is inconsistent with the affidavit evidence. The reference to informal non self-contained units also suggests that the way the property has been used has changed over time, such that any possible use as two self-contained dwellings may not be sufficiently continuous.
  8. As the appeals are being decided by the written representations procedure (for which the appellants opted when lodging the appeals) I cannot test the evidence by oral questioning. I also have to bear in mind that most of the supporting documentary evidence appears to be in the form of photocopies. The onus is on the appellants to prove their case, on the balance of probability. Taking into account the inconsistent evidence, that onus has not been discharged.
  9. I conclude that ground (d) of the appeals does not succeed.



### **Ground (a)**

10. The main issue raised by this part of the appeals is whether the development enforced against has caused an undesirable loss of the type of smaller dwelling suitable for family accommodation, having regard to relevant planning policy.
11. The law requires that the decision be made in accordance with the development plan for the area unless "material considerations" indicate otherwise. The most relevant part of the development plan is Policy HO9 of the Brighton & Hove Local Plan. This policy provides that planning permission will be granted for converting dwellings into smaller units of self-contained accommodation when various criteria are met. One criterion relates to floor area; it provides that for planning permission to be granted under this policy the original floor area (that is, the floor area of the original dwelling excluding additions such as extensions and garages) has to be greater than 115 square metres.
12. The 115 square metre figure appears to be typical of local terraced houses or smaller semi-detached houses. The basic aim of this policy is apparently to limit the scope for these types of family-sized houses to be lost to the housing stock by being converted into even smaller dwellings. The supporting text in the Local Plan states that there remains a high demand for smaller dwellings suitable for family accommodation and retaining the existing stock of these dwellings will continue to be important. Amenity issues are also mentioned in the plan.
13. The type of development subject to this appeal is not specifically prevented by Policy HO9, since the policy states when planning permission will be granted, not when it will be refused. Nevertheless, the development does not meet the floor area criterion mentioned above - the original house was evidently a three-bedroomed dwelling with a floor area of less than 115 square metres (the council state that the area was about 98 square metres, the appellants state that it was 109 square metres). Quite apart from the area figures, the development clearly conflicts with the aim of the policy, since what was a small house capable of housing a family has been converted into two awkwardly-arranged maisonettes which, despite what is argued for the appellants about possible further alteration and potential use of two-bedroomed units, would be much less suitable for family occupation.
14. I note the comments for the appellants about the affordability of flats, compared with many of the houses nearby which have been extended. Some of the nearby properties have evidently been converted into flats. I also note the statement that the appellants are not aware of any complaints about noise, although the letter from a neighbour referring to "a living hell" caused by noise suggests that the unauthorised development may have had a harmful impact on residential amenity. Be that as it may, I do not see any material considerations indicating that a decision should be made other than in accordance with development plan policy.
15. In reaching my decision I have had regard to all the other points raised in evidence on which I have not specifically commented; they do not outweigh the factors discussed above. I conclude that planning permission should not be granted. Therefore the appeal on ground (a) fails.

### **The Requirements of the Notice**

16. Ground (f) of Section 174(2), which relates to the requirements of an enforcement notice, was not pleaded. Nevertheless it would be wrong for me to ignore the fact that the third requirement as specified by the council (to "restore the use of the property to one residential unit") is excessive. It is unreasonable

to require a property owner to use the property for any purpose, as opposed to leaving it unused (although normal market forces would usually work against leaving a property vacant). I shall therefore vary this requirement so that it requires the property to be restored into a state where it is capable of being used as a single dwelling.

**Formal Decisions**

17. The enforcement notice is varied by deleting the words "Restore the use of the property to one residential unit" from Step No 3 of the requirements, and substituting: "Restore the property into a state where it is capable of being used as a single dwelling". Subject to that variation, the appeals are dismissed, the notice as varied is upheld, and planning permission is refused on the applications deemed to have been made under Section 177(5) of the 1990 Act.

*G F Self*

Inspector