

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 9 JANUARY 2019**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Cattell (Chair), Gilbey (Deputy Chair), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Inkpin-Leissner, Miller, Phillips, O'Quinn, Robins and Wealls

**Co-opted Members:** Mr Roger Amerena (Conservation Advisory Group)

**Officers in attendance:** Paul Vidler, Planning Manager, Jonathan Puplett, Principal Planning Officer, Luke Austin, Senior Planning Officer, Laura Hamlyn, Planning Officer, David Farnham, Development and Transport Assessment Manager, Alison Gatherer, Lawyer and Penny Jennings, Democratic Services Officer

**PART ONE**

**83 PROCEDURAL BUSINESS**

**83a Declarations of substitutes**

83.1 Councillor Robins declared that he was in attendance in substitution for Councillor Moonan. Councillor Wealls declared that he was in attendance in substitution for Councillor C Theobald and Councillor Phillips declared that she was present in substitution for Councillor Littman.

83.2 It was noted that Councillor Morgan had tendered his apologies for the meeting.

**83b Declarations of interests**

83.3 There were none.

**83c Exclusion of the press and public**

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

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

#### **83d Use of mobile phones and tablets**

83.6 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

#### **84 MINUTES OF THE PREVIOUS MEETING**

84.1 It was noted that the minutes for the meeting held on 5 December 2018 were in the process of being finalised for and would then be posted on the Council website and would be brought to the next scheduled meeting of the Committee on 7 February 2019 in order for them the Chair to be authorised to sign them off formally.

84.2 **RESOLVED** – That the position be noted.

#### **85 CHAIR'S COMMUNICATIONS**

85.1 The Chair, Councillor Cattell, noted that this would be Jonathan Puplett's last meeting as he would be leaving the Council at the end of January. She wished to place on record her thanks and those of the Committee for his work whilst employed as a Principal Planning Officer and to wish him well in his future career. The Committee concurred unanimously in that view.

85.2 **RESOLVED** - That the position be noted.

#### **86 PUBLIC QUESTIONS**

86.1 There were none.

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

87.1 There were none.

#### **88 CALLOVER**

88.1 The Democratic Services Officer, read out items 89 A – G and 90 and all of the items appearing on the agenda were called for discussion with the exception of items D and F which are referred to below. It was noted that Major applications and any on which there were speakers were automatically reserved for discussion.

88.2 The Chair, Councillor Cattell explained that this measure intended to expedite the business of the Committee and to avoid the necessity of those who had an interest in applications on which there were no speakers spending hours waiting for the Committee to get to their application(s). She wished to reassure the public however, that in any instances where an application was not called for discussion members had read the officer report and any supporting information in advance of the meeting. However, having given the officer recommendation(s) their due consideration they had

no questions nor required further clarification on any aspect of the application before moving to their decision.

- 88.3 In respect of the following applications Members moved directly to the decision and the officer recommendation(s) were agreed without debate:

**Application D, BH2018/01635 – 12 Norman Road, Hove – Full Planning**

Demolition of existing bungalow and erection of two storey building with roof accommodation comprising 1no two bedroom flat and 1no three bedroom flat (C3);and

**Application F, BH2018/01032 – 84 Tongdean Lane, Brighton – Full Planning**

Erection of 1no. four bedroom house with landscaping and car parking to land fronting 84 Tongdean Lane.

**89 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**MAJOR APPLICATION(S)**

**A BH2017/04050 -35-39 The Droveaway, Hove -Full Planning**

Change of use from former Dairy Crest depot (B8) to Mixed-use flexible commercial development of 1383sqm (Flexible between use classes B1(a), A1, A2, A3, D1) incorporating alterations including removal of northern extension and erection of a new wing with 14no residential units (C3). Erection of a new central wing to court yard, onsite car parking, cycle storage and areas for storage of waste and recycling.

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

**Officer Presentation**

- (2) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a detailed presentation by reference to site plans, photographs, elevational drawings and detailing the proposed scheme. It was explained that as the applicants had now lodged an appeal against non-determination that the Committee were unable to determine the application but would need to consider the application and to confirm whether they would have been minded to grant planning permission subject to a s106 Planning Obligation and the Conditions and Informatives set out in the report. The site was situated on the north side of the Droveaway, and was a locally listed heritage asset comprising a single storey, early 19th century out-farm buildings associated with a larger dairy farm and had more recently been used as a dairy depot for a number of years.
- (2) It was noted that the main considerations in determining the application were the principle of development on the site, the impacts of the proposed dwellings on the character and appearance of the street, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided and sustainability and traffic issues. The lawful use of the site was for storage/distribution (Use Class B8). The Applicant had cited restrictive conditions on the property as restricting its potential for employment use. In Planning Policy terms however it was clear that the activation of,

or redevelopment of the site for, suitable employment uses such as those within the B1 Use Class would in principle be supported and notwithstanding lengthy discussions with the applicant evidence that the site had been marketed for employment use had not been forthcoming. However, significant information had been provided regarding the condition of the existing buildings and their suitability for conversion to employment or alternative uses. The proposed mix of uses would deliver a significant amount of modern office space alongside mixed uses which could include some further office space, and which would in themselves generate employment. Whilst the dilution of B-Class employment space was regrettable, the provision of housing units including dwellings suitable for family occupation and affordable housing would be of benefit to the city. Overall it was considered therefore that the proposed scheme could be supported in principle. The proposed development would provide a significant delivery of B Class employment floor space alongside mixed uses and 14 residential units including a provision of 4 affordable units with a policy compliant tenure mix. Furthermore the proposal would ensure the retention of much of the fabric and character of a locally listed heritage asset and would secure an active use of the site for the future. The proposed development was also considered to be acceptable in transport, sustainability and ecological terms, subject to the s106 requirements referred to in the report being met. On that basis the officer recommendation had been that Minded to Grant planning approval be given.

### **Public Speakers**

- (3) Mr Hunt spoke as a neighbouring resident setting out objections to the proposed scheme. He stated that his property located at 6 Mallory Road would be detrimentally impacted by the proposed form of development as 8 units would be facing directly towards his property and in consequence a high degree of overlooking would result. There were already existing traffic, highway safety and parking problems on the Drove way and the proposed development would worsen them.
- (4) Mr Dowsett spoke on behalf of the applicant in support of their application. He explained that careful thought had been given to the most appropriate means by which this redundant site could be sympathetically developed.
- (5) Councillor Mac Cafferty asked regarding marketing of the site which had been undertaken as it was not clear to him from the submitted report to what extent and for what period this had been undertaken.

### **Questions of Officers**

- (6) Councillor Bennett sought further clarification regarding the individual elements of the scheme and the uses to which each constituent element was to be put. It was complicated given the number of different buildings located on site.
- (7) Councillor Miller also asked for clarification regarding the access arrangements to the site and details regarding the rear access way which ran adjacent to Mallory Road, also whether the site could be included within a Controlled Parking Zone.
- (8) Members also sought clarification of the position in relation to the fact that they were unable to determine the application in the light of an appeal having been lodged

against non-determination. The Legal Adviser to the Committee, Alison Gatherer, confirmed the position.

- (9) Councillor Mac Cafferty referred to the comments received in relation to the biodiversity of the site. It was confirmed that ecology impact assessments had been undertaken and that no rare or protected species had been identified, nor any plants or animals for whom special arrangements needed to be put into place. It was confirmed that the oldest of the barns located on site was listed as being of local interest, it was not a listed building. Notwithstanding the length of time over which the site had been in use much of its development had been piece meal. Councillor Mac Cafferty referred to the requirements of CP3 had not been met in full and it was explained that account had been made of the practical constraints in relation to the site.
- (10) Councillor Hyde referred to the existing on site buildings which could be observed from Mallory Road enquiring regarding the height of the new buildings and the positioning of the windows looking out from the site.
- (11) Councillor Robins referred to the proposed on-site parking arrangements in relation to imposition of a CPZ enquiring regarding the current situation and the fact that it could change subsequently. It was explained that could always be the case in relation to any site; mechanisms were in place to address any changes which could occur in future.
- (12) Councillor Phillips referred to the objections raised by the Police and it was explained that generally the Police did not favour mixed use developments. However, notwithstanding their concerns it was considered that the amended scheme had sufficient spacing between the C3 elements and additional proposed uses.

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

- (13) Councillor Hyde stated that in her view there was much to commend the application, the applicants and that sought to minimise the impact on Mallory Road by providing adequate spacing between the new buildings. On balance she considered the scheme to be acceptable.
- (14) Councillor Miller stated that he considered the proposed scheme represented good use of a brownfield site and mitigation to minimise any potential negative impacts had been used. Whilst it was disappointing that CP3 had been unable to be met the rationale for that was understood. Overall he would have supported the scheme. However, he had grave concerns regarding pressure on the existing road network considering that this should be re-assessed and thought given to inclusion of the area into a CPZ.
- (15) Councillor Mac Cafferty stated that he had listened carefully to the concerns of residents in Mallory Road and having the application site in the context of its neighbours and considering the potential benefits which would arise he would have supported the officer recommendation which would result in an imaginative scheme which would return this site which had been empty for some 8 years to use.
- (16) Councillor Phillips confirmed that she would have supported the scheme which she considered supported an imaginative range of uses.

- (17) Councillor Robins stated that he was in agreement with much that had been said considering that any flaws could be easily remedied.
- (18) Councillor Gilbey considered that the proposed development was acceptable although she shared the concerns which had been voiced in relation to potential parking issues which could arise. Notwithstanding that she would have supported the officer recommendation.
- (19) Councillor O'Quinn stated that whilst welcoming some elements of the scheme for example retention of the flint walls she would not have felt able to support the proposed scheme. She considered that the houses which would be provided facing towards Mallory Road would be overbearing particularly in relation to no 6 and that the houses themselves would have a poor aspect looking out towards a tall fence.
- (20) Councillor Bennett stated that she also considered the proposed scheme represented overdevelopment of the site and that she would not have voted in support of it.
- (21) Councillor Cattell, the Chair, stated that in her view this represented an imaginative use of the site which had sought to address a number of complex elements, she would have supported it.
- (22) Councillor Miller suggested that in order to address Members concerns regarding potential parking issues in relation to the site that notwithstanding that the Committee were unable to determine the application that the Planning Inspectorate should have submitted to it suggested conditions for their consideration as to whether at that stage a condition could be suggested removing future occupants' rights to parking permits, with regard to the progression of the CPZ adoption and legal advice at the time. It was voted that the decision on whether such a condition can be suggested be agreed by the Planning Manager in conjunction with the Chair and the opposition spokespersons. Councillor Hyde concurred in that view and was prepared to second that. The Legal Adviser to the Committee, Alison Gatherer, confirmed that it would be in order for the Committee to vote on that.
- (23) A vote was taken and the 11 Members present when the vote was taken voted by 9 to 2 Members voted that had they been able to determine the above application they would have been Minded to Grant planning approval. A further vote was taken in respect of the proposed additional condition and that was agreed on a vote of 7 to 4.
- 89.1 **RESOLVED** – That had the Council determined the application prior to an appeal being lodged, the decision of the council would have been to be **MINDED TO GRANT** planning permission subject to the expiry of the re-consultation period and no new planning considerations arising and subject to a s106 Planning Obligation and to the Conditions and Informatives set out in the report and to the additional recommendations agreed as set out below:

In addition the Committee resolved:

That the Planning Manager be authorised to agree the s106 Planning Obligation to be submitted to the Planning Inspectorate.

The Committee also resolved:

At the time the council submits suggested conditions to the Planning Inspectorate, it should be considered whether at that stage a condition can be suggested removing future occupants' rights to parking permits, with regard to the progression of the CPZ adoption and legal advice at the time. It was voted that the decision on whether such a condition can be suggested be agreed by the Planning Manager in conjunction with the Chair and the opposition spokespersons.

### **MINOR APPLICATIONS**

#### **B BH2018/02558 -106, 108 & 110 Downs Valley Road, Woodingdean, Brighton- Full Planning**

Construction of four detached family houses (C3) together with associated parking, cycle parking and landscaping.

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

#### **Officer Presentation**

- (2) The Planning Officer, Laura Hamlyn, introduced the application and gave a presentation by reference to site plans, floor plans, elevational drawings in relation to the proposed scheme. It was noted that the main considerations which were material to this application were the principle of development of the site, the impact of the proposed dwellings on the character and appearance of the street, the impact on the amenities of adjacent occupiers, the standard of accommodation to be provided and sustainability and traffic issues. This application was a resubmission of previously refused application BH2018/00336 and had been amended in order to seek to overcome the previous reasons for refusal. Additional information not contained in the Late/Additional representations List had been provided by the Transport Team stating that having revisited the scheme, they were of the view that the proposed access way would be too narrow and wished to raise objections on those grounds. In order for vehicles to have safe access/egress to/from the site there needed to be a sufficient turning space; this was not possible with the scheme as designed.
- (3) It was noted that the proposed dwellings would be sited in residential gardens to the rear of three existing bungalows. The proposed dwellings excluding the access road would be uncharacteristically small and whilst this scheme had been amended to increase the gaps between the proposed dwellings this had been at the expense of the gaps to the neighbouring boundaries. Whilst this and other amendments had been made to this scheme it not was considered that they had adequately addressed the previous reasons for refusal. The current proposal, by reason of the limited plot size, the width, height, form, detailing, and proximity of the houses, would represent a cramped form of development representative of overdevelopment of the site. The proposed access would result in a much greater level of activity, including vehicle activity, with resultant comings and goings adjacent to nos. 108 and 110 Downs Valley Road. It is considered that this represented significant harm for occupiers of these properties in terms of noise and disturbance. The proposed development, by reason of its height, and positioning of windows, would enable harmful overlooking of the rear gardens to 106, 108 and 110 Downs Valley Road. It was considered that this

represented significant harm for occupiers of these properties and whilst the proposed development would provide an additional 4 dwellings with a good standard of accommodation, it was not considered that this would outweigh the identified harms and refusal was therefore recommended.

### **Public Speakers**

- (4) Mr Burgess attended on behalf of the applicants and spoke in support of their application. He explained that it was very distressing to be notified at this late stage that there were objections in relation the proposed access arrangements when the applicants had been advised previously that these were considered to be acceptable. The existing plot on which new dwelling was to be built was substantial and could support the form of development proposed. The information provided by the officer was contested as the applicants were not aware that the officer had had access to the site in order to verify the information set out in their report. The applicants also contended that the proposed scheme would not generate any increase in noise levels.

### **Questions of Officers**

- (5) Councillor Hyde enquired regarding the level overlooking of neighbouring properties which would occur as a result of the proposed scheme. Having attended the site visit the previous day it had appeared that the site was well screened.
- (6) Councillor Miller sought clarification regarding which windows facing out from the site would provide secondary lighting and asked for clarification in respect of additional noise generated in close proximity to neighbouring dwellings considering that this would not be significantly different to that experienced currently.
- (7) Councillor Wealls sought details regarding the window treatment proposed and it was explained that sliding windows would be provided behind a hit and miss brickwork frontage.
- (8) Councillor O'Quinn, having attended the site visit referred to the existing annex which could be viewed when entering the site asking for clarification regarding the relationship between that and the proposed development.
- (9) Councillor Hyde requested to see a photograph of the plot as having visited the site she considered that it was larger than she had anticipated. It was explained that the available photograph was not helpful in that it did not show all of the buildings on site clearly nor the shrubs and planting which bounded it.
- (10) Councillor Miller sought clarification regarding the width of the access way when taking account of the need for vehicular movements and vehicular and pedestrian access. It was explained that the width of 4.7m referred to in the report did not take account of the overhang of the eaves of building nor the gaps between buildings. Councillor Miller asked whether in real terms that equated to a distance of 2.5 metres which would be tight. The applicant' architect queried that stating he was of the view that would be at least 3m.



- (11) The Chair, Councillor Cattell, asked for clarification of the length of the access way and also arrangements for collection of refuse. Councillor Cattell seeking to ascertain what these arrangements would be, as, if it was not possible for vehicles to access the site arrangements would need to be made for it conveyed the length of the access way in order for an alternative collection point to be used. The issue of access for emergency vehicles was also raised.
- (12) In an attempt to clarify these matters the site was located on google earth, but neither that image nor the width of the access way to the proposed new dwelling were able to be determined as the available figures seemed to be at variance with each other.
- (13) The Chair, Councillor Cattell, stated that there appeared to be confusion/lack of clarity in relation to key elements of the site and on that basis she did not consider that members had sufficient information to determine the application and she proposed therefore that consideration be given to deferring it in order to receive clear photographs of the site, showing existing boundary treatments, precise details in respect of the access way, its width, length and access and egress arrangements and size of any turning space which could be provided. Also refuse storage and collection arrangements and arrangements for access to the site by emergency vehicles should such need arise.
- (14) A vote was taken on the proposal that further consideration and determination of the application be deferred pending clarification of information requested and on a vote of 8 to 3 it was agreed that consideration of the application be deferred.
- 89.2 **RESOLVED** – That consideration of the above application be deferred pending clarification on the matters referred to above.

## **C BH2018/03117 - 9 The Upper Drive, Hove -Full Planning**

First and second floor extensions to enlarge existing first floor flat and create 2no flats at second and third floor level, with associated parking.

### **Officer Presentation**

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the report and gave a presentation detailing the proposed scheme by reference to site plans elevational drawings and photographs. It was noted that the application related to a part two, part three storey block of 4no. two-bed flats and 1no. one-bed flat on the northern side of The Upper Drive. The block was one of 5 similar blocks on a wider site providing a total of 41 flats. The existing blocks varied in height between three and four storeys. The three blocks to the west of the application site are finished in a mix of render and timber cladding. The application building was finished in mainly painted render with some minor timber clad detailing.
- (2) It was noted that the main considerations in determining this application related to the impact of the development on the character and appearance of the existing building, site, and street scene, the impact on residential amenity, the standard of accommodation provided and highways and sustainability. The proposed extensions to accommodate the additional two units would result in a block which would now be

almost identical in terms of scale and appearance to the adjoining blocks to the west. Given the distances between the application site and its neighbours, it was considered that the increased height of the block would not appear out of context with the neighbouring properties or within the prevailing street scene. It was noted that in recent years this stretch of the Upper Drive has been developed to such an extent that most of the properties on this section of the northern side were flatted development with fewer traditional dwelling houses remaining. The proposed works would match the design and appearance of Block D and a condition is recommended to ensure that the proposed materials match the existing property. Accordingly, it was considered that the works were appropriate in terms of the impact upon the host building and the wider street scene. Subject to the conditions set out in the report I was considered that the development had overcome the previous reasons for refusal and was appropriate in terms of design, scale and impact on amenity and would provide two new dwellings of an acceptable size and standard; approval was therefore recommended.

### **Questions of Officers**

- (3) Councillor Miller requested clarification of details appertaining to the roof plan and confirmation as to whether/how the patio area could be accessed, whether obscure glazing was proposed to the balcony area and the heights of the proposed scheme; stating that he believed that heights of 3 and 4 storeys had been proposed previously and that they would now be of 2 and 3.
- (4) Councillor Mac Cafferty enquired whether precise details of the treatments and finishes proposed had been submitted. Councillor Mac Cafferty referred to other developments where materials used had not been treated and maintained appropriately and his had had a detrimental impact on the exterior appearance of the building in a relatively short time, referring to several recent developments which were covered in lichen. Treatments were available to address this for example by using a sealed render or timber which had been treated with pressurised water and air. Councillor Mac Cafferty also asked for clarification of the enforcement powers available to the local planning authority (LPA).
- (5) The Principal Planning Officer, Jonathan Puplett, explained that the LPA had powers to ensure that buildings were properly maintained and that such issues were remedied.
- (6) Councillor Robins stated that a number of treatments were available and a number of those which were marketed as being maintenance free were not fit for purpose in that they were silicone based and the mould adhered to the surface.
- (7) Councillor Inkpin-Leissner asked whether it was envisaged that there would be significant overlooking from the balcony area and it was confirmed that the distances involved were such that there would not.

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

- (8) Councillor O'Quinn stated that she considered that the report contained an error in that the site was located in a Controlled Parking Zone (CPZ), also enquiring regarding anticipated levels of increased parking/displacement which could result. The Development and Transport Assessment Manager, David Farnham, confirmed that the

site was located within a CPZ and that whilst that error needed to be addressed, the level of parking available was consistent with local parking demand and was therefore considered acceptable.

- (9) Councillor O'Quinn stated that she was aware within her own ward of the additional pressures created new/additional developments generated increased parking demand to the detriment of existing residents and visitors. Councillor O'Quinn did not feel able to support the proposed scheme, there had been in her view, an increase in such form of development increasing the size of a by adding additional units on top of existing buildings was overdevelopment by stealth.
- (10) Councillor Hyde stated that in her view the current application represented a significant improvement on the previously refused scheme and she was able to support it.
- (11) Councillor Miller concurred stating that he was in agreement that the previous grounds for refusal had been overcome.
- (12) Councillor Inkpin-Leissner considered that this represented an improved application which he could support, notwithstanding that he considered it was important to ensure that suitable materials and finishes were used.
- (13) Councillor Mac Cafferty stated that he had considered the previously refused application to be acceptable and would therefore also be voting in support of the current amended scheme.
- (14) Councillor Phillips considered that this was a good scheme which had addressed the previous grounds for refusal.
- (15) A vote was taken and on a vote of 10 to 1 planning permission was granted

89.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

#### **D BH2018/01635 -12 Norman Road, Hove - Full Planning**

Demolition of existing bungalow and erection of two storey building with roof accommodation comprising 1no two bedroom flat and 1no three bedroom flat (C3).

- (1) Members determined that they did not require a presentation in respect of the above application. They did however note additional information provided by the Planning Manager, Paul Vidler, who explained that a letter of objection had been received from Councillor Nemeth, also that proposed Condition 5 would be removed from any planning permission granted as it was no longer required.
- (2) Members then moved directly to the vote. A vote was taken and the 11 Members present voted unanimously that planning permission be granted.

89.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning

permission subject to the Conditions and Informatives also set out in the report. This subject to the removal of Condition 5 which was no longer required.

**E BH2018/02355 -1 Lindfield Close, Saltdean -Full Planning**

Demolition of existing garage and erection of 1no semi-detached two bedroom dwelling (C3) incorporating widened highway crossover incorporating works to existing dwelling including single storey rear extension and a hip to gable roof extension with rear dormer and front and rear roof lights

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

**Officer Presentation**

- (2) The Senior Planning Officer, Luke Austin, introduced the application and gave a presentation by reference to site plans, elevational drawings and photographs detailing the scheme. The application site related to a single storey detached property located to the west of Lindfield Close at the junction with Westmeston Avenue. Lindfield Close rose from south to north, with the application site at the highest point of the street, whilst Westmeston Avenue fell from south-west to north-east. The site itself was wedge shaped and located on a corner plot.
- (3) It was noted that the main considerations in determining this application related to the principle of an additional dwelling on site, the visual impact, the standard of amenity provided, the impact on neighbouring amenity, the sustainability impacts and the sustainable transport implications associated with the proposed development. The proposed bungalow would match the ridge height of the existing building and would include a gable roof which would match the roof works to main house. The semi-detached pair would be of similar proportions and, as a result of the roof works to the existing building, works would be well balanced and would appear in keeping with the scale and proportions properties within the vicinity.
- (4) It was acknowledged that the proposed dwelling would be visible within longer views from the south west on Westmeston Avenue due to the rising level of the street, however it was considered that the stepped rear elevation and lower level of the site would successfully avoid an overly dominant structure within the street. On balance, it was considered that the proposed dwelling and works to the existing dwelling were appropriate in respect of their siting, design and scale and would form an acceptable addition to the street scene. It was recommended that a condition be added in respect of materials to ensure the design and finish of the scheme was appropriate; approval was therefore recommended to include the additional conditions set out in the Late/Additional Representations List to include the removal of permitted development rights.

**Questions of Officers**

- (5) Councillor Phillips sought clarification regarding whether planning permission would be required in order to erect a separate dwelling house on the site of the existing garage

which was attached to the house. It was confirmed that it would but that conversion to incorporate it into the existing dwelling house would not.

### Debate and Decision Making Process

(6) Members had no further questions and indicated that they wished to move directly to the vote. A vote was taken and the 11 Members who were present when the vote was taken voted unanimously that planning permission be granted.

89.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and also Informatives set out in the report.

### F BH2018/01032 -84 Tongdean Lane, Brighton - Full Planning

Erection of 1no. four bedroom house with landscaping & car parking to land fronting 84 Tongdean Lane.

(1) Members determined that they did not require a presentation in respect of the above application.

(2) Members then moved directly to the vote. A vote was taken and the 11 Members present voted unanimously that planning permission be granted.

89.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

### G BH2018/03247-40 Graham Avenue, Brighton - Householder Planning Consent

Erection of single storey rear extension incorporating lantern roof light and bi-folding doors. Replacement of existing fence to rear garden with new 2 metre fence.

### Officer Presentation

(1) The Principal Planning Officer, Jonathan Puplett, introduced the report and gave a presentation by reference to site plans, drawings, and photographs detailing the scheme. The application under consideration related to a 1930's-built two-storey semi-detached dwelling house, situated to the eastern side of Graham Avenue. Whilst the principle elevation faces west, this application related to the rear of the property to which there are public views from the south and east on Old Farm Road. The application site was not within a conservation area, and was not subject to an Article 4 Direction. Permission was sought to erect a new timber fence and gate to the rear boundary of the site and to erect a single storey extension.

(2) It was noted that the main considerations in determining this application related to the impact upon the character and appearance of the property and surrounding area and the impact on neighbouring amenity. The host property was finished with white-painted render as existing, and featured a single-storey lean-to to the rear which extended from a two-storey projecting wing, and this original form was mirrored by the adjoined No.38

Graham Avenue. White UPVC windows and doors prevail to the rear, and a small patio space led up to a raised garden which extended to the depth of the plot, enclosed by a vertical timber-boarded fence to the southern boundary facing Old Farm Road. A dual-pitched roofed garage sat adjacent to the existing lean-to, with a small greenhouse and outbuilding situated further east within the garden plot. It was considered that the proposed replacement timber fence and gate to the rear of the application site would be in keeping with the existing timber fence to the adjacent boundary of No.38 Graham Avenue. The proposed rear extension would have a depth of 4m, a height of 3.4m to parapet, and would feature a flat roof, two lantern rooflights, dark grey aluminium doors and windows, and be finished in white-painted render. The scale, form, and detailing of the proposed extension was considered to be in general keeping with the character and appearance of the host building and wider area, and would not result in notable harm to visual amenity. The only identified impact would be to the users of the small, relatively recessed patio space serving No.38 Graham Avenue, relative to which the proposed extension would be sited to the north. On balance, it was considered that the increased sense of enclosure identified for users of the neighbouring patio space did not amount to significant harm. It was however recommended that a condition be added to any planning permission granted in order to ensure that no windows or doors were installed to the southern elevation without planning consent so as to safeguard privacy for the occupants of 38 Graham Avenue; approval was therefore recommended.

### Questions of Officers

- (3) Councillor Hyde asked whether the dormer shown on the plans which had been displayed had been installed as a permitted development but it was explained that related to the neighbouring dwelling and did not form part of the application site.

### Debate and Decision Making Process

- (4) Councillor Miller stated that he considered the proposed form of development to be acceptable and was pleased to note that it had been possible to process and determine it by the target date.
- (5) Members then moved directly to the vote. A vote was taken and the 11 Members who were present voted unanimously that planning permission be granted.

89.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to grant planning permission subject to the Conditions and Informatives also set out in the report.

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

90.1 There were none.

### 91 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

**92 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**93 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**94 APPEAL DECISIONS**

94.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

The meeting concluded at 5.55pm

Signed

Chair

Dated this

day of