



**Brighton & Hove  
City Council**

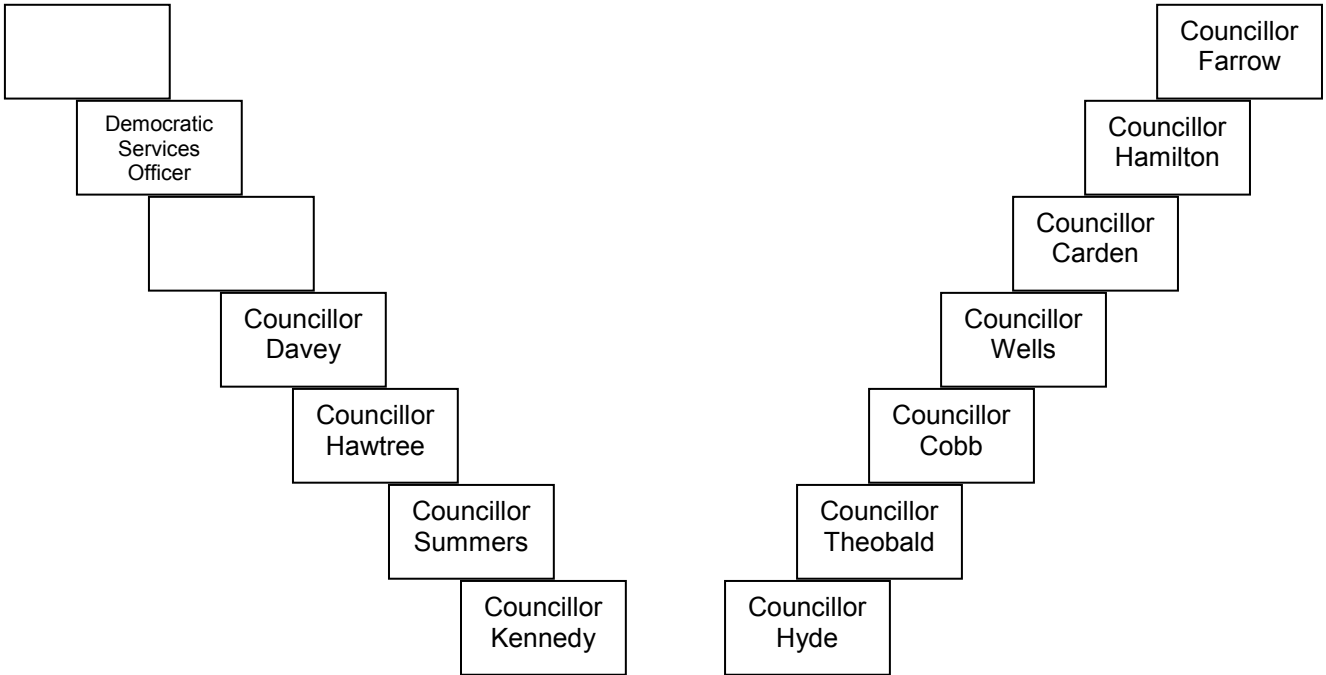
# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>10 August 2011</b>
Time:	<b>2.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<p><b>Councillors:</b> MacCafferty (Chair), Hyde (Deputy Chair), Carden (Opposition Spokesperson), Cobb, Davey, Farrow, Hamilton, Hawtree, Kennedy, Summers, C Theobald and Wells</p> <p><b>Co-opted Members:</b> Mr Philip Andrews (Conservation Advisory Group)</p>
Contact:	<p><b>Jane Clarke</b> Senior Democratic Services Officer 01273 291064 jane.clarke@brighton-hove.gov.uk</p>

	The Town Hall has facilities for wheelchair users, including lifts and toilets
	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.
	<p><b>FIRE / EMERGENCY EVACUATION PROCEDURE</b></p> <p>If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:</p> <ul style="list-style-type: none"> <li>• You should proceed calmly; do not run and do not use the lifts;</li> <li>• Do not stop to collect personal belongings;</li> <li>• Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and</li> <li>• Do not re-enter the building until told that it is safe to do so.</li> </ul>

# Democratic Services: Meeting Layout

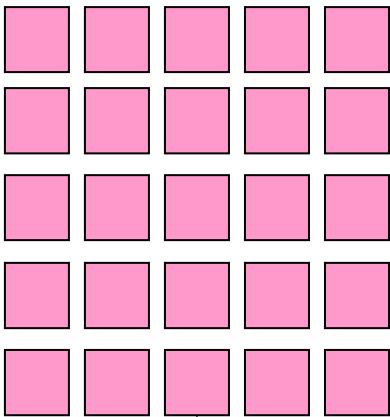
Senior Solicitor      Chairman      Head of Development Control



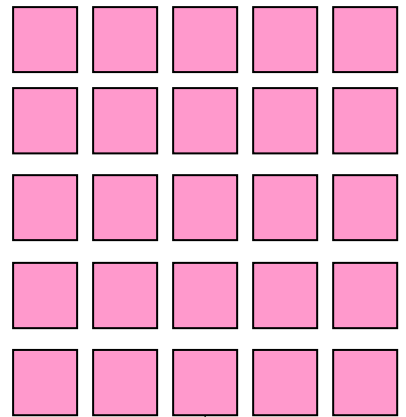
Chairman of CAG

Officers      Officers

Press



Public Seating



Public Seating

AGENDA

**36. PROCEDURAL BUSINESS**

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

**37. MINUTES OF THE PREVIOUS MEETING**

**1 - 24**

Minutes of the meeting held on 20 July 2011 (copy attached).

**38. CHAIR'S COMMUNICATIONS**

**39. APPEAL DECISIONS**

**25 - 42**

(copy attached).

**40. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

**43 - 46**

(copy attached).

**41. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

**47 - 48**

(copy attached).

**42. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

**49 - 50**

(copy attached).

## PLANNING COMMITTEE

- 43. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**
- 44. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST**  
(copy circulated separately).
- 45. TO CONSIDER AND NOTE THE CONTENT OF THE REPORTS DETAILING DECISIONS DETERMINED BY OFFICERS UNDER DELEGATED AUTHORITY**
- 46. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF ITEMS ON THE PLANS LIST**

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

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

## PLANNING COMMITTEE

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.

### WEBCASTING NOTICE

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1988. Data collected during this web cast will be retained in accordance with the Council's published policy (Guidance for Employees' on the BHCC website).

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 Jane Clarke, (01273 291064, email [jane.clarke@brighton-hove.gov.uk](mailto:jane.clarke@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk).

Date of Publication - Tuesday, 2 August 2011



### BRIGHTON & HOVE CITY COUNCIL

#### PLANNING COMMITTEE

2.00pm 20 JULY 2011

#### COUNCIL CHAMBER, HOVE TOWN HALL

#### MINUTES

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

**Co-opted Members** Mr Philip Andrews (Conservation Advisory Group)

**Officers in attendance:** Jeanette Walsh (Head of Development Control), Hilary Woodward (Senior Lawyer), Nicola Hurley (Area Planning Manager (West)), Claire Burnett (Area Planning Manager (East)), Steve Reeves (Principal Transport Planner), Di Morgan (Assistant Arboriculturist), Jane Clarke (Senior Democratic Services Officer), Gerard McCormack (Planning Investigations and Enforcement Manager) and Geoff Bennett (Senior Planner - Conservation)

#### PART ONE

#### 24. PROCEDURAL BUSINESS

##### 24a Declarations of Substitutes

24.1 Councillor Morgan declared he was substituting for Councillor Hamilton.

24.2 Councillor Wealls declared he was substituting for Councillor Cobb.

##### 24b Declarations of Interests

24.3 There were none.

##### 24c Exclusion of the Press and Public

24.4 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.

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

## 25. MINUTES OF THE PREVIOUS MEETING

25.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 29 June 2011 as a correct record, with the following amendments:

Application BH2011/01152, Brighton Racecourse, Race Hill, Brighton:

(2) "...as a result of hot engines/car underside had been considered..."

(3) "The Head of Transport Strategy & Projects, Mr Renault..."

(27) "Mr Perry, Chief Executive of Brighton & Hove Albion..."

(27) "The Stadium needed a variety of modes of transport to get 22,500 people..."

(31) "Mr Perry replied that around 80% of fans would be coming from BN postcodes and the remaining..."

(42) "Around 18,000 cars travelled through Woodingdean crossroads everyday..."

## 26. CHAIR'S COMMUNICATIONS

26.1 There were none.

## 27. APPEAL DECISIONS

27.1 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.

## 28. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

## 29. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

## 30. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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



**31. PLANNING ENFORCEMENT YEARLY REPORT APRIL 2010 - MARCH 2011**

31.1 The Committee considered a report from the Head of Planning and Public Protection regarding the Planning Enforcement Yearly Report April 2010 – March 2011.

31.2 The Planning Investigations and Enforcement Manager, Mr McCormack, gave a brief overview of work of the team for the last year. He believed the Enforcement service was pivotal to an effective Planning service. The team worked in accordance with the Enforcement Policy adopted this year, and officers would always seek to work with applicants before serving notices. Officers also encouraged redevelopment of derelict or unused sites.

There had been 719 cases closed last year without the need to take formal enforcement action. The approach taken by the team was firm but fair and the figures were a positive reflection of this. Enforcement notices were considered to be most effective method of dealing with problems. Some Enforcement cases had been dealt with by committee and were particularly notable. There had been ten appeals last year and all were dismissed. The team was particularly proud of this record and wanted to maintain it for the coming year. Eleven amenity notices were issued last year, and as well as improving the look of properties, section 215 notices encouraged derelict sites to be brought forward for appropriate development. During the coming year officers would focus on bringing empty properties back into use, and work with other council departments such as the Empty Homes Team. The team would also continue to work with planning enforcement policy over the coming year.

31.3 The Chair thanked Mr McCormack for the very valuable work carried out by the team.

31.4 Councillor Hyde agreed and stated that residents also aware of the service the team provided. She felt it would have helped for dates of served notices to be included in the report.

31.5 Councillor Mrs Theobald said that this was an excellent report with very many good examples of effective enforcement and was excellent news for the city.

31.6 Councillor Hawtree referred to Clarendon Villas and asked if local ward Councillors would be informed on any works to council properties where windows were being changed from wooden ones to plastic ones. Mr McCormack agreed that where permission was required an application would be submitted and councillors would be informed of this on the weekly list.

31.7 Councillor Wells thanked the team for the work they were doing and referred to Rudyard Road and an existing empty property that had been dealt with effectively. Mr McCormack agreed that this was being dealt with by the team and the property would be brought back into use. It was not intended to be demolished. There was also a planning application being submitted to build an additional house on site.

31.8 Councillor Kennedy said that this was a formidable track record with a 100% success rate of defending appeals. The relationship with the Empty Property Team was also working very well and she thanked Mr McCormack for the work his team had done in her ward in particular.

31.9 **RESOLVED** – That the Committee notes the report.

**32. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

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

Application:	Requested by:
BH2011/01264, Blatchington Mills School, Hove	Head of Development Control

**33. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST**

**(i) MAJOR APPLICATIONS**

**A. Application BH2011/00228, The British Engineerium, The Droveaway, Hove** – Erection of two storey extension to existing workshop and new single storey building to house exhibition hall. Creation of new underground exhibition area below existing car park. Alterations to provide disabled access facilities including ramps and lift. Installation of solar panels to roof of new workshop.

(1) The presentation for this application was taken together with listed building consent application BH2011/00229, The British Engineerium, The Droveaway, Hove.

(2) The Senior Planning Officer, Mr Everest, introduced the application and presented plans, photos and elevational drawings. He noted that this application had been deferred on 8 June 2011 for further comments from the Council’s Ecologist, which were now included in the report. Additional information regarding materials had also been included, with proposals for brick and slate to match the original building. The Design and Conservation Team had commented on the amendments and were satisfied with the materials.

**Questions and matters on which clarification was sought**

(3) Councillor Hawtree asked for clarification on the badger situation. The Council’s Ecologist, Mr Thomas, said there were two badger setts affected by this application, one of which now appeared to have been abandoned. A site visit with a member of the local Badger Trust had taken place some weeks ago and the main sett had been identified as being active. It was around 10 meters from the edge of the building and following guidance from Natural England it was deemed that there was no reason why the development could not proceed if it was dealt with carefully and sensitively, and proper mitigation measures were put in place to protect the badgers.

- (4) Councillor Hawtree asked if a full badger survey had been carried out by Jackie Lehane of the Badger Trust. Mr Thomas replied that the site visit had taken place with Ms Lehane and he was satisfied that a thorough assessment of the situation had been conducted.
- (5) Councillor Farrow noted the 10 metre rule with regard to badger setts, and asked how this applied to this sett. Mr Thomas replied that national legislation stated that badger setts should not be disturbed by development, but a licence could be applied for to enable appropriate development. Guidance produced by Natural England in the past had stated that those developments within 10 metres of a sett should be handled carefully, and perhaps not take place. New guidance had now been issued from Natural England however that did not refer to any distances but focused on the mitigation measures that should take place to enable development.
- (6) Councillor Hawtree was concerned that the badger survey had not taken place yet, and asked how Members could be confident that this condition would be fulfilled. The Head of Development Control, Mrs Walsh, replied that conditions were attached in the expectation that they would be complied with. Officers would be involved in the discharge of these conditions.
- (7) Councillor Mrs Theobald asked why parking in the Drove way could not take place, and whether there was appropriate access for the Fire Service. Mr Everest replied that parking on the Drove way had originally been suggested, but the application was refused. Other options had not been explored. The Fire Service had been consulted on the application and was satisfied in this regard.
- (8) Councillor Kennedy asked the Chairman of the Conservation Advisory Group, Mr Andrews, about his Group's objection to the application and asked if there was anything further to add following the amendments to the materials proposed. Mr Andrews replied that he was unaware of any alterations to the elevations. The Senior Planner – Conservation, Mr Bennett, added that the team did have some reservations about the detailed design of the brickwork. They were satisfied with the scale, form and materials however. He did suggest that minor amendments to improve the quality of the details were still needed.

#### **Debate and decision making process**

- (9) Councillor Mrs Theobald said that the application would enhance a marvelous attraction for the city. She felt this was a very good application and agreed with the officer's recommendation.
- (10) Councillor Hawtree was unhappy with the design of the application when looked at from Hove Park, as he felt the materials were not appropriate to the area. He was not opposed to the massing of the scheme, but he did feel it was out-of-keeping with the rest of the building and did not fit well with its surroundings. He was also concerned about the effect on the badger setts and subterranean works that were taking place.
- (11) Councillor Kennedy thanked the Ecologist for the updated report and condition 9 that had been included as part of the proposed conditions. She remained concerned

about the materials proposed however, and asked that a minor amendment be made to conditions to allow the Design and Conservation Team to exercise their judgment in terms of the detailed design work.

- (12) Councillor Wells felt this was a very good application and believed the badger sett would be able to live in harmony with the development.
- (13) Councillor Kennedy asked that the final palette was agreed by the Chair, Deputy Chairman and Opposition Spokesperson. The Senior Solicitor, Mrs Woodward, informed the Committee that the condition would be delegated to Mrs Walsh to agree, in consultation with the Chair, Deputy Chairman and Opposition Spokesperson.
- (14) A vote was taken and on a vote of 7 for, 3 against and 2 abstentions planning permission was granted subject to the conditions and informatives listed in the report and some very minor amendments to the conditions to resolve the quality of the design.
- 33.1 **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 listed in the report. Minor amendments to the conditions as recommended by the Design and Conservation Team together with final agreement on the palette of materials and details to be delegated to the Head of Development Control in consultation with the Chair of Planning, Deputy Chair of Planning and the Opposition Spokesperson.

**B. Application BH2011/00229, The British Engineerium, The Droveaway, Hove -**  
Erection of two storey extension to existing workshop and new single storey building to house exhibition hall. Creation of new underground exhibition area below existing car park. Alterations to provide disabled access facilities including ramps and lift. Installation of solar panels to roof of new workshop.

- (1) The presentation for this application was taken together with application BH2011/00228, The British Engineerium, The Droveaway, Hove.

#### **Debate and decision making process**

- (2) A vote was taken and on a vote of 7 for, 3 against and 2 abstentions listed building consent was granted subject to the conditions and informatives listed in the report.
- 33.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to grant planning permission subject to the conditions and informatives listed in the report. Minor amendments to the conditions as recommended by the Design and Conservation Team together with final agreement on the palette of materials and details to be delegated to the Head of Development Control in consultation with the Chair of Planning, Deputy Chair of Planning and the Opposition Spokesperson.

**(ii) MINOR APPLICATIONS**

**C. Application BH2011/00973, Withdean Stadium, Tongdean Lane, Brighton –** Permanent retention of West stand, North West and North East turnstiles and a reduced size North West car park. Temporary retention of players lounge and changing rooms for a period of 3 years.

(1) The Senior Planning Officer, Mr Anson, introduced the application and presented plans, photos and elevational drawings. He said the site was bounded by residential areas on three sides and Withdean Woods Nature Reserve on one side. The application sought retention of the west stand as a permanent feature, together with the north west and north east turnstiles and a reduced size north west car park. It also sought the retention of the players' lounge and changing rooms for a temporary period of 3 years. The main access for the park and ride site was via Tongdean Lane. There were four separate areas of parking including the north west car park. This car park currently held 114 spaces, and 100 of these would be retained. The public house car park held 58 additional spaces. The biggest car park was currently used as the Council's park and ride site. The east car park had been out of commission for several years, but it was estimated this would provide around 80 spaces once cleared. In total there would be 319 car parking spaces with a further 80 made available from the east car park clearance.

The west stand held 900 seats. Regarding the largest car park, additional planting was proposed to protect the amenity of neighbouring residents, and some spaces closest to the houses removed. The boundary adjoining Tongdean Lane would also include additional planting with fencing. The east car park was proposed to be used for overflow and players' parking.

Additional items on the late list included additional representations of objection, and comments from the Crime Prevention Officer who considered that the proposed single gate entry system would improve security at the site.

The use of the stadium by Whitehawk Football Club had been postponed for around a year due to contract issues. There were concerns around parking capacity for this, but football had a long and established use on this site.

**Questions and matters on which clarification was sought**

- (2) Councillor Hawtree asked if there were strategic plans in place for improvement of the site and the area. Mr Anson replied that colleagues in the Council's Sports and Leisure Team were considering a plan to develop the site to achieve the best use for residents. He added that policy SR22 of the Local Plan supported improvements and enhancements to major facilities and it was felt this current application would meet that policy.
- (3) Councillor Mrs Theobald referred to the temporary changing rooms and asked if their use could be extended. She also asked about refurbishment of the athletics track. Finally, she noted comments from the Sustainable Transport Team and clarified that the number 27 bus only regularly serviced the site up to 7pm. Mr Anson replied that

the Council was intending to replace the track, which was recognized as insufficient and of poor quality. The changing rooms were given temporary consent because the buildings were not felt to be suitable permanent structures, but a permanent solution might be sought under the evolving strategy.

- (4) Councillor Summers asked about the number of cycle parking places and why there were not more. Mr Anson replied the number proposed met the standards of the Council and related to the numbers of people expected to use the site. The Principle Transport Planning Officer, Mr Reeves, added that there was sufficient space to meet the minimum cycle parking numbers required under the policy and the Sustainable Transport Team were satisfied that conditions dealt with this appropriately.
- (5) Councillors Wealls asked why 10 car parking spaces would be removed to protect residential amenity, and asked if screening would not be suitable to mitigate against the loss of residential amenity. Mr Anson replied that the car park had been controversial when originally granted, and a grant was made temporarily to further assess amenity issues. Now that the Council was applying for permanent permission, amelioration was needed to make this parking permanent as the spaces were quite close to residential houses.
- (6) Councillor Wealls asked if there was any provision for motor cycle parking and Mr Anson replied there were some pre-existing spaces already available.
- (7) Councillor Morgan was concerned about the travel plan and the management of crowds of over 1,400 coming to the site. Mr Anson replied that the figure of 1,400 was based on the capacity of the north stand. Many events over the summer would normally fill the north stand, but the travel plan would be implemented for numbers over this figure. The Council would seek to reduce car travel to the site when a large event was held, and encourage use of coaches and minibuses. There were also limitations on parking and conditions to limit the uses of the car parks. Advanced notice of such events was necessary to ensure the Travel Plan would be effective.
- (8) Councillor Summers asked why SPG4 recommended 74 cycle parking spaces but only 18 cycle parking spaces were being included. Mrs Walsh clarified that the application before Committee was not for the whole stadium. The Transport comments merely set out what would be required if this were an application for the use of the whole site. The figure of 74 cycle parking spaces applied to the whole site, but the application dealt only with parts of the site, and so a proportional figure of cycle parking spaces had been calculated. The provision of 18 spaces would fulfill this figure.

#### **Debate and decision making process**

- (9) Councillor Hawtree felt the stadium could be much better than it currently was, and that something much better could be made of the site. He was happy to agree this application as part of an interim measure of improvement.

- (10) Councillor Mrs Theobald felt the stadium was looking much better and was pleased it was becoming an athletics stadium again. She was concerned about the provision of car parking and felt that screening would have been a better mitigation measure. She was also concerned that the hospitality tent was being removed.
- (11) Councillor Wealls felt that the car parking spaces that were being removed could have been re-used as cycle parking spaces instead.
- (12) A vote was taken and on a vote of 11 for, 0 against and 1 abstention planning permission was granted subject to the conditions and informatives listed in the report.

33.3 **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 listed in the report.

**D. Application BH2011/01146, 189 Kingsway, Hove** – Erection of 5no five bedroom terraced houses (5 storey plus basement) and 1no three bedroom detached house (four storeys plus basement) with underground parking accessed from Sackville Gardens.

- (1) The Area Planning Manager (West), Mrs Hurley, introduced the application and presented plans, photos and elevational drawings. She said that the application was located in the Sackville Gardens Conservation Area, and added that a basement car park was included and would be accessed from Sackville Gardens. Amendments had been received during the course of the application and the details were included in the report. Letters of objection and support had been received and were included in the report and on the late list.

The proposed house was designed in the Regency style but the Sackville Gardens Conservation Area was predominantly Victorian in character and therefore this design did not respect the design principles of the Conservation Area. The development was considered out of proportion and out of keeping with the surrounding townscape and this formed the first reason for refusal.

The overall height of the development had increased to 20.4 metres. Tall buildings were defined in policy SPG15 as at 18 metres or taller, and required a Tall Buildings Statement to be submitted with the application. No Tall Buildings Statement had been received regarding this application. Further guidance said that tall buildings should not be included in conservation areas, and no rebuttal information had been included from the applicant to deal with this reason for refusal. It was also felt that the step change with the adjacent property was inappropriate.

The residential intensity of the development was also low, with a density of 37.5 dwellings per hectare. Whilst there were some similar densities pre-existing in the area, the north of the site was significantly denser, and this formed another reason for refusal.

The proximity of existing windows in neighbouring properties was also a concern and would negatively impact on residential amenity. Finally, there was no Acoustic Report relating to the effect of traffic noise from the A259 submitted with the application.

### **Questions and matters on which clarification was sought**

- (2) Councillor Hyde asked if the existing neighbouring windows were classed as secondary windows. Mrs Hurley explained that the classification of primary and secondary windows only applied to assessments of loss of light, and not to assessments of overlooking.
- (3) Councillor Hawtree asked about Girton House and the changes that had been made to this site that were not in keeping with the conservation area. He added that buildings close to the site did not fit in with Victorian design principles. Mrs Walsh replied that this issue had been discussed following the site visit, and referred to the Council's Enforcement Team.
- (4) Mrs Hurley addressed the Committee and clarified some areas of concern. She said that the conservation area related to the whole area and not just those properties in the immediate vicinity of the application. She demonstrated on plans the extent of the conservation area. Mr Bennett added that a classical style building on this small site was not appropriate and was based upon a type of development that was suitable to a set piece townscape and not to individual buildings. This put the application out of context. Some of the buildings in the area did relate to a classical style, but in a much freer way, and there were a number of concerns over the way in which the classical style for this application had been interpreted.
- (5) Councillor Wells asked if a slide was available for what was originally on site, and Mrs Hurley presented further plans.
- (6) Councillor Mrs Theobald asked how the height of the previous building, which had collapsed, and the proposed building, related to one another. She asked for additional views of the wider context of the site. Mrs Hurley replied that the previous building had at its highest point been 19.8 metres, but with a varying ridge line to reduce massing.
- (6) Councillor Hyde asked for a longer visual to show the different styles on Kingsway as she believed there was a varied mix of architecture within the area. Mrs Hurley replied that there were no longer views available.
- (7) Mr Andrews asked to see plans relating to the windows on the west elevation. He raised concern that these windows would compromise the future development potential of the adjacent site.

### **Public Speakers**

- (8) An adjacent resident, Mr Henderson, said that the development would affect his day to day life and the value of his property. He agreed that the current proposals were a significant improvement to previous proposals, and the developer had incorporated



many amendments to mitigate his concerns, but he maintained an objection to the access route to underground car park as he felt it would be unsafe for pedestrians using this route, and in particular his children. The application had suggested that this route had been used as an access for 15 garages on site, but in his knowledge there had only ever been 3 garages on site.

- (9) A local resident, Mr Nemeth, said that this application was inappropriate in terms of design and context, and believed that the local community objected to a design that was considered “fake Regency”. He was relieved that the proposals for a tall building on site had been dropped, but felt that a much better design needed to be proposed.
- (10) Councillor Davey asked why Mr Nemeth was speaking at the meeting and he replied that he lived a few roads away from the site and would be affected by the scheme.
- (11) The local Ward Councillor, Councillor Oxley, said that the site was in a derelict state and although he had noted that a number of residents had raised objections to this scheme, there was a general feeling that development of the site needed to be progressed. Objections had been raised in terms of design, but Councillor Oxley felt there was a range of styles along the Kingsway in that area and this style would not necessarily detract from that. He referred to a very modernistic style building and a block of flats built in the 1970s that were close to the site and had been given permission. It was clear there were different styles in the area adjoining one another, and he was unsure what officers were referring to when they referred to the application as out-of-keeping. The original building on site had collapsed, and he recognised there has been issues for the residents around the repairs since then that had not been helpful to the community. Whilst the return of the hotel was not possible, he was aware that residents strongly wished that the derelict state of the site be rectified. He asked for considerate construction on site and clarity about its use.
- (12) Councillor Davey asked what were his view, and the view of residents, with regard to this application before Committee. Councillor Oxley replied there were a lot of conflicting issues, but there had been an acceptance in the community of a very large building on site previously. His understanding was that in principle there was no objection to development of the site, but he felt that the Committee needed to carefully consider any issues that needed mitigation for the benefit of residents during construction of the building.
- (13) Mrs Hurley referred to the conservation area and displayed the extent of the conservation area. Some of the buildings referred to by Councillor Oxley were outside the conservation area. She added that previous proposals for the site had included a block of flats at the back of the site that would have been an enabling development.
- (14) Councillor Hawtree asked if the height of the proposed building was the same as that which would have been the height of the previous building had it been refurbished and an extra floor added. Mrs Hurley replied that the redevelopment of the Sackville Hotel would have included flats at the back of the site, not an additional storey.

- (15) The architect to the scheme, Mr Phillips, said that the scheme had originally been designed at a height of 17.8 metres, but following discussions with the Design and Conservation Team, who had objected to some of the room heights, they had been required to increase the height of the overall building to accommodate this. He was disappointed that this now formed a reason for refusal. He referred to principles of design known as golden ratios, which governed the sizes of classical building styles, and said that these proposals had been drawn up to accord with these principles. The windows facing the current dwellings would be obscurely glazed and so there would be no detrimental effect on residential amenity. He went on to detail elements of the classical style that had been proposed, and said that it did not relate to regency architecture, but was more of a free flowing classical style: a style that pre-dated the other buildings in the area by several hundred years. The proposed style could be called context free and if it were in an environment it did not pre-date, it would have to be to BCE environment.
- 6) Councillor Wealls asked what materials would be used. Mr Phillips replied that the base course would be rusticated, with the main part of the building in buff brick, sometimes known as London Stock. The remainder would be rendered in cream stucco. All of the windows would be sash windows painted white.

#### **Debate and decision making process**

- (17) Mrs Hurley addressed the Committee to clarify some issues raised, and said that the Design and Conservation Team had advised the developers that the room heights were not in proportion to a classical style, but this did not necessitate an increase in height and other options could have been explored to rectify this problem.
- (18) Mr Bennett also raised concerns over the materials proposed as whilst many of the buildings in other areas of the city used a Galt Brick or Sussex Stock, which was very pale in colour, many buildings in this area used predominantly red brick, and this would have been a more suitable design choice.
- (19) Councillor Hyde said that the site had been derelict for five or six years and local residents and immediate neighbours were supportive of the significant improvements to this scheme. She felt the site should be moved forward for the benefit of the community. The proposals were only fractionally higher than the previous building, and although there was a Tall Buildings Strategy, this was only slightly taller than the lower limit of that strategy. The Regency and Victorian buildings that characterized the conservation area were not present on the coast road, and the Kingsway was an eclectic mix of buildings and styles.

She believed this application was better than what was currently on site, and much better than some other buildings that had been approved in the area. The residential densities had been imposed by SEEDA, an organization that was now defunct, and it was not necessary to adhere to these limits. A good mix of housing was necessary, and large family homes were needed for the city. The secondary windows would be glazed, so there were no issues of overlooking to deal with. She said that large houses were not inappropriate to this site and believed this scheme would provide good quality housing.

- (20) Councillor Hawtree felt that a general mix of styles could be inappropriate in some places but could also work well in others. He did not believe the seafront was cohesive in terms of styles, and was unsure this would ever be achievable. He asked how long planning permission would last if granted, and whether the developer could submit a new scheme on the site if the application was granted. Mrs Walsh reminded Members that applicants were given three year consents to implement the scheme, and were entitled to submit as many applications as they chose.
- (21) Councillor Kennedy was aware that the site was derelict and agreed it did need moving forward, but did not feel this design was appropriate for the site or the area.
- (22) Councillor Theobald was not against the scheme, although agreed the design could be better. She was pleased to see the provision of underground parking and felt the height was similar to many other buildings along the Kingsway.
- (23) Councillor Wells liked the design and felt that there were many different styles in the area anyway. He felt that the site needed to be moved forward and asked that the developers take on board the immediate neighbour's concerns regarding access.
- (24) Councillor Wealls felt the style of architecture was incongruous and believed the building was marginally too high, although he did feel the density of the site was appropriate.
- (25) Mrs Walsh said that density limits were imposed by PPS3, and QD3 in the Local Plan addressed this guidance. Officers had accurately assessed the densities based on the Local Plan policies that had been adopted by the Council. It was recognised there were difficulties on site, but this was being managed.
- (26) A vote was taken and on a vote of 8 for, 4 against and 0 abstentions planning permission was refused for the reasons given in the report.

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

1. The site occupies a prominent position of the seafront and is within the Sackville Gardens Conservation Area which is a late Victorian and Edwardian residential area. The proposed terrace and detached house, in contrast, are of Regency style. It is considered that the proposed development, by virtue of the architectural style and detailing, fails to preserve the specific architectural appearance and character of the Sackville Gardens Conservation Area and its significance as a heritage asset. For these reasons the proposal is considered to be contrary to policies HE6, QD1 and QD2 of the Brighton & Hove Local Plan which aim to ensure that development preserves or enhances the character or appearance of conservation areas and local characteristics.
2. SPG15 defines tall buildings as buildings of 18m or taller. The proposed development would have a height of 20.4 metres and the application has not been accompanied by a Tall Buildings Statement in accordance with SPG15. Furthermore the guidance further advises against tall buildings in Conservation Areas. The

applicant has failed to demonstrate that a tall building is appropriate and will not have a detrimental impact on the character or appearance of the Conservation Area. For these reasons the application is contrary to policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan and SPG15.

3. The proposed development would by reason of its scale and height in relation to neighbouring properties appear out of keeping representing an inappropriate development and fails to respect the context of its setting. The proposal is therefore contrary to policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.
4. Policies QD3 and HQ4 of the Brighton & Hove Local Plan aims to make full and effective use of land for residential development. Planning Policy Statement 3 states that using land efficiently is a key consideration in planning for housing. This proposal of 6 dwellings provides a residential density of 37.5 dwellings per hectare, which is a low density below that of many sites fronting the Kingsway and would be an inefficient use of a derelict site in this central location. For this reason it is considered that the proposal is contrary to policies QD3 & HO4 and PPS3.
5. Policy QD27 of the Brighton & Hove Local Plan aims to protect residential amenity. The development, with large windows on the side (west) elevation to the terrace would result in loss of amenity to the occupiers of the neighbouring property by way of overlooking and loss of privacy. For this reason the proposal is considered unacceptable and contrary to policy QD27.

#### Informatives:

1. This decision is based on drawing nos KT/01-50 received on 8 June 2011, KT51-52 received on 22 June 2011 and KT/54 received on 4 July 2011.
2. The applicant is advised that the scale on drawing no. KT.45 is incorrect.

#### **E. Application BH2011/00992, Upper Dene Court, 4 Westdene Drive, Brighton –** Erection of 2no one bedroom flats to rear of existing block of flats.

- (1) There was no presentation given for this application.

#### **Debate and decision making process**

- (2) A vote was taken and on a vote of 10 for, 0 against 1 abstention planning permission was granted subject to the conditions and informatives listed in the report.
- (3) Following concerns raised amongst Committee Members the Chair retook the vote for this item to ensure clarity in the decision making process.
- (4) A second vote was taken and on a vote of 7 for, 2 against 3 abstentions planning permission was granted subject to the conditions and informatives listed in the report.

- 33.5 **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 informatives listed in the report.

Note: Councillor Hawtree was not present during the first vote on this item.

- F. Application BH2011/01189, 9 Ridgeside Avenue, Brighton** – Erection of pitched roof detached residential dwelling to replace existing garage.

- (1) The Area Planning Manager (East), Ms Burnett, introduced the application and presented plans, photos and elevational drawings. She referred to an error in the report and said the proposals should refer to one bedroom only. Letters of objection had been received including a letter from Ward Councillors. Since 2010 national policy had changed regarding greenfield sites and gardens were now classified as greenfield land, although this did not prohibit development on gardens, the development conditions were more stringent.

The street scene was characterised by large houses with substantial plots. Previous applications had been refused and dismissed at appeal on design grounds. The current design did reflect existing styles in the area, but the proposed plot had an awkward shape and it was considered that this was out of keeping with the regular and generous plots that were predominant in the local vicinity. A fence was proposed dividing the proposed plot from the host property. This was considered out of keeping as most other boundary treatments in the streetscene were hard treatments with soft landscaping above. It was proposed to terrace the garden to improve its usability, but it was not clear from the plans what extent of excavation would be needed to include terracing of the steep site, and this would likely need planning permission in its own right.

There was some provision for a front garden, but this was not considered suitable for private amenity. There was provision for off street parking. The proposals were required to meet code level 5 for Sustainable Homes, but the scheme had been assessed to reach code level 3. Nearby neighbours had identified a local badger sett in the vicinity but the Council's Ecologist had raised no objections to the development on these grounds.

#### **Questions and matters on which clarification was sought**

- (2) Councillor Hawtree asked if, in the officer's view, this was a site that could accommodate any type of building. Ms Burnett replied that the officers could only assess the site in terms of the applications that were submitted. None so far had been deemed acceptable.

#### **Public speakers**

- (3) The local ward Councillor, Councillor Pidgeon, was concerned that this site was too small to accommodate an additional dwelling. He hoped the Committee would again refuse building in the front garden. The proposed dwelling would be overly dominant and deprive the existing building of two thirds of its amenity space. This would have a devastating effect on the existing house and garden. It was a very small close and

parking was an issue. This impacted on service vehicles accessing the close. A badger sett was in the woods close to the site and this development would have a profound adverse effect on this sett. The existing properties had considerable character and were well designed to fit with each other. He asked that the Committee refuse the application.

- (4) The applicant, Mr Counsell, said that the avenue was not only characterised by large houses and gardens, but also small bungalows with irregular shaped gardens. Policy HO5 required all new units to have amenity space appropriate to the design, and this development was a one bedroom bungalow designed for elderly residents. He felt that there were errors in the officer's presentation and report, and noted addresses listed as part of the consultation process were incorrect and had no relation to the application. The area of ground to be used was not cultivated or adopted as part of the main garden to the existing house, and this application would make use of what was considered derelict land. This modest application would allow him and his wife to stay in the area in a dwelling that met their needs.

#### **Debate and decision making process**

- (5) Councillor Mrs Theobald said that 19 of the letters were local to the application and many in the close had objected. This was a cramped plot with a lot of vegetation that should be preserved. This application was larger than what had been refused previously and did not meet the recommended sustainability standards. There were many trees that would also be lost if this plot was developed. She also felt that the application would overlook and overshadow the existing property and she did not feel this was appropriate.
- (6) Councillor Hawtree agreed that this represented overdevelopment on the site.
- (7) A vote was taken and on a unanimous vote planning permission was refused for the reasons given in the report.

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

1. The development fails to enhance the positive qualities of the neighbourhood. The small plot is an awkward shape and is out of character with the surrounding area and the development appears cramped within the plot and the layout fails to reflect the spacious character of the area. The application is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.
2. The proposal does not make adequate provision for private usable amenity space in this suburban locality, where predominantly neighbouring properties benefit from generous rear gardens, contrary to policy HO5 of the Brighton & Hove Local Plan.
3. The applicant has failed to demonstrate that the development will achieve an acceptable level of sustainability to accord with the requirements of policy SU2 of the Brighton & Hove Local Plan and the standards set out in SPD08.

Informatives:

1. This decision is based on drawing nos. 0045.PL.200 rev A, 0045.PL.201 rev A, 0045.PL.202 rev A and 0045.PL.203 received on 20 April 2011.

**G. Application BH2011/01463, Windlesham School, 190 Dyke Road, Brighton –** Application to extend time limit for implementation of previous approval BH2008/00232 for the demolition of existing gymnasium and prefabricated classrooms. Proposed new gymnasium with changing facilities and classrooms and internal alterations to existing building.

- (1) Ms Burnett introduced the application and presented plans. She referred to the late list and the additional representation from Councillor Jones. She said that there had been a previous approval in 2008 and this application sought to extend the time of that application. Letters of objection had been received. The scheme had already been accepted in principle. A site visit had demonstrated there were no changes to the scheme and no relevant changes to policy. There were some minor changes proposed to the conditions due to revisions to the Council's model conditions.

**Public speakers**

- (2) A local resident, Mrs Barry, said that it was regrettable that a site visit had not been called for and felt that new members of the Committee would benefit from this. Some of the objections had not been listed in the officer's report, including her own. The proposals seemed innocuous, but there would be considerable overshadowing from these buildings. There was an increase of 22% to the current footprint, with a height of 9.3 meters. She did not feel the developments needed to be so large and was concerned that the site was being in-filled in a piecemeal and unorganized way, with substantial decreases to the playground. Since the new application had been submitted a new classroom had been built without planning permission and this lack of attention to detail was concerning her.
- (3) Councillor Kennedy asked how well the school was communicating with residents and Mrs Barry replied that there had been a visit by the Head Teacher of the school regarding the classroom built in breach of planning permissions, but nothing aside from that. She was also concerned that the site should be considered as a whole rather than the piecemeal development that was currently taking place.
- (4) Councillor Davey asked how close the development would be to the residential houses and Ms Burnett replied that it would be around 20 meters away.
- (5) The Head Teacher, Mrs Bennett-Odlun, said that the classroom that was built had been amended as requested by the Council. A visit was made to the neighbour's gardens to ensure the impact was minimal. It was coloured green to ensure it was aesthetically pleasing. The application had not progressed because of the current economic climate. However the scheme would improve facilities at the school as the current classroom provision was leaking and they had issues of rising damp. Other benefits to the application were that the school intended to open the new development to other schools as it was envisaged that the new gym would be used for the community as well as the school. There was a maximum of 20 pupils per

classroom and the school was trying to carefully develop a land-locked site for the community.

- (6) Councillor Kennedy asked why the school had not consulted more thoroughly with local residents and asked how it had worked historically. Mrs Bennett-Odlun did not feel that there was a difficulty with community consultation, as there had not been much objection to the original plans. The school had felt that a simple time extension would not be controversial.
- (7) Councillor Davey asked if any other planning consent had not been developed on site. Mrs Bennett-Odlun replied this was the only one that had not been implemented, and there were currently no further development proposals envisaged.

### **Debate and decision making process**

- (8) Councillor Kennedy referred to the Localism Bill and asked if any weight could be given to the Bill. Mrs Woodward replied that the Bill was currently being debated and various amendments were being proposed. The Bill was not currently enacted and an assumption could not be made that it would be enacted exactly in its current form. It was therefore dangerous to give any of the proposals within the Bill any weight.
- (9) Councillor Kennedy felt that a site visit would have been beneficial and she was very concerned with the way development was being dealt with on site. She felt that proper engagement and consultation had not been undertaken by the school, and did not think that a time extension should be approved.
- (10) Councillor Hyde supported the application. The separation distance between the development and the neighbours was significant, and this school was providing better facilities for children in the city. It was simply a renewal of an application that had already been granted.
- (11) Councillor Hawtree proposed a site visit and Councillor Kennedy seconded the proposal. A vote was taken and on a vote of 4 for, 7 against and 1 abstention the proposal failed.
- (12) A vote was taken on the recommendation and on a vote of 6 for, 2 against and 4 abstentions planning permission was granted subject to the conditions and informatives listed in the report.
- 33.7 **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 listed in the report.



**H. Application BH2011/00750, 15 Crescent Place, Brighton** – Erection of two storey rear and side extension and a rear conservatory, with decking, paved areas and associated landscaping.

- (1) Ms Burnett introduced the application and presented plans, photos and elevational drawings. She said that 17 letters of objection and 4 letters of support had been received. A letter of support had been received from Councillor Ben Duncan. This application would result in an increase of 28% of the footprint on site. The proposed front elevation would be set back by 3 meters and highlighted the fenestration that would be obscurely glazed. The potential for direct overlooking would therefore be minimized. There were no windows proposed at the first floor rear level to ensure there were no issues of overlooking. The separation distance was approximately 25 meters and so there was considered a minimal impact on residential amenity. Half obscurely glazed windows were proposed to the side elevation. Plans had been revised to remove the proposed gates and parking to the property. A green sedum roof was proposed, and materials including tiles to match the existing property. There would be some loss of trees but 9 trees would be retained around the boundaries of the site. Further ecological measures were proposed as part of the conditions.

#### **Questions and matters on which clarification was sought**

- (2) Councillor Kennedy referred to condition 8 and raised concerns over the sedum roof. She felt that mature grassland would be more appropriate and asked if this could be changed with the approval of the Ecologist.
- (3) Councillor Summers referred to a reference to a listed building in the report and Mrs Walsh confirmed this was an error and would be corrected.
- (4) Councillor Hawtree noted that 50% of the trees on site would be removed and asked why this was felt appropriate. The Arboricultural Officer, Ms Morgan, replied that a tree survey had been conducted and identified elms on the site to be retained as well as a cherry tree. Two trees were to be removed for health and safety reasons, two trees would be removed as they were growing too close to residential properties. Some further trees could be retained, but were not particularly significant and so the Council had not asked for these to be retained. Further planting of fruit trees could be asked for as part of conditions if that was felt appropriate. She noted that the trees to be removed were not worthy of tree preservation orders.
- (5) Councillor Hawtree asked why the trees could not be pruned and Ms Morgan replied that five trees were recommended for removal because of health and safety grounds, or because they were growing too close to the buildings.
- (6) Councillor Wells asked if the car parking space had been removed and Ms Burnett confirmed this.
- (7) Councillor Hyde asked how the tree would receive water if they were retained and planted through the decking. Ms Morgan clarified that the decking would be wooden and porous, and she expected the trees to receive enough water.

**Debate and decision making process**

- (8) Councillor Kennedy asked for an amendment to be made to the materials used for the green roof.
- (9) Councillor Hyde asked for additional planting of fruit trees to be included.
- (10) Councillor Hawtree asked for the trees near the decking to be retained. Mrs Walsh felt that this might materially change the planning application and Councillors could only amend or add conditions to the application before them.
- (11) Councillor Farrow asked what authority the committee had to request the planting of fruit trees. Mrs Woodward responded that it would be difficult to justify retention of trees that had not been identified as worthy of a TPO, but replanting could take place as part of the landscaping scheme.
- (12) A vote was taken and on a vote of 11 for, 0 against, and 1 abstention planning permission was granted subject to the conditions and informatives listed in the report, with additional amendments to conditions as below.

33.8 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to grant planning permission subject to the conditions and informatives listed in the report, with additional amendments to conditions as follows:

- 1 No development shall take place until full details of the proposed biodiverse roof have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section of the biodiverse roof, maintenance plan, construction method statement, and proposed seed mix designed to support species rich habitats. The approved details shall be implemented no later than the first planting season following the completion of the development. The scheme shall then be carried out in strict accordance with the approved details.

**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

- 2 Notwithstanding the requirement for a landscaping scheme and prior to commencement of development full details of two additional replacement fruit trees are to be submitted to and approved in writing by the Local Planning Authority. The approved planting details shall be carried out in the first planting and seeding seasons following the completion of the building 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.

**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.

3 To remove the reference to Listed Building from condition 5.

I. **Application BH2011/01132, 3 Ovingdean Close, Brighton** – Demolition of existing garage and carport. Erection of two storey side extension incorporating garage and a single storey rear extension. Associated external alterations including dormers to front and rear elevations.

(1) Ms Burnett introduced the application and presented plans, photos and elevational drawings. She said that the site was on a slight gradient to the east and west. There was no uniform street scene in the area other than characteristically large plots. Seven objections had been received and amendments were sought. A further 12 letters of support had been received and a petition of six signatures in support of the application had been handed in by the applicant. A previous application had been refused and dismissed at appeal.

The existing front elevation had an unbalanced appearance but it was considered this would not warrant grounds for refusal as the inspector had not raised this as an issue during the previous appeal. An extension at number 5 had already reduced the gap between the houses and so this point raised by the Inspector, coupled with the proposed design changes and reduction in height of the proposal since the appeal decision, was not considered so applicable. Three roof lights were proposed as well as solar panels. It was not considered that the proposed folding doors would affect amenity. No windows were proposed on the north elevation but it was considered appropriate to remove permitted development rights to maintain this situation and assure the amenity of number 5.

#### **Questions and matters on which clarification was sought**

- (2) Councillor Hyde referred to the lack of a gap between the buildings and recognised that the Inspector had referred to this in his decision, and asked for clarification. Ms Burnett replied that the existing extension whilst it was set back at number 5 had reduced the gap between the buildings since the Inspector's original assessment, and officers felt the remaining gap coupled with the garage that had been built and changes to the proposal since the appeal meant that this ground for refusal could not be sustained.
- (3) Councillor Hawtree asked about the Ovingdean Conservation Area and Mr Bennett said that consultation on a draft conservation strategy was being considered for this area, but no decisions had been made.
- (4) A local resident, Mr Kong, said that he had lived in the area for five years. When Mr Catt had moved in he had paved over the front garden and applied to extend the house, but this had been refused. This current application was in essence the same application as the refused one. This was not a single storey rear extension and would in fact be a two storey building. The Inspector had felt that the proposals would give rise to a bulky ridge form and would appear overbearing with

overshadowing to the main entrance. The application was completely out of character with the area and many of the residents in the close had objected to the scheme. He felt that development up to the boundary was inappropriate and referred to the Local Plan policies that recommended against this.

- (5) The applicant, Mr Catt, said that three applications had been submitted and had evolved to ensure an acceptable design in terms of what the Council required. He felt that the requirements had been met and the ridgeline had been reduced considerably. The retained gap would be around 6.6 meters and part of the works would incorporate energy efficiency measures. This would develop the house into a more usable dwelling. The footprint was already in existence and a large section would be below the level of the neighbouring property. Many residents had complimented them on the changes made to the front garden. The garage was currently unusable and the original roof extensions were not appropriate and leaked regularly. The application sought to make the dwelling more pleasing to the eye.

#### **Debate and decision making process**

- (6) Councillor Hyde asked if this was a single or two storey extension and Ms Burnett referred to the plans and replied that the application would build on the existing storey, but would also drop down at the back of the dwelling.
- (7) A vote was taken and on a vote of 5 for, 0 against and 7 abstentions planning permission was granted subject to the conditions and informatives listed in the report.

33.9 **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 listed in the report.

**J. Application BH2010/03122, Mitre House, 149 Western Road, Brighton** – Extension at sixth floor to create two additional 2 bed flats with cycle storage. Reconfiguration of the existing flats at sixth floor (level 5) incorporating removal of timber conservatory, removal of service lift and radio transmitter room, removal of part of external fire escape stairs to courtyard and replacement of metal guarding with new glazed balustrade.

- (1) Mrs Hurley introduced the application and presented plans, photos and elevational drawings. She said that the site lay between two conservation areas. The scheme had been amended to increase the set back of the extension. Letters of objection had been received. The overall impact on the skyline would be minimal as the set back would ensure the extension did not appear unduly bulky. The extension would be viewed in context with the existing backdrop. It was not considered to create issues of overlooking or loss of light and appropriate fenestration would be obscurely glazed. An amendment to condition 4 for the aluminum windows to match the existing was proposed.

**Questions and matters on which clarification was sought**

- (2) Councillor Theobald asked if a lift would service the new floor and Mrs Hurley replied it would.
- (3) Councillor Hawtree asked why this tall building was acceptable and others were not and Mrs Hurley replied that this was an infill of a building that was already present, and so the Tall Buildings Strategy did not apply in the same way.

**Debate and decision making process**

- (4) A vote was taken and on a vote of 11 for, 0 against and 1 abstention planning permission was granted subject to the conditions and informatives listed in the report.

33.10 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to grant planning permission subject to the conditions and informatives listed in the report.

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

- 34.1 **RESOLVED** – That those details of applications determined by the Strategic Director of Place under delegated powers be noted.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Strategic Director of Place. The register complies with legislative requirements.]

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated to Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

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

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

Application:	Requested by:
BH2011/01264, Blatchington Mills School, Hove	Head of Development Control

The meeting concluded at 6.15pm

Signed

Chair

Dated this

day of

**APPEAL DECISIONS**

	<b>Page</b>
<b>A. EAST BRIGHTON</b>	<b>27</b>
Application BH2011/00304, 5 Sudeley Street, Brighton – Appeal against refusal to grant planning permission for addition of balcony to rear first floor kitchen. <b>APPEAL DISMISSED</b> (delegated).	
<b>B. EAST BRIGHTON</b>	<b>31</b>
Application BH2011/00054, 41 Princes Terrace, Brighton – Appeal against refusal to grant planning permission for a rear extension to existing terraced house to form garden room and deck area at ground floor (street level) and utility room at basement (garden level). <b>APPEAL DISMISSED</b> (delegated).	
<b>C. HANGLETON &amp; KNOLL</b>	<b>33</b>
Application BH2010/00935, Elm Stores, 82 Elm Drive, Hove – Appeal against refusal to grant planning permission for change to shop front, remove two windows and replaced by PVC windows and sliding doors. <b>APPEAL DISMISSED</b> (delegated).	
<b>D. HOVE PARK</b>	<b>35</b>
Application BH2011/00159, 2 Tongdean Place, Hove – Appeal against refusal to grant planning permission for a proposed roof conversion of existing detached garage incorporating 3nos dormers to south elevation and separate entrance with external stairs to east. <b>APPEAL ALLOWED</b> (delegated).	
<b>E. WITHDEAN</b>	<b>39</b>
Application BH2010/02615, 10 Bavant Road and garage block at rear, Brighton – Appeal against refusal to grant planning permission for a detached house and one pair of semi-detached houses. <b>APPEAL DISMISSED</b> (delegated).	







---

# Appeal Decision

Site visit made 29 June 2011

by **B C Scott** BA(Hons) Urban & Regional Planning MRTP

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

Decision date: 4 July 2011

---

## Appeal Ref: APP/Q1445/D/11/2152744

### 5 Sudeley Street, Brighton, East Sussex, BN2 1HE.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Paul Chandler against the decision of Brighton & Hove City Council.
  - The application Ref: BH2011/00304 dated 2 February 2011, was refused by notice dated 5 April 2011.
  - The development proposed is addition of balcony to rear first floor kitchen.
- 

## Decision

1. The appeal is dismissed.
2. The views of local residents have been taken into account in reaching this decision.

## Main Issues

3. I consider the two main issues in this case to be the effect of the proposed development on: firstly, the character and appearance of the area, with particular reference to the East Cliff Conservation Area (ECCA) for which I have a duty to pay special attention to the desirability of preserving or enhancing its character or appearance; and secondly, on the living conditions of the adjoining occupiers, with particular reference to privacy.

## Reasons

### *Character and appearance*

4. From my site visit and the planning history, it looks to me that the appeal property is a maisonette above a lower ground floor flat, which is occupied separately. It is in a period terraced building within an urban residential area. The building has not been identified to be a particular heritage asset. The proposed development would alter the appearance of part of the rear elevation of the appeal property in connection with the remodelling of an original Georgian style rear sash window opening above the lower ground floor.
  5. The Council raises no objections concerning the ECCA. Owing to its siting on the rear elevation of the appeal property, enveloped by adjoining walls and the rear of a terrace building closely opposite, the proposed development would be
-

entirely concealed from general view. I am satisfied that it would have no material impact upon the character or appearance of the ECCA.

6. Policy QD14 of the Brighton & Hove Local Plan 2005 (LP) requires development to be well detailed in relation to the subject property, adjoining properties and the surrounding area. In the absence of information to the contrary, I read that requirement to be in the interests of the continuity of urban form and enhancement of local distinctiveness; or in other words, for development not to be incongruous.
7. The first floor window in question sits in a deeply recessed rear elevation between dominant, three-storey rear spurs that define areas of private space. It is above the lower ground floor window opening that supports modern patio doors. In the circumstances, the modern addition resulting from the proposed development would have a limited impact and would not upset the rhythm of the appeal building. I share the Appellant's view that the proposed development would add a discrete modern architectural feature that would not be out of keeping with its setting. I acknowledge that there are other examples where this has been achieved on a period building within a Conservation Area. Thus, I find that the proposed development would not be at odds with the continuity of the urban form and local distinctiveness.
8. I conclude on the first issue that the proposed development would not be harmful to the character and appearance of the area, in accordance with the requirements of Policy QD14 of the Development Plan.

### ***Living conditions***

9. The terraced housing of Millfield Cottages closely backs onto the appeal site. A rear first floor window of no.7 is directly opposite the appeal window and above a small private courtyard. The appeal window is above similar, though larger, courtyard type outdoor space accessed through the ground floor flat in the appeal building. The thrust of LP policies QD14 and QD27 is to protect the amenity of adjoining occupiers.
10. The propensity for mutual overlooking through the respective windows exists because of their close proximity. An observer using the proposed balcony would make that overlooking very blatant by presence. Downward views towards the respective outdoor spaces would be restricted to an extent by orientation (regarding the ground floor flat) and by boundary walling (regarding no.7).
11. From my examination of those areas from the second floor windows of the appeal property, I came to the conclusion that should such views be obtainable from the proposed balcony (a floor level lower and closer) then an unacceptable loss of privacy of the adjoining occupiers would result owing to the proximity. However, in the absence of scaled drawings showing the relationship of the proposed balcony to those areas I am unable to make a full assessment about that.
12. The attractive use of the outdoor space that would be afforded by the proposed development would increase the propensity for overlooking the adjoining occupiers opposite to an uncomfortable extent. That, and in the absence of information to the contrary about the potential impact upon the outdoor amenity spaces, leads me to conclude on the second issue that the proposed

development would unacceptably affect the living conditions of the adjoining occupiers, in conflict with the requirements of policies QD14 and QD27 of the Development Plan.

13. Concerns about noise and disturbance are expressed by neighbours. The proposed balcony would be too small to enable social gatherings to take place and noise volumes would be not unreasonable with casual and limited use. A telling feature here is that the courtyards are tightly situated not far below the proposed balcony. To my mind, aural privacy would suffer as voices would carry over the short distances involved. That element reinforces me in my conclusion on this issue.

### **Conclusions**

14. I have considered all other matters raised, including the merits of providing outdoor space to the appellant household, but none alters my conclusions on the main issues.
15. Notwithstanding my conclusion on character and appearance, my conclusion on the second main issue is sufficient reason for me to dismiss the appeal.

*B C Scott*

INSPECTOR





---

# Appeal Decision

Site visit made on 21 June 2011

**by Elizabeth Lawrence BTP MRTPI**

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

**Decision date: 29 June 2011**

---

**Appeal Ref: APP/Q1445/D/11/2152141**  
**41 Princes Terrace, Brighton, BN2 5JS.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr P Tyler against the decision of Brighton and Hove City Council.
  - The application Ref BH2011/00054, dated 7 January 2011, was refused by notice dated 7 March 2011.
  - The development proposed is described as rear extension to existing terraced house to form garden room and deck area at ground floor (street level) and utility room at basement (garden level).
- 

## Decision

1. I dismiss the appeal.

## Main Issues

2. The first main issue is the effect of the proposal on the character and appearance of the host property and the surrounding area. The second main issue is the effect of the proposal on the living conditions of the occupiers of Nos. 40 and 42 Princes Terrace, with particular regard to visual impact, privacy and sunlight.

## Reasons

### *Character and appearance*

3. Due to its elevated position the proposed garden room extension would be particularly prominent within the rear garden environment. Together with the existing dormer it would dominate and completely change the character and appearance of the rear elevation of the host property. At the same time it would disrupt the rhythm of the terrace, detracting from its simplicity and symmetry.
  4. It is noted that there are a couple of existing ground floor additions on neighbouring properties. However, rather than setting a precedent they serve to illustrate the harm that would be caused by the proposed extension.
  5. I conclude on this issue that the proposal would seriously and unacceptably harm the character and appearance of the host property and the surrounding
-

rear garden environment. Accordingly the scheme would conflict with policies QD1 and QD14 of the Brighton & Hove Local Plan 2005. Together and amongst other things these policies require extensions to be well designed, sited and detailed in relation to the host building, neighbouring properties and the surrounding area.

#### *Living conditions*

6. The proposed garden room extension would be some 2.5 metres in height, 3.4 metres in depth and would abut the boundary with 42 Princes Terrace. It would be immediately adjacent to the rear terrace at No.42 and close to the rear ground floor windows and doors to that property.
7. As a result of these factors the proposed garden room extension would dominate and have an overbearing impact on the outlook from the adjacent rear ground floor room and the terrace at No.42. In addition, the proposed 1800mm high fence panel would exacerbate the sense of enclosure that would be caused by the development. The scheme would therefore materially harm the living conditions of the occupiers of No.42.
8. The proposed extension would be sited to the north of No.42, where it would not result in a material loss of sunlight to that property. Whilst it would be sited to the south of No.40, it would be some two metres from the boundary of that property and over 2.5 metres from the closest window. As a consequence the proposal would not result in a material loss of sunlight within the dwelling at No.40.
9. The level of privacy on the terrace at No.42 would be increased and the level of overlooking of the adjacent rear gardens would be comparable to the existing situation. As such the proposal would not result in a material loss of privacy for the occupiers of No.42.
10. The glazed side doors of the proposed garden room would face directly onto the terrace at No.40 and accordingly would result in the direct overlooking of that terrace. However there is already direct inter-looking between the terraces. For this reason the level of proposed over-looking would not in itself amount to a reason for dismissing this appeal.
11. I conclude on this main issue that the proposal would materially and unacceptably harm the living conditions of the occupiers of the ground floor at No.42 due to its overbearing visual impact. Accordingly the scheme would conflict with policies QD14 and QD27 of the Local Plan which seek to ensure that new development does not cause significant harm to the living conditions of existing residents.

#### **Conclusion**

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

*Elizabeth Lawrence* INSPECTOR



---

# Appeal Decision

Site visit made on 8 June 2011

by **Bill Munday BTP MRTPI MRICS**

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

Decision date: 27 June 2011

---

**Appeal Ref: APP/Q1445/A/11/2145577/NWF**  
**Elm Stores, 82 Elm Drive, Hove, East Sussex BN3 7JL**

- 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 Miss Nada Meckael against the decision of Brighton and Hove City Council.
  - The application Ref. BH2010/00935, dated 28 June 2010, was refused by notice dated 16 August 2010.
  - The development proposed is change to shopfront; remove two windows and replace by pvc windows and sliding door.
- 

## Decision

1. The appeal is dismissed. I have taken account of the views of local residents and other interested parties in reaching this decision.

## Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the appeal property, the building group of which it forms part and the surrounding area.

## Reasons

3. At the time of my site visit, the alterations to the premises had taken place, broadly in accordance with the application drawings. However, although not shown on the application drawings, I noted that a blind box has been fixed to one side of the upper part of the fascia.
  4. The appeal site is the end unit of a parade of shops with, apparently, residential accommodation above. The parade has been designed as a whole and whilst there have been some alterations to other shopfronts, there remains significant uniformity in the features of the parade. In several respects, I consider the alterations to the shopfront which have taken place have had little regard to the architectural features of the parade as a whole. In particular, the full height doors and glazing are out of keeping with the other units in the parade where stallrisers have been retained. I also consider that the board which has been applied to the fascia does not relate satisfactorily to the width, depth or alignment of the original fascia, or the area of glazing beneath it, or the width of the shop unit as a whole.
-

5. I note that the appellant has submitted copies of customer comments about the development, some of which indicate benefits which arise from easy access for elderly and disabled people and people with pushchairs. However, I consider that satisfactory provision for level access could have been achieved within a more sympathetic overall design, and these considerations do not therefore alter my views as to the design merits of the proposal.
6. In so far as the proposal, in my assessment, fails to respect the style, proportions and detailing of the parade as a whole, it conflicts with Policy QD10 of the Brighton and Hove Local Plan 2005. The Council has adopted, following public consultation, the Supplementary Planning Document "Shop Front Design" (spd 02), and as such I attach significant weight to it. This indicates that, where uniformity is apparent in a parade, the Council will seek to ensure that a similar degree of uniformity would be maintained in replacement shopfronts. For reasons explained above, I consider the proposal fails to achieve this objective.
7. I accept that the site is not in a conservation area, and it is not apparent that the parade has any particular historic significance. However, this does not justify development which is unsympathetic to its setting. Planning Policy Statement 1: Delivering Sustainable Development states that development which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. I conclude on the main issue that the development detracts unacceptably from the character and appearance of the appeal property, the parade of which it forms part, and the surrounding area.
8. I have taken all other matters which have been raised into account. For the reasons given above, I conclude that the appeal should be dismissed.

*W D Munday*

INSPECTOR





---

# Appeal Decision

Site visit made on 21 June 2011

**by Elizabeth Lawrence BTP MRTPI**

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

**Decision date: 27 June 2011**

---

**Appeal Ref: APP/Q1445/D/11/2151617**

**2 Tongdean Place, Hove, East Sussex, BN3 6QW.**

- 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 Roberts against the decision of Brighton and Hove City Council.
  - The application Ref BH 2011/00159, dated 19 January 2011, was refused by notice dated 23 March 2011.
  - The development proposed is roof conversion of existing detached garage incorporating 3No. Dormers to south elevation and separate entrance with external stairs to east.
- 

## Decision

1. I allow the appeal and grant planning permission for roof conversion of existing detached garage incorporating 3No. Dormers to south elevation and separate entrance with external stairs to east at 2 Tongdean Place, Hove, East Sussex, BN3 6QW in accordance with the terms of the application, Ref BH 2011/00159, dated 22 October 2010, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: ADC346, ADC346/01, ADC346/02, ADC346/03 Rev D, ADC346/04 Rev D.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
2. The views of local residents and other interested parties have been taken into account in reaching this decision.

## Main Issue

3. The main issue is the effect of the proposal on the appearance of the host building and the living conditions of the occupiers of 4 Tongdean Road with particular regard to visual impact.
-

## Reasons

4. The proposed extension would increase the scale and bulk of the roof, although having regard to the proximity and size of the dwelling at 2 Tongdean Place, the resultant building would continue to have the appearance of a subservient ancillary domestic building.
5. Other than the introduction of barn hips the proposed front elevation would be the same as with the approved roof conversion scheme. It would retain the symmetrical appearance of the existing building and respect the character and appearance of the main dwelling.
6. The proposed side elevations, which would be largely screened from neighbouring dwellings, would be asymmetrical due to the introduction of a small section of flat roof. However it would not be out of character with the existing building and would sit comfortably within the front garden area.
7. The amount of flat roof would be materially reduced when compared to the previous scheme which was dismissed at appeal. Also, the depth of the rear roof slope would be increased and the amount of rear wall reduced. As a consequence the building would retain its existing character and appearance when viewed from the rear and the visual concerns raised to the previous appeal scheme would be fully addressed.
8. In particular, the rear wall would be approximately 2.2 metres in height and would be largely screened from the rear garden to 4 Tongdean Road by the existing boundary wall and fence. The ridge height of the enlarged roof and the pitch of the roof slope would be the same as the existing building. Whilst it would be closer 4 Tongdean Road, it would still be set back from the boundary and no part of the roof would overhang the garden to that property.
9. As a result, when viewed from the rear garden of 4 Tongdean Road, the visual difference between the existing and proposed building would be minimal. In addition, there would be no material loss of daylight or sunlight within the adjacent garden area.
10. Due to its secluded siting and overall appearance the resultant building would preserve the character and appearance of the Tongdean Conservation Area, as required by policy HE6 of the Brighton & Hove Local Plan 2003. The concerns raised regarding the appearance of the existing boundary fence are noted, however the fence does not form part of the Appeal application.
11. Finally, the Council has suggested the imposition of a condition relating to matching materials which is necessary to ensure that the building respects its surroundings. I also consider that it is necessary to impose a condition which requires the development to be carried out in accordance with the submitted drawings for the avoidance of doubt and in the interests of proper planning.
12. I conclude that the proposed roof extension would not materially detract from the appearance of the host building or have a materially adverse impact on the living conditions of the occupiers of 4 Tongdean Road due to visual impact. Accordingly the scheme complies with policies QD14 and QD27 of the Local Plan and the advice in the Councils Supplementary Planning Guidance – Roof Alterations. Collectively they seek to ensure that new development is designed

to a high standard, respects its surroundings and does not have a materially adverse impact on the living conditions of local residents.

*Elizabeth Lawrence*

INSPECTOR





---

# Appeal Decision

Site visit made on 8 June 2011

by **Bill Munday BTP MRTPI MRICS**

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

Decision date: 5 July 2011

---

**Appeal Ref: APP/Q1445/A/11/2145316/NWF**

**10 Bavant Road and garage block at rear, Brighton, East Sussex BN1 6RD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Paul Corcut against the decision of Brighton and Hove City Council.
  - The application Ref. BH2010/02615, dated 12 August 2010, was refused by notice dated 24 November 2010.
  - The development proposed is one detached house and one pair of semi-detached houses.
- 

## Decision

1. The appeal is dismissed. I have taken account of the views of local residents and other interested parties in reaching this decision.

## Preliminary matter

2. The appeal relates to an outline application. The main parties have confirmed that details of access, layout and scale are for consideration at this stage, with appearance and landscaping reserved matters. Accordingly, I have treated indications of the appearance of the dwellings on the submitted elevations and indications of landscaping on the proposed site plan as having been submitted for illustrative purposes only.

## Main Issues

3. I consider there are three main issues. These are, firstly, the effect of the proposal on the character and appearance of the area, having regard to the location of the site within the Preston Park Conservation Area; secondly, the impact on the living conditions of the occupiers of neighbouring residential properties, and on the occupiers of the proposed dwellings, with particular regard to privacy, any overbearing impact, noise and disturbance, and the quality of amenity space; and thirdly, the effect on the safety of highway users, including pedestrians.

## Reasons

### *Character and Appearance*

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a requirement in relation to the consideration and determination
-

of planning applications which affect conservation areas, that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced.

5. The part of the conservation area containing the appeal site is characterised by a well-defined street pattern with mainly substantial, detached and semi-detached houses on regular frontages and building lines. This arrangement provides a clear distinction between the public realm and the essentially private rear gardens. The appeal site, however, has no road frontage other than its access, and is surrounded by the back gardens of properties in neighbouring streets. The proposed development would therefore represent a marked departure from the established pattern of development in the area. Although views of the development from public places would be very limited, the development would nevertheless be very apparent in the outlook from the rear windows of neighbouring properties and their back gardens. The impact of the development would be heightened by the inevitably somewhat cramped arrangement of buildings within the small site area. These factors indicate to me that the proposal would be intrusively out of keeping in the context of surrounding development.
6. In summary on the first main issue, I consider the proposal would detract from the character and appearance of the area in general. This places it in conflict with Policies QD1, QD2, and QD3 of the Brighton and Hove Local Plan 2005. In relation to the requirement of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it would fail to either preserve or enhance the character or appearance of the conservation area; this also conflicts with Policy HE6 of the local plan. Policy HE7 of Planning Policy Statement 5: Planning for the Historic Environment (PPS5) indicates the desirability of new development making a positive contribution to local character or distinctiveness in the historic environment, and I consider the proposal also fails in this respect.

#### *Living Conditions*

7. The layout of the houses as shown on the application drawings indicates that the windows to habitable rooms would be to the north and south. As such, any overlooking between the proposed houses and the rear windows of neighbouring properties in Bavant Road and Harrington Villas would be angled, and at distances whereby, in my view, privacy within the respective dwellings would not be unacceptably diminished. Notwithstanding this point, there would be little space separating the proposed houses from the gardens of neighbouring properties, and the houses would be readily apparent from the backs of these neighbouring properties and their gardens. This would result in a marked change from the present, essentially private, garden environment. First floor windows would overlook neighbouring gardens at close range, and I consider that the quiet enjoyment of these gardens would be adversely affected by noise and domestic activity, more so than would be normal in a residential area of this kind, because of the restricted space around the new houses.
8. The proposed detached house and the semi-detached pair would be separated from each other by a distance of approximately 9.5 metres, with the windows to habitable rooms facing each other across this space. I consider this would result in unacceptable standards of privacy for the respective occupiers.

Furthermore, the amount of outdoor space available to the occupiers would be very limited, and in the case of the detached house, the amenity space would be largely overshadowed by existing trees outside the site. The internal space within the houses, in particular the semi-detached pair, would also be modest, although I note the appellant's view that such a level of accommodation would add to the mix of dwelling types available to diverse sectors of the community.

9. Local residents have raised concerns that additional traffic using the access would be likely to create an increase in levels of noise and disturbance for the occupiers of nos. 10 and 12 Bavant Road. The positions of these two houses relative to the access are such that, in my view, vehicle movements would be noticeable, and which occupiers would be likely to find intrusive. However, for reasons which are explained in paragraphs 11 to 13 below, I consider that any increase in vehicle movements relative to the potential traffic generation arising from the site in its present use would not be likely to be significant.
10. I conclude on the second main issue that the proposal would detract unacceptably from the living conditions of neighbouring residential properties as a result of its intrusive and overbearing presence in the outlook from neighbouring properties and their gardens, and detriment to the privacy and quiet enjoyment of adjoining gardens. Furthermore, the occupiers of the proposed houses would be subject to unsatisfactory standards of privacy and amenity space. These aspects of the proposal place it in conflict with Policies QD27 and HO5 of the local plan.

#### *Highway Safety*

11. The Council's third reason for refusal refers to a potential uplift in vehicle movements arising from the proposal. The consultation response ("Transport Planning: Development Control") makes reference to TRICS data, which suggests that the development would result in a 21 vehicle movements to and from the site per day. On the supposition that the use of each of the 9 garages on the site at present might generate a minimum of 18 movements, the consultation response indicates that the "worst case scenario" arising from the proposal would be an increase of 3 movements per day. Whilst it is stated in the grounds of appeal that "the garage compound and access driveway is in constant use", the Council and some local residents have suggested that the use of the garages is less intensive. Whatever the current level of usage may be, however, I see no reason why all the garages could not be in regular use. In these circumstances, the minimum level of 18 movements suggested in the transport consultation response does not seem to me to be unrealistic.
12. There are several disadvantages with the existing access. It emerges at the junction of Bavant Road with Knoyle Road. Whilst there is a relatively wide footpath on the Bavant Road frontage, from my observations on site, visibility is limited for vehicles emerging from the access by on-street parking. The access at present is of restricted width, such that vehicles could not pass each other within it, and this has the potential to create situations where a vehicle entering the site might need to be reversed out of the access in order to let an emerging vehicle pass. These circumstances indicate to me that any significant increase in traffic using the access would be likely to increase hazards for drivers leaving the site or passing by. The proposal has the advantage, however, that the widening of the access into the garden of No. 10 would

- provide a passing space and this would assist in avoiding potentially hazardous reversing movements.
13. The "worst case scenario" put forward in the transport consultation response indicates an increase of 3 vehicle movements per day, and allowing that it is the worst case, it could be less. Taking into account the modest benefit of the provision of a passing bay, I consider the use of the access to serve the development would not, on its own, be likely to result in a significant worsening of highway safety conditions, including conditions for pedestrians.
  14. However, if the existing garage compound and access are in constant use, as the appellant has indicated, it follows that it provides a facility for off-street parking. If the proposed development should proceed, this facility would be lost. The transport consultation response points to a lack of information as to how the effects of the lost parking facilities could be accommodated. Local residents have referred to parking congestion in the vicinity, and at the time of my site visit, neighbouring streets were lined with parked vehicles, leaving very few available on-street parking spaces. I also noted that not all properties in the vicinity had the benefit of off-street parking facilities. In these circumstances, I consider it likely that the removal of the garages would add to pressures for on-street parking places and thereby worsen present parking congestion. This would be likely to affect the safety and convenience of highway users, and to this extent I consider the proposal would conflict with Policy TR7 of the local plan.
  15. I have taken all other matters which have been raised into account. For the reasons given above, I conclude that the appeal should be dismissed.

*W D Munday*

INSPECTOR



**WARD****APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HANGLETON & KNOLL**

BH2010/03486

8 West Way, Hove

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

APPEAL LODGED

04/07/2011

Planning Committee

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

BH2010/03221

166 Portland Road, Hove

Erection of two story 2no bedroom semi-detached house.

APPEAL LODGED

04/07/2011

Delegated

**WARD****APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****QUEEN'S PARK**

BH2011/00346

56-58 St James's Street, Brighton

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

APPEAL LODGED

11/07/2011

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

BH2010/03549

9 Hillbrow Road, Brighton

Erection of 2no dwelling houses with new access drive and associated parking.

APPEAL LODGED

11/07/2011

Delegated

## NEW APPEALS RECEIVED

---

### WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

### WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

### **QUEEN'S PARK**

BH2011/00349

56-58 St James's Street, Brighton

Remodelling and extension of existing building to form a four storey building with café / restaurant (A3) at ground floor level and 6no self contained flats above. (Part retrospective)

APPEAL LODGED

11/07/2011

Delegated

### **WISH**

BH2010/02383

3 Scott Road, Hove

Change of Use of existing mixed use Day Nursery and residential property (D1/C3) to Day Nursery (D1) to serve up to 18 children on the ground and first floors and formation of self contained flat above.

APPEAL LODGED

12/07/2011

Delegated

---

### WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

### **WISH**

BH2011/00551

313 Kingsway, Hove

Loft conversion incorporating hip to gable roof extensions to side, new front gable, and increase in ridge height. Alterations to existing porch roof.

APPEAL LODGED

14/07/2011

Delegated

---

### WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

### **WOODINGDEAN**

BH2011/00606

44 Crescent Drive South, Brighton

Installation of glass panelled safety rail to rear at first floor. (Retrospective)

APPEAL LODGED

14/07/2011

Planning (Applications) Committee

**NEW APPEALS RECEIVED**

---

**WARD**

**APPLICATION NUMBER**

**ADDRESS**

**DEVELOPMENT DESCRIPTION**

**APPEAL STATUS**

**APPEAL RECEIVED DATE**

**APPLICATION DECISION LEVEL**

**ST. PETER'S & NORTH LAINE**

BH2011/00730

Garage at Rear of 51 Buckingham Place,  
Brighton

Demolition of garage and erection of new two  
storey dwelling.

APPEAL LODGED

13/07/2011

Delegated

---

**WARD**

**APPLICATION NUMBER**

**ADDRESS**

**DEVELOPMENT DESCRIPTION**

**APPEAL STATUS**

**APPEAL RECEIVED DATE**

**APPLICATION DECISION LEVEL**

**HOVE PARK**

BH2011/01277

139 Shirley Drive, Hove

Loft conversion incorporating front dormer,  
removal of chimneys from North elevation,  
installation of rooflights to North and West  
elevation and erection of pitched roof front  
porch.

APPEAL LODGED

20/07/2011

Delegated

---





---

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

---

**119 Lewes Road, Brighton**

Planning application no: BH2010/02958

Description: Certificate of Lawfulness for existing use of premises as car hire and car and bus parking.

Decision: Delegated

Type of appeal: Public Inquiry

Date:

Location:

**8 West Way, Hove**

Planning application no: BH2010/03486

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

Decision: Committee

Type of appeal: Informal Hearing

Date:

Location:



<b>PLANNING COMMITTEE</b>	<b>Agenda Item 42</b> Brighton & Hove City Council
---------------------------	---

**Information on pre-application presentations and requests**

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
7 June 2011	N/A	N/A	N/A
28 June 2011	N/A	N/A	N/A
15 July 2011	3Ts	East Brighton	3T's (teaching, tertiary & trauma). Comprehensive redevelopment of southern half of RSCH on Eastern Road to provide replacement modern clinical facilities over three phases and erection of a helipad on top of the Thomas Kemp Tower.
9 August 2011	N/A	N/A	N/A

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.

