





**Brighton & Hove  
City Council**

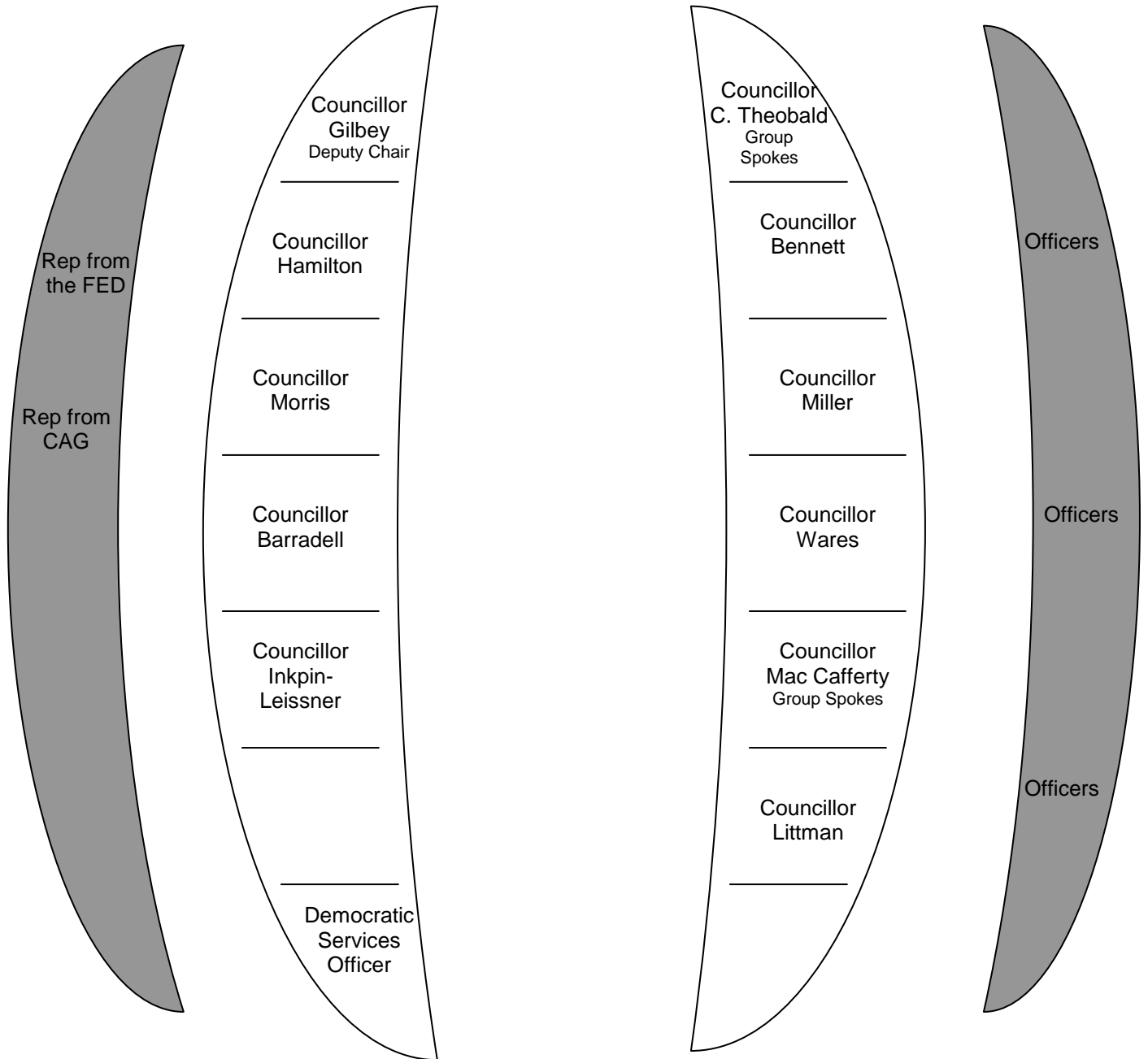
# Planning Committee

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| Title:   | <b>Planning Committee</b>  |
| Date:    | <b>9 March 2016</b>  |
| Time:    | <b>2.00pm</b>  |
| Venue    | <b>The Ronuk Hall, Portslade Town Hall</b>   |
| Members: | <p><b>Councillors:</b> Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Barradell, Bennett, Hamilton, Inkpin-Leissner, Littman, Miller, Morris and Wares</p> <p><b>Co-opted Members:</b> Jim Gowans (Conservation Advisory Group)</p> |
| Contact: | <p><b>Ross Keatley</b><br/>Democratic Services Manager<br/>01273 29-1064/5<br/>planning.committee@brighton-hove.gov.uk</p>   |

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|---|--|
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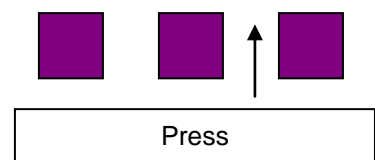
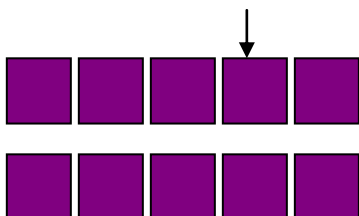
# Democratic Services: Planning Committee

|                  |                             |                             |                    |
|------------------|-----------------------------|-----------------------------|--------------------|
| Senior Solicitor | Councillor Cattell<br>Chair | Head of Development Control | Presenting Officer |
|------------------|-----------------------------|-----------------------------|--------------------|



|                |                |
|----------------|----------------|
| Public Speaker | Public Speaker |
|----------------|----------------|

Public Seating



## AGENDA

### 149 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest or Lobbying

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

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

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

(d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

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

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

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

## PLANNING COMMITTEE

### 150 MINUTES OF THE PREVIOUS MEETING 1 - 34

Minutes of the meeting held on 27 January 2016 and 17 February 2016 (copies attached).

### 151 CHAIR'S COMMUNICATIONS

### 152 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 2 March 2016.

### 153 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

### 154 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

#### MINOR APPLICATIONS

#### A BH2015/04606 - Rayford House, School Road, Hove - Full Planning Permission 35 - 50

Erection of side extension and creation of additional floor to create 9no. residential units with associated parking and re-cladding

#### **RECOMMENDATION – REFUSE**

*Ward Affected: Wish*

#### B BH2015/03126 - 208A Dyke Road, Brighton - Full Planning Permission 51 - 60

Conversion of existing maisonette to 2no flats (C3) incorporating removal of garage at rear and rear conservatory and enlargement of rear balcony area.

#### **RECOMMENDATION – GRANT**

*Ward Affected: Preston Park*

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

## PLANNING COMMITTEE

### INFORMATION ITEMS

- 156 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS** 61 - 64  
(copy attached).
- 157 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)** 65 - 112  
(copy attached Trees List to follow).
- 158 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** 113 - 118  
(copy attached).
- 159 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES** 119 - 120  
(copy attached).
- 160 APPEAL DECISIONS** 121 - 188  
(copy attached).

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

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

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

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

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

Electronic agendas can also be accessed through our meetings app available through [www.moderngov.co.uk](http://www.moderngov.co.uk)

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

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## PLANNING COMMITTEE

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For further details and general enquiries about this meeting contact Ross Keatley, (01273 29-1064/5, email [planning.committee@brighton-hove.gov.uk](mailto:planning.committee@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk).

Date of Publication - Tuesday, 1 March 2016

**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****2.00pm 27 JANUARY 2016****THE RONUK HALL, PORTSLADE TOWN HALL****MINUTES**

**Present:** Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Barradell, Bennett, Hamilton, Inkipin-Leissner, Littman, Morris, Wares and Wealls

**Officers in attendance:** Jeanette Walsh (Planning & Building Control Applications Manager), Nicola Hurley (Planning Manager – Applications), Liz Arnold (Principal Planning Officer), Adrian Smith (Principal Planning Officer), Liz Hobden (Planning Policy Manager), Steven Shaw (Principal Transport Officer), Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Manager).

**PART ONE****125 PROCEDURAL BUSINESS****A) Declarations of substitutes**

125.1 Councillor Wealls was present in substitution for Councillor Miller.

**B) Declarations of interests**

125.2 Councillor Mac Cafferty a personal interest in application A) BH2014/03394 – Land Adjacent to 6 Falmer Avenue, Saltdean, Brighton as he had attended a meeting with the applicant, whilst Chair of the Planning Committee, he had been accompanied by an Officer from the Planning Department and confirmed that he had not pre-determined the application and would therefore remain present during the consideration and vote on this application.

125.3 Councillor Bennett declared a personal interest as she had used the services of the agent listed in the agenda in respect of application A) BH2014/03394 – Land Adjacent to 6 Falmer Avenue, Saltdean, Brighton and application B) BH2015/01471 – The Astoria 10-14 – Gloucester Place, Brighton when she had made planning applications for her own property; however, she confirmed was able to consider the applications with an open mind and would remain present for the consideration and vote on these applications.

125.4 Councillor Barradell declared instances of lobbying in respect of application A) BH2014/03394 – Land Adjacent to 6 Falmer Avenue, Saltdean, Brighton, but confirmed she remained of an open mind and would remain present for the consideration of vote on this application.

**C) Exclusion of the press and public**

125.5 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.

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

**D) Use of mobile phones and tablets**

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

**126 MINUTES OF THE PREVIOUS MEETING**

126.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 9 December 2015 as a correct record.

**127 CHAIR'S COMMUNICATIONS**

127.1 The Chair highlighted that the reports in relation to the planning applications now contained information on any pre-application advice that had been given, as this had been the request of the Committee.

**128 PUBLIC QUESTIONS**

128.1 There were none.

**129 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

129.1 **RESOLVED** – There were no further requests for sites in relation to matters listed on the agenda.

**130 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A BH2014/03394 - Land adjacent 6 Falmer Avenue Saltdean Brighton - Full Planning** - Demolition of existing house and stables and construction of 32 no. dwellings comprising of 4 two bedroom flats and 28 two storey two, three and four bed dwellings incorporating open space and landscaping works, parking and creation of



access road from Falmer Avenue with other associated works. Creation of new pedestrian link between Falmer Avenue and South Downs Footpath.

- 1) The Committee noted that this application had been the subject of site visit prior to the meeting.

### **Officer Presentation**

- 2) The Principal Planning Officer, Liz Arnold, gave a presentation with reference to plans, photographs and elevational drawings. Attention was also drawn to matters on the Late List and verbal update was given in respect of amending the proposed heads of terms to include Saltdean Lido in the sports contribution. The site related to an existing detached house on Falmer Avenue and an associated large paddock and stable block to the rear of 1.36 hectares. The site sloped downwards north to south and east to west, and immediately to the south was the built up area of Saltdean and there was an existing bridleway along the western edge of the site. Planning permission was sought for the demolition of the detached dwelling and construction of four flats and 32 houses to be a mixture of two, three and four bedroom units. The site would have 40% affordable housing and the two ground floor flats would be wheelchair accessible units.
- 3) In terms of the policy context the Local Planning Authority had been asked to reduce the shortfall in the housing supply by considering sites on the urban fringe. In terms of the urban fringe assessment the site had been identified as having the scope and provision for housing based on a high level assessment – half of the site had been assessed as suitable for 12 dwellings and the proposed density of the development was considered appropriate for this location.
- 4) The site abutted the South Downs National Park, and the design of the properties – two-storeys with a flat roof – allowed for a reduction in height and was considered to pick up on similar art-deco style buildings in the wider Saltdean area. The proposed buildings would be finished in white render, with aluminium door and window frames. A landscape visual impact assessment had been undertaken and it was considered the site would not have a significant impact on the wider Saltdean settlement form. The height of the proposed dwellings would help reduce the impact on the skyline. Whilst there would be some infilling from some points this was not considered to significantly harm views into the national park.
- 5) Revisions to the scheme now retained enough undeveloped land to create a buffer to the national park and it was considered that this would help to enhance the rural-urban interface at this location in the long-term. The impact of amenity was considered in the report, whilst the properties abutting the site would lose their views into the national park this was not a material planning consideration. In relation to the new access road to the site an acoustic report had been submitted which identified that no acoustic measures were required and the proposed provision of landscaping would help to reduce the noise. A Construction Environmental Management Plan was required as part of the s106 to protect neighbouring properties. The application was recommended to be minded to grant for the reasons set out in the report.

### **Public Speaker(s) and Questions**

- 6) Lisa Forrest spoke in objection to the scheme on behalf of local residents. She stated that her representation was on behalf of over 4000 residents that opposed the scheme and other objectors included the South Downs National Park Authority and Natural England. The site directly abutted the national park on two sides and had previously been part of the Area of Outstanding Natural Beauty. Development of the site would merge the settlements of Rottingdean and Saltdean creating urban sprawl and there was a risk of flooding on the site. Vehicular access to Falmer Avenue was dangerous in snowy and icy conditions; local buses only serviced the area hourly. The uniformity of the proposed design was uncharacteristic of the area and would overshadow due to the proximity of the buildings and the gradient of the site. Concerns were expressed in relation to air quality in Rottingdean High Street and the impact on local amenities. In summary Ms Forrest highlighted that the location was unsuitable; the access would be insufficient; the design was not in-keeping with the local area; it would create a loss of privacy and there were insufficient schools locally. The Committee were urged to refuse the application.
- 7) Mr John Bryant addressed the Committee in his capacity as a Rottingdean Parish Councillor. He stated that the Parish Council objected to the scheme and the emerging neighbourhood plan for Rottingdean, supported by the majority of residents, sought to safeguard against development of urban fringe sites. It was highlighted that the site abutted the national park and the local nature reserve and was currently a green space. The modern design was not considered to be in-keeping with the surrounding areas, and the urban fringe study had only identified the potential for 12 dwellings on half of the site and the scheme proposed 32 across the whole site. Concern was raised in relation to the impact of traffic and air quality on Rottingdean High Street and it was considered that this made it contrary to NPPF. It was argued that the application should be accompanied by a full transport assessment; the potential of flooding on the site was also highlighted. The Committee were invited to refuse the application.
- 8) Councillor Mears spoke in opposition to the scheme as one of the Local Ward Councillors. She highlighted the inappropriate nature of the design and the negative impact this would have on the skyline in Saltdean and also made note of the potential risk of flooding at the site. Mention was made of the comments from the Education Officer in relation to the number of schools places and it was noted that the local school also served East Saltdean that was under the East Sussex County Council Local Education Authority. There was inadequate services and infrastructure in the area and it was felt that to grant the application would depart from local policies in relation to sustainable transport. Development of the site would add to the existing transport problems on the A259 and increase traffic within Saltdean. Concern was raised about access to the site for service and emergency vehicles, and attention was drawn to the comments in the urban fringe assessment. The Committee were asked to refuse the application.
- 9) Mr Shaw addressed the Committee on behalf of the applicant. He highlighted the amount of work that had gone into the application and noted that the design of the scheme had been the subject of extensive consultation and amended to take on board local concerns. During the life of the application the number of units had been reduced and the majority would be family homes. The level of local concern was recognised, but it was also highlighted that much of this was in objection to the principle of any development on the site. It was highlighted that the local authority did not have a five

year supply of land as required by Central Government. The level of affordable housing on the site was highlighted as well as the provision of family homes. The proposed development did not break the skyline and would not harm views into the national park – instead the development would create a buffer. The design was supported by the County Architect and there was no impact in terms of overlooking or noise. The application had the potential to improve biodiversity and any impact on the local infrastructure would be mitigated through the s106 agreement.

**Questions for Officers**

- 10) In response to Councillor C. Theobald the width of the new access road was confirmed and it was added that this was considered more than sufficient for access by service and emergency vehicles. In response to further questions it was explained that flood risk had been assessed and, subject to compliance with recommended conditions, no concerns had been raised.
- 11) In response to Councillor Littman it was explained that half of the site had been assessed in the urban fringe assessment on the criteria identified. The findings of that study were subject to further work through the City Plan or a detailed planning application and the County Architect had raised no objection to development of the whole site.
- 12) In response to Councillor Barradell it was explained that the design and proposed materials had been assessed by the in-house Design Panel, and there was a condition requiring materials to be submitted as part of the permission. The Planning & Building Control Applications Manager added that no objection had been raised to the use of render in this location, though Officers were aware of concerns that had been raised of the use in more exposed locations. The agreement of materials would be a delegated matter in consultation with the Chair, Deputy Chair and Opposition Spokespersons.
- 13) In response to Councillor Wares the locations of the some of the other art-deco style properties in the Saltdean area were highlighted on a map – though it was noted this was not an exhaustive list. In relation to air quality it was noted that no objection had been raised and any impact would be negligible. The Senior Lawyer added that the Case Officer had relied upon the advice of the Council's specialist officer when making the recommendation.
- 14) In response to Councillor Gilbey it was explained there was no guidance on acceptable distances between proposed developments and the national park. In response to a further query it was clarified that the Rottingdean Neighbourhood Plan was an emerging document which had not been through any statutory stages.
- 15) In response to Councillor Mac Cafferty it was explained that Officers had looked extensively at the available housing provision on brownfield sites; the failure to meet the housing needs across such sites had led the Inspector to require the authority to undertake the urban fringe assessment.

**Debate and Decision Making Process**

- 16) Councillor C. Theobald stated that she did not like the design and it was not in-keeping with the wider area. She felt the site should be protected as 'downland'. She added that if the development received permission then funds for the s106 should be used for Saltdean Lido. She added that the scheme proposed too many units for the site and she had concerns in relation to flood risk and school places.
- 17) Councillor Barradell stated that she was in two minds in relation to the application; whilst the application site was not in the national park she felt that to grant the scheme would go against local policy. She stated that her main concerns related to the design and the materials.
- 18) Councillor Littman noted that he shared many of the concerns already raised in the debate; he had particular concern in relation to the urban assessment and noted that the proposals were for many more houses than originally identified.
- 19) Councillor Wares stated that he accepted Officer's views on air quality, but still had remaining concerns in relation to the design as the proposed development was not in-keeping with Saltdean; he highlighted the need for new homes in the city, but urged the Committee not to agree to unacceptable design for the sake of new homes.
- 20) Councillor Morris noted the difficulty of the decision before the Committee, but he felt a better scheme could be realised at this site.
- 21) Councillor Inkipin-Leissner noted that he was not completely against the development, but he raised concerns in relation to overdevelopment, traffic and flood risk. For these reasons he stated he would not support the Officers recommendation.
- 22) Councillor Mac Cafferty also noted the difficulty of the decision, but highlighted that the city's housing allocation could not be met through brownfield sites alone. With this in mind the Committee would have to determine increasingly emotive sites such as this; however, the urban fringe was evidence that the principle of development on the site was acceptable – for these reasons he would support the Officer recommendation.
- 23) Councillor Gilbey highlighted there was no guidance on acceptable distances between developments and the national park; she noted that she did not personally like the design, but having attended the site visit she did not object to the principle of development on the site and the city needed additional housing – for these reasons she would support the Officer recommendation.
- 24) The Chair stated that the decision was very difficult, but she accepted the advice of experts in relation to flooding and air quality. She went on to state that her major concern related to design and for this reason she would not support the Officer recommendation.
- 25) A vote was taken and the Officer recommendation that the Committee be minded to grant to the application; this was **not** carried on a vote of 3 in support with 8 against and 1 abstention. Reasons were then proposed by Councillor Littman to refuse the application and these were seconded by the Chair. A short adjournment was then held to allow the Chair, Councillor Littman, the Planning & Building Control Applications

Manager, the Senior Lawyer, the Planning Policy Manager and the Principal Planning Officer to draft the reasons in full.

26) A vote was taken on each of the two proposed reasons for refusal to determine if one or both of them would form the substantive reason(s) for refusal when a final recorded vote was taken.

27) A vote was taken on the first proposed reason for refusal:

“The proposed development by reason of its design is out of keeping with the prevailing character of the urban fringe area and does not emphasize its positive characteristics in terms of prevailing style and material, would result in an incongruous development of detriment to the character of the local area and fails to enhance the surrounding landscape. These demonstrable and significant adverse impacts are considered to outweigh any benefits of the proposed scheme. As such the proposal is contrary to policies QD1, QD2, NC5 and NC8 of the Brighton and Hove Local Plan 2005 and policies SA4 and SA5 of the emerging City Plan Part One.”

28) This was **carried**.

29) A vote was taken on the second proposed reason for refusal:

“By virtue of the scale of development proposed and associated site coverage it is considered that, in this sensitive location, the harmful impacts of the proposal on local landscape character, visual amenity and the setting of the National Park, represents an overdevelopment of the site. These demonstrable and significant adverse impacts are considered to outweigh any benefits of the proposed scheme. As such the proposal is contrary to policy NC5 and NC8 of the Brighton and Hove Local Plan 2005 and policies SA4 and SA5 of the emerging City Plan Part One.”

30) This was **not carried**.

31) A recorded vote was then held and Councillors: Cattell, C. Theobald, Barradell, Bennett, Hamilton, Inkpin-Leissner, Littman, Wares and Wealls voted that permission be refused and Councillors: Gilbey, Mac Cafferty and Morris voted that permission not be refused

130.1 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation, but resolves to **REFUSE** planning permission for the reason set out below:

i. The proposed development by reason of its design is out of keeping with the prevailing character of the urban fringe area and does not emphasize its positive characteristics in terms of prevailing style and material, would result in an incongruous development of detriment to the character of the local area and fails to enhance the surrounding landscape. These demonstrable and significant adverse impacts are considered to outweigh any benefits of the proposed scheme. As such the proposal is contrary to policies QD1, QD2, NC5 and NC8 of the Brighton and Hove Local Plan 2005 and policies SA4 and SA5 of the emerging City Plan Part One.

- B BH2015/01471 - The Astoria 10-14 - Gloucester Place Brighton - Full Planning -** Demolition of existing Grade II listed building (approved under BH2013/03927) and construction of a new part 3/part 7 storey building (plus basement) to form 70no one, two, three and four bedroom self-contained residential units (C3) and incorporating commercial units (A1/A2/B1) in the basement and on the ground floor fronting Gloucester Place, a community room (D1) on the ground floor fronting Blenheim Place together with refuse/recycling facilities, cycle storage and other associated works.

### **Officer Presentation**

- 1) The Principal Planning Officer, Adrian Smith, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application related to a Grade II listed property on Gloucester Place; permission was sought to demolish and rebuild the site which was located in the Valley Gardens Conservation Area. There was an existing permission on the site which expired on 5 March 2018, and the differences between the proposed and approved schemes were highlighted though it was noted the design was largely the same and would use a similar palette of materials. The loss of the Grade II listed building remained acceptable and the scale, form and height were largely the same as were the considerations in relation to transport and highways. The viability case for the housing had been assessed and agreed, and full details would be in the s106 agreement. The main concern related to the standard of some of the accommodation which was considered to be sub-standard and outweigh the wider gains of the additional housing on the site. The application was recommended for refusal for the reasons set out in the report.

### **Public Speaker(s) and Questions**

- 2) Mr Davis spoke in support of the scheme in his capacity as the applicant. He stated that the ethos of the development was to create a community focused environment where tenants would have access to communal facilities including: landscaped areas, bookable dining room, bookable guest rooms, on site gym and cycling spaces. Assurance was provided that it was not the intention for the site to be used for student housing. The level of s106 contributions required put pressure on the viability of the scheme, and the Officer report demonstrated that the scheme was acceptable in terms of the impact on neighbouring properties, the loss of the listed building and the standard of accommodation for the majority of the units. The aim was to create a new specialist style residential accommodation, and the Committee were invited to approve the application.
- 3) In response to Councillor Barradell the speaker confirmed this type of high-end rented accommodation was a market that the developer wished to move into.
- 4) In response to Councillor Wares the speaker gave assurance that the development would not be used to house students.

### **Questions for Officers**

- 5) In response to Councillor Barradell it was confirmed that the proposed scheme would restore areas of active frontage to the site.
- 6) In response to Councillor C. Theobald the changes to the rear configuration were highlighted and it was confirmed that were this a recommendation for approval there would be the same conditions as those in the extant consent. In response to Councillor Wealls it was clarified that the accommodation was considered to be substandard as the proximity of the units across the courtyard was insufficient and the only windows were at the front of the units.
- 7) In response to Councillor Wares it was clarified that were the scheme granted then the funds in the s106 for affordable housing would be used to provide affordable housing worth £2.4m – discussions had taken place with the Estates Regeneration Team and there were several unfunded schemes that would be able to deliver affordable rent.
- 8) In response to Councillor Gilbey the Planning Policy Manager explained that there was some flexibility to allow for commuted sums where there were good planning and viability reasons to do so; this was considered acceptable at this site.
- 9) In response to Councillor Morris it was clarified that the building had been vacant for 17 years and this was sufficient to demonstrate the case for the loss of the community facility. Were permission granted then the community space on the site would be made as widely available to the public as possible.

**Debate and Decision Making Process**

- 10) Councillor Wealls noted he was minded to go against the Officer recommendation as he felt the market would naturally address the issue of sub-standard accommodation.
- 11) Councillor C. Theobald highlighted that the building was derelict; though it would be a shame to lose the original building. She stated she would support the Officer recommendation and also had concerns in relation to parking.
- 12) Councillor Barradell noted that she unsure if the proposed model of accommodation would work, and she was minded to agree with the Officer recommendation for the reasons set out in the report.
- 13) Councillor Morris noted his concerns in relation to affordable housing and stated that he could not support a scheme in this location that did not provide on-site affordable housing.
- 14) Councillor Hamilton noted his support for the Officer recommendation, but highlighted that the applicant could easily bring an acceptable scheme forward at this site.
- 15) Councillor Mac Cafferty noted how difficult the original decision had been; he did not have confidence in the different elements of the scheme and would vote with the Officer recommendation.
- 16) The Chair stated that she would support the Officer recommendation as the quality of the accommodation was poor and some of the design elements were contrived.

- 17) A vote was taken on the Officer recommendation that planning permission be refused and this was carried on a vote of 9 in support, with 2 against and 1 abstention.
- 103.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reasons set out below:

Reason for Refusal:

- i. The proposed development includes a significant number of single aspect dwellings that would provide for a sub-standard form of accommodation by reason of insufficient access to natural light, an unduly enclosed outlook, potential noise disturbance from use of the inner courtyard, and lack of suitable privacy. The proposal therefore results in an unacceptable standard of residential accommodation for future occupiers, contrary to policy QD27 of the Brighton & Hove Local Plan.

Informatives:

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

- C BH2014/03715 - Aldi Stores Ltd 7 Carlton Terrace, Portslade - Full Planning -** Application for variation of condition 1 of application BH2011/02857 to vary the hours of operation of the store to read: The store shall not be open for trading to the public except between the hours of 08:00 and 22:00 on Monday to Saturday, and 10:00 to 16:00 on Sundays and Bank Holidays. Staff may be within the premises between the hours of 07:00 and 23:00 hours on Mondays to Saturdays and 09:30 to 17:30 on Sundays and Bank Holidays.

**Officer Presentation**

- (1) The Planning Manager (Applications), Nicola Hurley, gave a presentation by reference to plans, photographs and elevational drawings. The application related to the Aldi Store in Portslade; attention was also drawn to some minor errors in section 4 of the report. An initial acoustic report had been submitted which was considered insufficient; therefore, a second was submitted with agreement from Environmental Health. For the reasons set out in the report the application was recommended for approval.

**Public Speaker(s) and Questions**

- (2) Ms Ross spoke in objection to the application in her capacity as a local resident. She stated that she was representing all the residents that lived in the flats above the premises, and the site was unique as it was a mixed residential and commercial



property. Since the store first opened it had extended the initial operating hours and now was open for 11 hours each day; residents already experienced noise from the store and the extension of hours was considered unacceptable. Since 2011 residents had had cause to make a large number of complaints relating to: breaches of trading hours; out of hours deliveries; loud all night noise from store refitting and staff work outside permitted hours. Residents also felt the noise report was misleading as it was taken from inside the store, rather than the flats above to measure the noise impact. In June 2015 the store had been investigated by the Council and was served a noise abatement notice. Residents wished to contribute to the noise report, but stated that Aldi had refused to agree to the study taking place at a different time of day. The Committee were asked to refuse the application.

- (3) Ms Ross confirmed for Councillor Barradell that residents of the flats included children.
- (4) In response to Councillor Mac Cafferty the speaker explained that a member of staff from the store had informally approached one of the residents to discuss access to the flats for the noise assessment. Residents were of the view that the store should formally write to all the residents and the Council; this had led to some correspondence between the store and the residents, but the store had refused to agree to noise recording in different flats at different times of the day.
- (5) The speaker confirmed to Councillor Hamilton that the store had been issued a noise abatement notice after causing disturbance at 0530 hours.
- (6) In response to Councillor Wares the speaker clarified that she complained formally and informally in excess of 100 times since moving into the flats in 2007.
- (7) Ms Mollart spoke in support of the application in her capacity as the agent representing the applicant. She explained that the decision to extend the hours at the store was a result of demand from customers and the proposed changes to staff hours would allow for cleaning, stocktaking and restocking. The previous application had been overturned on the basis of the noise readings submitted and since then the store had made numerous attempts to meet with residents to take new noise readings. The store manager had approached residents directly and they had asked for this to be communicated in writing – this was done and the store then gave residents three months to respond to requests to meet with them, during which time no responses were received. To overcome the impasse the store agreed to an approach with Environmental Health to assess the impact and this demonstrated that the additional hours would not have a detrimental impact – the store also agreed to limit the hours of use of the compactor. The representative recognised there had been problems in the past, but noted that the store was now working to rectify these.
- (8) The speaker confirmed to Councillor Wealls that she was not aware of any recent complaints of staff working outside permitted hours.
- (9) The speaker confirmed to Councillor Barradell that the store carpark was closed when the store was closed.

**Questions for Officers**

- (10) Officers confirmed that there was currently nothing that restricted the car park opening hours so it could be assumed they were the same as the hours that the store operated.
- (11) In response to Councillor Mac Cafferty it was explained that the Enforcement Team had had no contact from any complainants since summer 2015 and issues around the use of the compactor and bank holiday operation had been resolved with the store. There was an open enforcement case relating to condition 15 which stated that the store had to provide five residential parking spaces – which had not been complied with. Environmental Health had received two formal complaints last year relating to deliveries and use of the compactors; a notice had been served in relation to the use of the compactor – this was the rationale behind limiting the use of it in the application.

**Debate and Decision Making Process**

- (12) Councillor Barradell stated she could not support the extension of hours as this would be unfair on the residents living above.
- (13) Councillor Hamilton stated he could not support the Officer recommendation, and he noted the unique situation of having residential properties above a supermarket. He stated he had objected to the original planning in 2004, and felt that the current hours of operation were sufficient given the residential properties above.
- (14) Councillor Wealls stated he did not support the Officer recommendation and had little faith in the store given the history of noise nuisance issues.
- (15) Councillor Inkpin-Leissner stated that the current hours were sufficient.
- (16) Councillor Littman noted that the application was not to the advantage of residents and would cause them increased disturbance.
- (17) Councillor C. Theobald noted that the store had not provided the parking as conditioned in the original application and she had little confidence in the store given the history of disturbance.
- (18) A vote was taken of the twelve Members present and the Officer recommendation that the application be granted was not carried on a vote of 1 for and 11 against. Reasons were then proposed to refuse the application by Councillor Hamilton and these were seconded by Councillor Inkpin-Leissner; a short adjournment was then held to allow the Chair, Councillor Hamilton, Councillor Inkpin-Leissner, the Planning & Building Applications Manager, the Senior Lawyer and the Planning Manager to draft the reasons for refusal in full. These were then read to the Committee and it was agreed they accurately represented what had been put forward by Members. A recorded vote was then taken and Councillors: Gilbey, C. Theobald, Mac Cafferty, Barradell, Bennett, Hamilton, Inkpin-Leissner, Littman, Wealls, Morris and Wares voted that permission be refused, Councillor Cattell voted that permission should not be refused.

130.3 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation, but resolves to **REFUSE** planning permission for the reason set out below:

- i. Notwithstanding the submitted acoustic report the local planning authority remains unconvinced that the proposed extended opening hours would not result in a detrimental impact on residents living above the store. The proposed development is therefore contrary to policy QD27 of the Brighton and Hove Local Plan 2005 and policy SU10 of the emerging City Plan Part One.

Informative

- i. In coming to its decision the local planning authority noted the first-hand experience of noise infiltration given by residents of the adjoining flats.

**D BH2015/01745 - 107 Marine Drive, Rottingdean, Brighton - Full Planning -** Demolition of existing dwelling and outbuildings and erection of a three storey building with additional lower ground floor entrance to provide 7no flats and erection of 2no semi-detached houses accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage.

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

**Questions for Officers, Debate and Decision Making Process**

- 2) In response to Councillor Barradell the access to the front of the proposed scheme was confirmed.
- 3) In response to Councillor C. Theobald a sectional drawing was used to highlight the distance from No. 109 to the proposed scheme.
- 4) It was confirmed for Councillor Wares that the proposed building was set further away from No. 109A than the existing.
- 5) It was confirmed for Councillor Gilbey that any windows overlooking No. 109A would be obscurely glazed and they were secondary windows or served bathrooms.
- 6) A vote was taken of the eleven Members present and the Officer recommendation that the Committee be minded to grant the scheme was unanimously carried.

130.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7. and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the conditions and informatives set out in section 11.

**E BH2015/03422 - 18 McWilliam Road, Brighton - Householder Planning Consent -** Hip to gable roof extensions, creation of rear dormers and insertion of front rooflights.

- 1) This application had been the subject of a site visit prior to the meeting.

**Officer Presentation**

- 2) The Planning Manager (Applications), Nicola Hurley, gave a presentation by reference to plans, photographs and elevational drawings. The site related to a detached bungalow on the eastern side of the road. A previous application on this property had been refused and was currently the subject of an appeal. The new scheme was still considered unacceptable resulting in a top heavy form by virtue of the bulk and scale; the dormers in the rear were also excessive and contrary to guidance. For the reasons set out in the report the application was recommended for refusal.

**Public Speaker(s) and Questions**

- 3) Councillor Simson spoke in her capacity as the Local Ward Councillor in support of the scheme. She stated that the Woodingdean area was characterised by a variety of different building styles; many people moved to the area as it was more affordable and wished to extend their homes when their families grew. No neighbours had objected to the scheme and the application should not be refused simply because the wider area was predominantly bungalows. The proposal was also considered better than some other schemes that had been built in the area under permitted development.
- 4) Mr Kendall spoke in support of the application in his capacity as the applicant. He explained that he wished to extend the home for his growing family. Using photographs he highlighted the variety of styles in the area and some of the changes that had been made to other properties. He added that he believed the barn-end design was appropriate for a detached property and noted that the rear dormers were in line with guidance by being set in from the rear wall.

**Questions for Officers, Debate and Decision Making Process**

- 5) In response to Councillor Mac Cafferty it was confirmed that it was likely some of the properties shown by the applicant would have had works completed under permitted development rights.
- 6) Councillor Mac Cafferty stated he would not support the Officer recommendation as he was satisfied the application would not cause harm to the immediate area.
- 7) Councillor C. Theobald noted she agreed with Councillor Mac Cafferty and noted there was a variety of different styles in the street.
- 8) Councillor Wares stated he did not consider that the application would harm the streetscene.
- 9) Councillor Morris stated that he would support the Officer recommendation.
- 10) Councillor Gilbey stated there were clear reasons to depart from guidance, and for this reason she would not support the Officer recommendation.
- 11) The Chair noted that the design was good, the dormers at the rear would not be visible and there would be no harm to the public realm.

12) A vote was taken of the eleven Members present and the Officer recommendation that the application be refused was not carried on a vote of 1 for and 10 against. Reasons were then proposed to grant the application by Councillor Mac Cafferty and these were seconded by Councillor Wares. A recorded vote was then taken and Councillors: Cattell, Gilbey, C. Theobald, Mac Cafferty, Barradell, Bennett, Hamilton, Inkpin-Leissner, Littman and Wares voted that permission be granted; Councillor Morris voted that permission be refused.

130.5 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation, but resolves to **GRANT** planning permission for the reason set out below together with the conditions listed:

- i. The proposed development does not represent an unduly bulky roof form which would give the recipient property a top heavy and incongruous appearance that fails to respect the character and appearance of the recipient property and is in line with the McWilliam Road streetscape.

Conditions

- i. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

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

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

**F BH2015/02881 - 37 Preston Drove, Brighton - Removal or Variation of Condition -** Variation of condition 2 of application of BH2004/03648/FP (Change of use from house (C3) and Doctor's Surgery (D1) to children's nursery for 60 children and bedsit. Erection of part single storey/part two storey rear extension) to state the number of children using the day nursery at any time shall not exceed 80 without the prior approval of the Local Planning Authority.

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

**Questions for Officers, Debate and Decision Making Process**

- 2) The Planning Manager (Applications) noted that an additional condition was now recommended for the management plan to be submitted for the outside area.
- 3) Councillor Wares noted the additional condition dealt with the concerns raised by Members at the site visit.

4) A vote was taken of the eleven Members present and the Officer recommendation that the application be granted was carried unanimously.

130.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 11 and the additional condition set out below.

- i. Prior to implementation of this planning permission, details of the management of the outdoor space should be submitted to and agreed by the Local Planning Authority. The details shall include mechanisms to ensure that the total numbers of children outside of the buildings at any one time does not exceed 40 children in total. The outside area of the nursery shall only be used in accordance with these approved details.

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

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

131.1 **RESOLVED** – There were no further requests for sites in relation to matters listed on the agenda.

**132 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

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

133.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing under delegated powers.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director Environment, Development & Housing. 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.]

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

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

**135 INFORMATION ON HEARINGS/PUBLIC INQUIRIES**

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

**136 APPEAL DECISIONS**

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

The meeting concluded at 6.17pm

Signed

Chair

Dated this

day of





**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****2.00pm 17 FEBRUARY 2016****THE RONUK HALL, PORTSLADE TOWN HALL****MINUTES**

**Present:** Councillors Cattell (Chair), C Theobald (Group Spokesperson), Barradell, Bennett, Hamilton, Inkpin-Leissner, Miller, Morris, O'Quinn, Wares and West

**Co-opted Members:** Jim Gowans (Conservation Advisory Group)

**Officers in attendance:** Jeanette Walsh (Planning & Building Control Applications Manager); Mick Anson (Principal Planning Officer); Sue Dubberley (Principal Planning Officer); Kate Brocklebank (Principal Planning Officer); Steve Shaw (Principal Transport Officer); Alun Cance (Technical Officer); Alison Gatherer (Lawyer) and Ross Keatley (Democratic Services Manager).

**PART ONE****137 PROCEDURAL BUSINESS****(A) Declarations of substitutes**

137.1 Councillor O'Quinn was present in substitution for Councillor Gilbey, and Councillor West was present in substitution for Councillor Littman.

**(B) Declarations of interests and lobbying**

137.2 Councillor West declared a personal interest in respect of Application B) BH2015/03285 – Land Adjacent to the American Express Community Stadium, Village Way, Brighton as he was a Member of the South Downs National Park Authority.

137.3 Councillor Wares declared a personal interest in respect of Application B) BH2015/03285 – Land Adjacent to the American Express Community Stadium, Village Way, Brighton as he was a season ticket holder for Brighton & Hove Albion; however, he was of an open mind and would remain present for the consideration and vote on this application.

137.4 Councillor Wares also noted, in respect of Application C) BH2015/02509 – Pavilion & Avenue Law Tennis Club, 19 The Droveaway, Hove, that he had attended the site in the

evening by himself; he had also viewed the site from two of the surrounding residential properties.

- 137.5 Councillor Barradell declared a personal interest in respect of Application C) BH2015/02509 – Pavilion & Avenue Law Tennis Club, 19 The Droveaway, Hove as she lived very close to the site; however, she was of an open mind and remain present for the consideration and vote on this application.
- 137.6 The Chair noted in respect of Application B) BH2015/03285 – Land Adjacent to the American Express Community Stadium, Village Way, Brighton that all Members of the Committee had been lobbied in the form of a letter in the post from the applicant.

**(C) Exclusion of the press and public**

- 137.7 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.
- 137.8 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

**(D) Use of mobile phones and tablets**

137. The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to ‘airplane mode’.

**138 MINUTES OF THE PREVIOUS MEETING**

- 138.1 As the minutes had been circulated with the Addendum, it was agreed they would be deferred to the next meeting for agreement to ensure the Committee had time to read them in full.

**139 CHAIR'S COMMUNICATIONS**

- 139.1 It was noted that Application D) – 70 Barnett Road, Brighton had been removed from the agenda to allow Officers to undertake further investigation.

**140 PUBLIC QUESTIONS**

- 140.1 There were none.

**141 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

- 141.1 There were no further requests for site visits in relation to matters listed on the agenda.

**142 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

- A BH2015/03148 - St Mary's Hall, Eastern Road, Brighton - Full Planning** - Erection of 3 storey modular building on existing tennis court and car parking area for use as construction site offices for the 3Ts hospital development for a temporary period of up to eight years.

**Officer Presentation**

- 1) The Principal Planning Officer introduced the report and gave a presentation by reference to plans, photographs and elevational drawings. The application sought permission for the erection of a three-storey modular building for temporary use for up to 8 years; an additional letter of objection in the Late List was also highlighted. The current car park was used as B1 offices and doctors residential accommodation; parking was restricted to hospital staff only. The two top tiers of the building would be visible above the listed flint wall; all of the south facing windows would have obscure glazing, and there would be no windows on the ground floor or east elevation. It was highlighted that condition 7 was to be deleted, and the report was recommended for refusal for the reasons set out in the report.

**Public Speaker(s) and Questions**

- 2) Ross Sully spoke in objection to the application in his capacity as a local resident. He was of the view that the temporary permission could lead the establishment of permanent building on that location. The area was already very congested and dangerous, and the majority of pedestrians used the road rather than the footpath. Little consideration had been given to how the proposed 400 workers on site would park and how they would access the site as there was already insufficient parking. Neighbours were already affected by inappropriate parking around the site, and this proposal would make the situation worse. Insufficient consideration have been given to alternative locations around the site; with no examples given or why they had been rejected.
- 3) Mr Steve Chudley spoke in support of the application in his capacity as the applicant. He responded to the points raised in objection and stated that no vehicles would be parked on the site; the location of the park and ride was currently being finalised. The windows on the southern elevation would be obscurely glazed and have no impact on privacy. In relation to the loss of the tennis court arrangements had been made to re-provide the facility elsewhere. The structure was temporary and the full intention was for use only associated with the hospital redevelopment; after three years it was intended to scale down the building from three-storeys to two.
- 4) In response to Councillor Barradell the Speaker explained that staff would arrive at the between 0630 and 0700 hours and leave at around 1800 hours; this would be outside of school drop off and pick up times.
- 5) In response to Councillor West the Speaker explained that there would be 375 employees on site by late 2018; with around 250 of these coming into the city daily; the applicant was currently in negotiations to allow staff to park at the former gasworks site on Eastern Road and walk down to the site.

- 6) In response to Councillor C. Theobald it was clarified that the trust would prefer not to have parking on the site.
- 7) In response to Councillor Hamilton the Speaker explained that the only other site that could be appropriate was the restaurant roof; however, this was logistically difficult, it was highlighted that the whole southern footprint of the site was being excavated.
- 8) It was confirmed to Councillor Miller that the former gasworks site had not been seen as a possibility as it was too far from the main construction site.

**Questions for Officers**

- 9) In response to Councillor West it was explained by Officers that there was a Construction, Environmental Management Plan as part of the whole 3Ts redevelopment which sought to regulate and manage all traffic movement, and this was the correct mechanism to monitor and manage any additional movements.
- 10) In response to Councillor Inkipin-Leissner it was confirmed that the Heritage Team had commented the building would cause substantial harm if it was permanent, and was very unlikely this type of building would be granted permanent consent.
- 11) It was confirmed that works to the flint wall and extending the pavement were due to take place once the weather improved.
- 12) In response to Councillor Barradell it was clarified that smoking off the site was not a material planning consideration, but this matter could be taken up by the hospital and residents liaison group.
- 13) In response to Councillor Wares it was clarified that the date between the removal of the temporary buildings and the reinstatement of the site was to give a long stop date to clean up the site.
- 14) In response to Councillor O'Quinn it was explained that the access shown in the photo by the Objector was too narrow for a footpath; instead pedestrians could be encouraged to use other access points.
- 15) In response to Councillor Barradell it was confirmed that the tennis court would be open to the public. It was also explained that it was proposed to remove Condition 7 as this could be better managed through the s106 agreement.

**Debate and Decision Making Process**

- 16) Councillor C. Theobald noted that the scheme was temporary in nature and part of the wider 3Ts development. Whilst she didn't welcome the loss of parking she would support the Officer recommendation.
- 17) Councillor Wares proposed amending Condition 4 to reflect the restoration of site to be completed within 6 months; this was seconded by the Chair.

- 18) Councillor Hamilton noted that the current hospital buildings were no longer fit for purpose, and this building was a necessary element of enabling that development. For these reasons he would support the Officer recommendation.
- 19) Councillor Barradell noted she had some reservations, but would support the Officer recommendation. She highlighted her concerns in relation to additional vehicle movements; additional noise and pollution and problems during school drop off and pick up times. The Chair commented that there were other regulatory regimes that would help to monitor the situation.
- 20) Councillor Inkipin-Leissner noted the position of the objectors, but he recognised the necessity of the new hospital and the temporary nature of the consent.
- 21) A vote was taken of the eleven Members present, together with the amended Condition 4, and deleted Condition 7 and the Officer recommendation that permission be minded to grant was **carried** unanimously.
- 142.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the conditions and informatives set out in section 11, and the amended Condition set out below:

Condition 4: Wording to be amended to require the existing land and facilities to be restored to the satisfaction of the LPA prior to 01 October 2024.

**Note:** Councillor Mac Cafferty was not present at the meeting.

**B BH2015/03285 - Land Adjacent to the American Express Community Stadium, Village Way, Brighton - Full Planning** - Construction of a 3no storey plus basement building comprising of a hotel at ground and upper floors (C1) providing total of 150no bedrooms, restaurant, bar, reception, gymnasium, meeting room, lounge and plant facilities and provision of Stereotactic Radiotherapy Unit (D1) at basement level, incorporating hard and soft landscaping, creation of new access, provision of 62no car parking spaces and other associated works.

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

**Officer Presentation**

- 2) The Principal Planning Officer gave a presentation by reference to plans, photographs and elevational drawings; attention was also drawn to matters on the late list as well as a letter of support from two local MPs and additional information that had been sent to Committee Members from the applicant. The application sought permission for a three-storey, plus basement hotel; consisting of 150 bedrooms, 62 parking spaces and a radiotherapy unit. The site was adjacent to the north-east of the American Express Stadium and the site was located within the boundaries of both the city and the Lewes District Council; the District Council would also be required to determine the same application.

- 3) In relation to design to the stadium was the prominent feature of the area, and it was considered that proposed design of the hotel would lead to the loss of the 'nestling' effect; furthermore the loss of the green bund and the addition of the massing and linear form of the hotel would detract from the stadium. The proposed building would appear block-like from the front as the curved elements of the building were at the rear. The design issues had been highlighted to the applicant at both the pre-application stage with Members, and during the consideration of the application when the Case Officer had invited the applicant to present to an independent design panel, which they had declined to do. Concern had also been raised at the pre-application stage in relation to the lack of a green features. The South Downs National Park had also responded to suggest the building be more sculpted to better fit into its context.
- 4) The applicant had also not been willing to agree to the proposed s106 contributions which had been identified for sustainable transport and sustainable employment, notwithstanding these being reduced. The applicant had made an offer around sustainable transport the day before the Committee meeting, but with a caveat that was not considered acceptable to the Local Planning Authority. Where applicants disputed s106 contributions the usual practice was to involve the District Valuer to seek justification on the grounds of viability; however, in this instance this had not been done. The application was recommended for refusal for the reasons set out in the report.

#### **Public Speaker(s) and Questions**

- 5) Councillor Marsh spoke in her capacity as a Local Ward Councillor; she highlighted that she represented the views of the other two Councillors in her ward. She advocated strong support for the scheme as the stadium had been an important success, both within her ward and the city. The stadium had regionally important economic benefits, including the delivery of local jobs, and had international standing with events such as the Rugby World Cup. The proposed hotel would continue to build on this positive trend. The proposed design would complement the stadium, and would be modest in comparison to the stadium. The application had support from a range of stakeholders, as well local MPs. The Committee were invited to approve the application for the economic benefits to the local area.
- 6) Councillor Marsh confirmed in response to the Chair that she had not attended the pre-application briefing for Members.
- 7) Martin Perry spoke in support of the application in his capacity as the applicant. He stated that the site was very constrained and triangular in shape; the applicant did not own the adjacent car park and therefore could not use or build on that site. The comments at the pre-application stage and had been considered; however, lowering the scale of the building would require an increase in the footprint. The proposals were designed by the same architect as the stadium and the ethos had been to enhance the stadium. Green walls and roofs were not considered appropriate, and would look out of place against the stadium. The applicant had also had advice that the views were not considered harmful to Stanmer Park. The application had overwhelming support, and the Committee were invited to consider if the harm would outweigh all the benefits of the scheme to the local area when balancing the decision before them.

- 8) In response to the Chair the applicant explained when they were aware of the design concerns a report was produced to explain how the architects had reached the design that was being proposed. The option to go to an independent design panel was not considered worth pursuing due to the constrained nature of the site, and the applicant was of the view that their architects had fully explored all other design options.
- 9) In response to Councillor Miller the applicant explained that a softer design had not been pursued as the design was considered to compliment the stadium and the addition of green features was not considered appropriate. In response to further queries from Councillor O'Quinn the applicant reiterated that the proposed design was considered appropriate given the setting, and would not lose the curved features of the stadium.
- 10) Councillor Miller asked a further question in relation to the loss of the green bund around the site, and the applicant explained that they were of the view the green bund had never been a natural addition to the site. The site already had landscaping to soften the impact, and the advice of their architects was that green features would look inappropriate against the backdrop of the stadium.
- 11) In response to Councillor Barradell it was explained that the cancer treatment centre linked to other treatment facilities in the stadium; the funding was likely to be private, but the NHS would be able to buy into the service. In response to further queries from Councillor Bennett it was explained that the applicant was currently in talks with the NHS about the use of the facility.
- 12) In response to Councillor C. Theobald it was explained that the level of parking was considered sufficient for the size of the hotel and the provision of additional parking by excavating the basement was not considered necessary.
- 13) In response to Councillor Wares the applicant explained that they had not been asked to enter into a dialogue with, or provide the Local Planning Authority information in relation to viability.

**Questions for Officers**

- 14) In response to same matter raised by Councillor Wares in relation to viability Officers provided information in relation to the initial proposed level of s106, and the reduced level that the Local Planning Authority had put to the applicant. The Case Officer also confirmed that she had written to the applicant setting out there was an expectation to involve the District Valuer if the proposed s106 contributions were going to be disputed on the grounds of viability.
- 15) In response to Councillor Miller the method used to clarify s106 contributions in relation to transport was clarified; in particular how this related to mitigation of impact. It was also clarified that the reduction in car parking spaces on the site for the stadium would be 156, but this loss had not been factored into the total s106 contributions.
- 16) In response to a further question from Councillor Miller the Case Officer clarified that there was a light-well for the basement, but it was appropriate for the treatment rooms

to be enclosed given their use. The distance from the hotel to the stadium was also clarified.

- 17) In response to Councillor Barradell it was confirmed that the neighbouring car park was not owned by the applicant; the actual site that formed the application currently had consent for use as a car park. In relation to the cancer treatment centre; the Local Planning Authority had confirmation from the NHS that they would use the facility.
- 18) In response to Councillor West it was clarified that the bund had not been built to the specification in the original consent; there had been a subsequent planning application to reduce the height and remove the planting; this application would completely remove the bund, replacing it with the hotel.
- 19) The Case Officer confirmed to Councillor Wares that the initial request from the applicant to meet with the Local Planning Authority had been declined as no consultations responses had been received at that point and meeting would not otherwise be conducive; however, a meeting was offered by the Local Planning Authority later in the lifetime of the application, but no response was received.
- 20) It was confirmed for Councillor Morris that management of the parking at the hotel site on match days would form part of the travel management plan were the application approved.
- 21) It was confirmed for Councillor Barradell that the line of building closest to the stadium largely followed the line of stadium, though the curve reduced in places.
- 22) It was confirmed for Councillor O'Quinn that the hotel would not be used for conferences.
- 23) Officer explained, in response to the Chair, that the offer of s106 contributions from the applicant in relation to sustainable transport was not in line with standard procedure; which asked for the payment ahead of the scheme and the agreement was then for the authority to undertake the works.

**Debate and Decision Making Process**

- 24) Councillor C. Theobald stated that, although she felt the design could be better, the scheme would blend well with the existing stadium and the form of building worked well the curves of the stadium. Whilst the loss of parking was regrettable, there were only two objections to the scheme and the benefits would outweigh the harm; the cancer treatment centre would also be a welcome addition.
- 25) Councillor Miller noted the difficulty of the decision and recognised the economic and community benefits that the stadium and football club brought to the city. He went on to note that despite this the applicant had to be treated the same as for any other application, and he agreed with the position of Officers in relation to design which had been raised with the applicant at the pre-application stage. Given the level of proposed development in this area of the city it was important that the standard of design be good. He expressed concern in relation to the loss of parking and the potential impact this would have on match days. He added that the design did not complement the



existing stadium and there was no mitigation for the loss of the green bund. For these reasons he would support the Officer recommendation.

- 26) Councillor West noted that the National Park had been created since the stadium had been built; the stadium itself was of significant architectural merit and any scheme needed to work with it. The visual impact on the national park was important as it surrounded the site and Stanmer Park had views onto it; the South Downs National Park had also expressed a view as a Planning Authority. The replacement of the green bund with the hotel was not considered acceptable, and, whilst, the economic and community benefits of the football club were recognised this not considered to outweigh issues around the design and the impact on the National Park. For these reasons he would support the Officer recommendation.
- 27) Councillor Bennett stated that she did not feel the impact of the proposal would be significant given the setting against the stadium; whilst she felt the design could be better, she stated she would vote against the Officer recommendation.
- 28) Councillor Barradell stated that she welcomed the principle of the development, but she felt the proposed design was not appropriate for the area. She expressed concern in relation to the position of the applicant around s106 contributions, and noted that the relationship between the applicant and the Local Planning Authority could have been better. She stated it was unlikely she would vote against the Officer recommendation.
- 29) Councillor O'Quinn stated that she agreed with the comments made by Councillors Miller and West during the debate. She found the building to be stark, and didn't believe it would fit in with the stadium. She felt more could have been done to soften the design; whilst she agreed with the principle of the development the design needed to be high quality due to the prominent position.
- 30) Councillor Morris stated that the proposal was different from the stadium and the 'starkness' would not compliment it.
- 31) Councillor Hamilton stated that he had sat on the Planning Committee that granted consent to the stadium; he did not accept that the proposal would harm views onto the National Park, and he felt the issues around s106 contributions could be overcome. For these reasons he would not support the Officer recommendation.
- 32) Councillor Inkpin-Leissner stated that the relationship between the applicant and the Local Planning Authority was regrettable; however, he was of the view that the design was appropriate; it would match the stadium and be of the same standard. For this reason he would not support the Officer recommendation.
- 33) Councillor Wares stated that he was indifferent to the proposed design, but did not feel it would be significantly harmful enough to refuse the scheme given the wider context of the area; he stated he could not support the Officer recommendation for the first reason in relation to design. He went on to add that were the Committee minded to grant the application then the full level of s106 contributions should be provided by the applicant unless they could prove a viability case to justify reduced contributions. Overall he stated that he would not support the Officer recommendation.

- 34) In response to Councillor Barradell it was confirmed by Officers that were the Committee minded to grant the application the settlement of the s106 could be delegated to Officers.
- 35) At this point Councillors: West, Wares, Barradell, Morris and Inkpin-Leissner spoke again in the debate and reiterated their earlier points.
- 36) The Chair stated that she agreed with the Officer recommendation. It was important that the Committee consider the merits of the scheme before them regardless of who the applicant was; with this in mind it was important that anything built on the site be of appropriately high standard of design. She also agreed with the points raised by Councillor West in relation to the impact on the National Park. For these reasons she would support the Officer recommendation.
- 37) A vote was taken of the eleven Members present; the vote was tied with 5 in support, 5 against and 1 abstention; the Officer recommendation to refuse was then **carried** on the Chair's casting vote.

142.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reasons set out below:

Reasons for Refusal:

1. The proposed development, by reason of its design, detailing and form would fail to provide a suitable standard of design and appearance for new development, would relate poorly to the adjoining stadium development and would create a poor contrast with the stadium building and in addition would be architecturally inappropriate to the Downland setting and would adversely affect the setting of the listed Stanmer Park. As such the proposal is contrary to policies QD1, QD2, NC8 and HE11 of the Brighton & Hove Local Plan 2005 and policy SA5 of the emerging City Plan Part One.
2. The application, in the absence of detailed measures to promote and encourage sustainable transport and provide a legal obligation for highway improvements, fails to provide for the travel demand it creates. As such, the proposal is contrary to policies TR1 and QD28 of the Brighton & Hove Local Plan and policy CP7 of the emerging City Plan Part One.
3. The application, in the absence of detailed measures to promote and encourage sustainable economic development and provide a legal obligation for improved job opportunities for local residents, fails to provide for a sustainable economic development. As such, the proposal is contrary to policy QD28 of the Brighton & Hove Local Plan and policies CP2 and CP7 of the emerging City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to

making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

**Note:** Councillor Mac Cafferty was not present at the meeting.

**C BH2015/02509 - Pavilion & Avenue Lawn Tennis Club, 19 The Droveaway, Hove - Full Planning - Installation of 8no eight metre high floodlights to courts 6, 7 and 8.**

**Officer Presentation**

- 1) The Principal Planning Officer introduced the application and gave a presentation by reference to plans and drawings, an aerial view was also provided to give a better understanding of the vegetation surrounding the site. The impact on neighbouring amenity was deemed to be acceptable, and the conditions in the report proposed restricting the level of light and the hours of use. The application was recommended for approval for the reasons set out in the report.

**Questions for Officers**

- 2) In response to Councillor Barradell it was confirmed that the baffles under the lights would reduce the light to a level the ecologist considered acceptable in relation to bat foraging and commuting.
- 3) In response to Councillor Bennett the height of the existing lights was confirmed. It was also confirmed there had no complaints in relation to the existing light levels, and no statutory nuisance established.
- 4) In response to Councillor West it was confirmed that the proposed lights would be the same height as the existing ones of the floodlit courts. In relation to sustainable transport there were several bus routes and intermittent cycle routes which was considered as good as the general provision across the city.
- 5) In response to Councillor Wares it was confirmed that use of the courts was restricted to members of the tennis club and proportionate weight should be given to the increase in provision; however, this wasn't to say that it outweighed the potential harm.
- 6) It was confirmed for Councillor Bennett that no harmful impact in terms of transport had been identified in relation to the application.
- 7) In response to Councillor Hamilton it was confirmed that the hours of use would be restricted to those of the existing floodlights.
- 8) In response to Councillor Morris it was confirmed that the current operation of the lights was by token; which stopped them being used in excess of the court usage.

**Debate and Decision Making Process**

- 9) Councillor Bennett noted the huge impact this type of light pollution could have on resident's lives; she stated that the club already had floodlights and that she would not support the Officer recommendation.
- 10) Councillor Wares stated that he had observed high levels of illumination when he visited the site; he had concerns for the overall cumulative impact on amenity for the residents in the area and for these reasons he would not support the Officer recommendation.
- 11) Councillor West noted he had concerns in relation to traffic on the Drove way and the impact on ecology – for these reasons he would not support the Officer recommendation.
- 12) Councillor Miller stated he would not support the Officer recommendation and was of the view that the impact on the Drove way had not been fully considered.
- 13) Councillor O'Quinn stated that this level of light could be intrusive into resident's homes; for this reason she would not support the Officer recommendation.
- 14) Councillor Inkpin-Leissner stated he would not support the Officer recommendation.
- 15) Councillor Morris also stated that he had visited the site at night time and was alarmed by the levels of the light; for this, and the others reasons highlighted in the debate, he would not support the Officer recommendation.
- 16) Councillor Barradell stated that she was not convinced that this would add to traffic issues in the area, but she still had concerns in relation to ecology.
- 17) Councillor C. Theobald stated that the additional impact on residents was unfair and she would not support the Officer recommendation.
- 18) The Chair noted the additional lights would add to the cumulative impact and she would not support the Officer recommendation.
- 19) A vote was taken by the eleven Members present on the Officer recommendation that permission be granted and this was **not carried** on a vote of 2 in support with 9 against. Councillor Bennett proposed reasons for refusal and these were seconded by Councillor Inkpin-Leissner, a short adjournment was then held to allow the Chair, Councillor Bennett, Councillor Inkpin-Leissner; the Planning & Building Control Applications Manager; the Solicitor; the Principal Planning Officer and the Technical Officer to draft the reasons in full. These were then read to the Committee and it was agreed that they reflected those that had been put forward. A recorded vote was then held and Councillors: Cattell, O'Quinn, C. Theobald, Bennett, Inkpin-Leissner, West, Miller, Morris and Wares voted that permission be refused; Councillors: Barradell and Hamilton voted that permission not be refused.

142.3 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation, but resolves to **REFUSE** planning permission for the reasons set out below:

Reason 1

The proposed lighting will result in a development having an adverse cumulative impact on the amenities of nearby residents by reason of the resulting total overall visible light levels. The proposed development is therefore contrary to policies QD26 and QD27 of the saved Brighton & Hove Local Plan 2005.

Reason 2

The development will result in an increased and detrimental noise and disturbance impact on nearby residents. This development is therefore contrary to Policies SU10 and QD27 of the saved Brighton & Hove Local Plan 2005.

**Note:** Councillor Mac Cafferty was not present at the meeting.

**D BH2015/01562 - 70 Barnett Road, Brighton - Full Planning**

142.4 This application was withdrawn from the agenda to allow Officers to undertake further considerations.

**E BH2015/03913 - 40 Tongdean Avenue, Hove - Householder Planning Consent -** Remodelling of house incorporating erection of two storey extension to front, two storey extension to side and rear, alterations to roof, revised fenestration and other associated works.

- 1) The Principal Transport Officer updated the Committee that Councillor Brown had written in support of the application, but her letter had mistakenly not been included with the Officer report. The application was recommended for approval for the reasons set out in the report.
- 2) It was confirmed for Councillor C. Theobald that this scheme did not propose a garage.
- 3) It was confirmed for Councillor Morris that the 2012 consent established that an extension of the existing property was acceptable in principle.
- 4) It was confirmed for Councillor Barradell that the flat roof element of the extension would be at the rear of the property.
- 5) A vote was taken by the eleven Members present, and the Officer recommendation that permission be granted was **carried** unanimously.

142.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to a s106 agreement and the conditions and informatives set out in section 11.

**Note:** Councillor Mac Cafferty was not present at the meeting.

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

143.1 There were no further requests for site visits in matters listed on the agenda.

**144 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

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

145.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing under delegated powers.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director Environment, Development & Housing. 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.]

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

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

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

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

**148 APPEAL DECISIONS**

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

The meeting concluded at 6.30pm

Signed

Chair

Dated this

day of



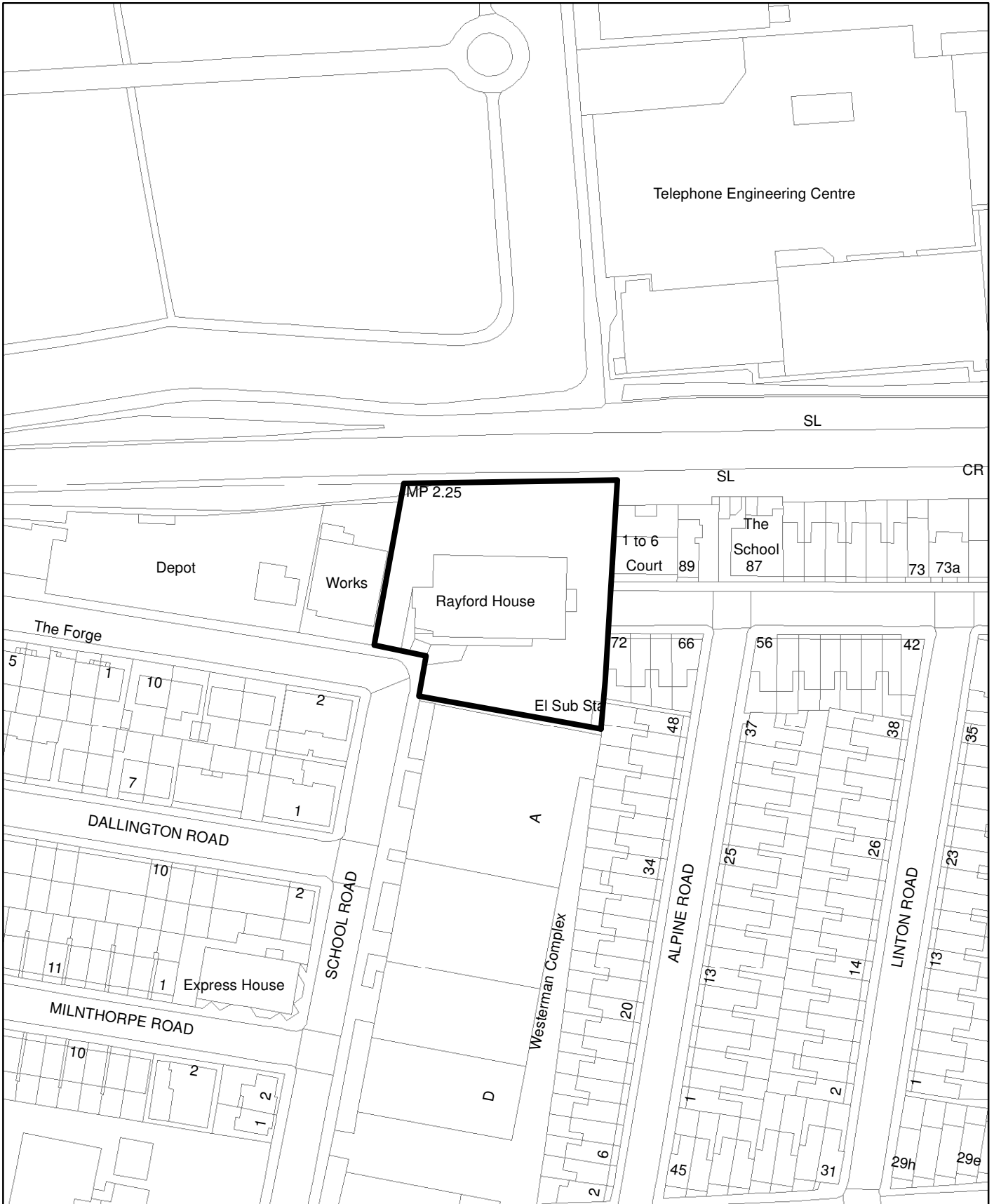


# **ITEM A**

**Rayford House, School Road,  
Hove BN3 5HX  
BH2015/04606  
Full Planning**

**09 March 2016**

# BH2015/04606 Rayford House, School Road, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

|                                      |  |                            |                  |
|--------------------------------------|--|----------------------------|------------------|
| <b><u>No:</u></b>                    | <b>BH2015/04606</b>  | <b><u>Ward:</u></b>        | <b>WISH</b>      |
| <b><u>App Type:</u></b>              | <b>Full Planning</b>   |                            |                  |
| <b><u>Address:</u></b>               | <b>Rayford House School Road Hove</b>  |                            |                  |
| <b><u>Proposal:</u></b>              | <b>Erection of side extension and creation of additional floor to create 9no. residential units with associated parking and re-cladding.</b> |                            |                  |
| <b><u>Officer:</u></b>               | Maria Seale Tel 292175   | <b><u>Valid Date:</u></b>  | 21/12/2015       |
| <b><u>Con Area:</u></b>              | N/A  | <b><u>Expiry Date:</u></b> | 15 February 2016 |
| <b><u>Listed Building Grade:</u></b> | N/A  |                            |                  |
| <b><u>Agent:</u></b>                 | Morgan Carn Partnership, Blakers House, 79 Stanford Avenue, Brighton BN1 6FA   |                            |                  |
| <b><u>Applicant:</u></b>             | Sound Investments Limited, School Road Hove BN3 5HX  |                            |                  |

### 1 RECOMMENDATION

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

### 2 SITE LOCATION & DESCRIPTION

- 2.1 Rayford House is set back from the main road frontage and is located on the corner of School Road and Kingsthorpe Road. The site is located in a predominantly residential area of 2 storey terraced and semi-detached housing. There are some 1-2 storey industrial/commercial sites on the east side of School Road and north side of Kingsthorpe Road. The site backs onto the railway to the north, with a cemetery beyond on rising ground. The building can be glimpsed in views from longer distances from the Old Shoreham Road to the north. The ground levels of the site slope down from north to south by about 1m and from east to west by about 2m.
- 2.2 Rayford House is a 4 storey rectangular office block (B1 use) with brick and part white clad elevations with a flat roof. It has a simple utilitarian design. The main entrance is within a lobby extension set up some steps in the south west corner of the building. There is car parking on all sides around the building, which is set centrally. There is currently no access through to Payne Avenue to the east.

### 3 RELEVANT HISTORY

**BH2015/02541** Erection of side extension and creation of additional floor to create 9no. residential units with associated parking and re-cladding. **Withdrawn 16/12/15.**

**BH2002/02549/FP** Construction of additional floor to office building. **Approved 20/3/15.**

**3/89/0458** Vertical extension of existing lift and stair tower. **Refused 21/7/89** on grounds of substantial increase to height of building which is already a dominant

feature in the locality and would be out of character and detrimental to visual amenity.

**3/89/0226** Re-cladding of existing facades, construction of new entrance lobby and change of use of ground floor from showroom to offices. **Granted 28/4/89.**

**3/89/0032** Re-cladding of existing façade, construction of new entrance lobby and the construction of an additional floor. **Refused 24/2/89** on grounds of being out of character with locality and insufficient car parking. **Appeal dismissed 2/2/90** on grounds of harmful visual impact of addition to an already dominant building, out of character with its surroundings.

**M11991/66** New Offices and servicing garage. **Granted 18/2/66.**

**M/11790/65** O.A. 1097 New Office & garage with car parking. **Granted 2/11/65.**

**Relevant history of adjacent/nearby sites:**

**Halsted Scaffolding Ltd, 18 24 28 & 30 Kingsthorpe Road (west of site):**

**BH2014/03525** Demolition of existing building and erection of 9no three storey houses (C3) and 1no three storey office unit (B1(a)) with associated parking area. **Granted 15/4/15.**

**BH2013/01646** Outline application for mixed use development incl 440sqm of commercial and 26 residential units in part 3, part 4 storey building. **Refused 9/6/14** on grounds of excessive scale/overbearing visual impact and unneighbourly development. **Appeal dismissed 28/10/14** on grounds of adverse effect on the character and appearance of the area and unneighbourly development.

**Gala Bingo site 193 Portland Road/corner of School Road:**

**BH2009/03154** Demolition of existing building. Redevelopment of site to provide new GP surgery at part ground floor level and part first floor level, new D1/D2 unit at ground floor level and 35 residential units above in part 2, 3, 4 and 5 storey building to include 14 affordable units. Provision of surface parking for 18 cars, cycle parking and landscaping. **Refused 7/4/10** on grounds of loss of privacy, overdevelopment, unmet travel demand. **Appeal allowed 18/10/10.**

**4 THE APPLICATION**

- 4.1 Planning permission is sought for extensions to the existing office building. An additional storey at roof level to provide a fifth storey is proposed together with a 5 storey side extension, to provide 9 new residential units. The rest of the building would remain as B1 offices.
- 4.2 Five 2-bed flats and four 3-bed flats are proposed. All would have private outdoor amenity space via balconies or terraces. Existing office car parking spaces would be reconfigured and some are proposed to be reallocated to the residential units (9 general spaces plus 1 disabled space). The applicant is proposing 67 car parking spaces in total for the whole building, including 2

disabled, which is a reduction of 4 from the existing 71. Refuse and cycle parking is proposed.

- 4.3 The proposal is to incorporate a 'butterfly' roof design with two mono-pitches. The external appearance of the existing building is to be altered as part of the proposals and elevations will comprise of facing brick, render, natural zinc/powder coated aluminium cladding plus some timber screens. A living green wall is proposed on the east elevation. The existing windows are proposed to change and additional windows are proposed.
- 4.4 Supporting information has been received with the application including a Desk Study Report of geotechnical and geo-environmental factors which assesses the risk of land contamination, a Sunlight and Daylight Assessment, a Tall Building Statement, a Parking Impact Assessment and an Acoustic Report.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours:** One letter of representation has been received from **25 Lovegrove Court, Ingram Crescent East** objecting to the application for the following reasons:

- Height is too imposing
- Increasing numbers of semi-rise buildings changing character of this low rise area to its detriment
- Would set a precedent for high rise buildings

- 5.2 **Councillor Nemeth:** Supports the application (see email at end of report) and has requested it be heard at Planning Committee.

### Internal:

- 5.3 **Environmental Health:** Support subject to appropriate conditions. An acoustic report has been submitted to address potentially concerning noise levels from the adjacent train line. Also there is a potential for noise issues with regard to residential bedrooms located next to stairways. The report shows only a slight increase over acceptable noise standards and this is unlikely to be perceptible. Double glazing should be sufficient provided ventilation is provided. Windows will need to be closed to comply. External noise at the roof terraces would be only slightly above acceptable standards and there is an element of 'buyer beware' when a railway is overlooked. A condition could ensure sufficient sound insulation to the stairwell. The land contamination report assesses the site to be very low risk which is not disputed however condition is recommended to address any unforeseen discoveries.
- 5.4 **Private Sector Housing:** Do not wish to make comments.
- 5.5 **Planning Policy:** Comment The acceptability in principle of this application is finely balanced.
- 5.6 The proposal for residential use is not in accordance with policy EM1 of the adopted Brighton & Hove Local Plan. Although it cannot be considered 'employment-led' mixed use redevelopment as required by the emerging City

Plan Policy CP3.4, which is a material consideration, there is no net loss of employment floorspace associated with this particular application. There is a demonstrable need for new employment floorspace in the city and more efficient use of the safeguarded employment sites to deliver new employment floorspace would help address the shortfall. It is therefore regrettable that the extant permission for an additional floor of office floorspace is not being pursued.

- 5.7 The application should more fully address the level of interest that has been expressed since the marketing of the potential office floorspace began in order to conclude that there is no longer demand for additional office floorspace in this location and thus no adverse economic impacts.
- 5.8 Regard should also be given to paras 14 and 47-51 of the NPPF and an element of residential use would accord with the City Plan. The benefits of providing 9 residential units are recognised. However, the benefits need to be balanced against any significant and demonstrable adverse impacts to the character and appearance of the existing building and the wider locality and the impact to the amenity of nearby occupiers.
- 5.9 **Sustainable Transport:** Support subject to a necessary S106 financial contribution of £6750 and appropriate conditions.
- 5.10 Creation of an additional private entrance through the eastern site perimeter wall should be considered to provide a more direct route to the station, to accord with policy TR8. The existing (and proposed) access to the highway from the site is acceptable. Whilst the applicant has proposed 26 cycle spaces (and SPG04 requires a minimum of 12) they are not adequately spaced. The preference is for Sheffield stands to be used, which would give 17/18 spaces. The applicant is proposing 67 car parking spaces in total incl 2 disabled which is a reduction of 4 from the existing 71. Whilst this is acceptable, sustainable transport measures also need to be encouraged. The applicant has provided information that the current car park is under capacity however the offices are not fully occupied. The disabled spaces should be relocated nearer the entrance and this can be conditioned.
- 5.11 Conditions regarding disabled car parking, submission of a Travel Plan, and submission of a Scheme of Car Parking Management are recommended. The proposal will generate additional trips to the site and based on the Council's agreed formula to promote sustainable modes, this will necessitate a financial contribution via S106 of £6750 towards pedestrian improvements in the form of dropped kerbs and tactile paving on route between the site and Aldrington Railway Station, Stoneham Park and Portland Rd.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be

made in accordance with the plan unless material considerations indicate otherwise.”

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

|      |   |
|------|---|
| TR1  | Development and the demand for travel                               |
| TR4  | Travel Plans  |
| TR7  | Safe development  |
| TR8  | Pedestrian routes   |
| TR14 | Cycle access and parking  |
| TR18 | Parking for people with a mobility related disability               |
| TR19 | Parking standards   |
| SU2  | Efficiency of development in the use of energy, water and materials |
| SU9  | Pollution and nuisance control                                      |
| SU10 | Noise nuisance  |
| SU11 | Polluted land and buildings   |
| SU13 | Minimisation and re-use of construction industry waste              |
| QD1  | Design – quality of development and design statements               |
| QD2  | Design – key principles for neighbourhoods                          |
| QD3  | Design – efficient and effective use of sites                       |
| QD4  | Design – strategic impact   |
| QD14 | Extensions and alterations  |

## PLANNING COMMITTEE LIST – 09 MARCH 2016

|      |   |
|------|---|
| QD15 | Landscape design  |
| QD16 | Trees and hedgerows   |
| QD17 | Protection and integration of nature conservation features    |
| QD25 | External lighting   |
| QD27 | Protection of Amenity   |
| QD28 | Planning obligations  |
| HO3  | Dwelling type and size  |
| HO4  | Dwelling densities  |
| HO5  | Provision of private amenity space in residential development |
| HO6  | Provision of outdoor recreation space in housing schemes      |
| HO13 | Accessible housing and lifetime homes                         |
| EM1  | Identified employment sites (industry and business)           |
| EM3  | Retaining the best sites for industry                         |

### Supplementary Planning Guidance:

|         |   |
|---------|---|
| SPGBH4  | Parking Standards   |
| SPGBH9  | A guide for Residential Developers on the provision of recreational space |
| SPGBH15 | Tall Buildings  |

### Supplementary Planning Documents:

|       |   |
|-------|---|
| SPD03 | Construction & Demolition Waste             |
| SPD08 | Sustainable Building Design                 |
| SPD11 | Nature Conservation & Development           |
| SPD12 | Design Guide for Extensions and Alterations |

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

|      |  |
|------|--|
| SS1  | Presumption in Favour of Sustainable Development |
| CP1  | Housing delivery                                 |
| CP2  | Planning for sustainable economic development    |
| CP3  | Employment land                                  |
| CP7  | Infrastructure and developer contributions       |
| CP8  | Sustainable buildings                            |
| CP10 | Biodiversity                                     |
| CP12 | Urban design                                     |
| CP14 | Housing Density                                  |
| CP19 | Housing mix                                      |
| CP20 | Affordable housing                               |

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to:
- The principle of introducing a residential use on an identified employment site
  - The impact of the extensions on the character and appearance of the existing building and the wider locality
  - The impact on highway safety and traffic generation
  - The impact on amenity of nearby occupiers and future occupiers
  - Sustainability

### **Planning policy & the principle of the residential use:**



- 8.2 As can be seen from the Planning Policy comments set out in section 5 above, the acceptability in principle of introducing a residential use on this site is finely balanced.
- 8.3 The proposal does not strictly comply with the current adopted plan as it is identified as an employment site however the emerging City Plan policy CP3 is more flexible and encourages employment-led mixed use developments on such sites. The NPPF reinforces this approach. Whilst the development cannot be described as 'employment-led' there is no net loss of employment space and the benefits of providing 9 residential units is recognised. The building is currently under occupied and investment in the building and its appearance (in principle) could help attract more office tenants, which would be welcomed.
- 8.4 On balance therefore it is considered that a refusal of permission on grounds of introducing a residential use in principle cannot be justified.
- 8.5 A mix of size of units (2 and 3 bedrooms) are proposed, together with private amenity space, car parking, cycle parking and refuse storage areas, all of which comply with policy.
- 8.6 Provision of 9 units is under the threshold of 10 units or more where affordable housing is required in the current adopted Local Plan. Whilst emerging City Plan policy CP20(c) states that 20% affordable housing as an equivalent financial contribution will be sought on sites of between 5 and 9 dwellings, until this plan is formally adopted, this part of the policy is not considered to outweigh the current adopted Local Plan policy in this instance.

**Design:**

- 8.7 Planning policy seeks to ensure that development is of high quality design and sympathetic to existing development and the character and appearance of the wider locality. The NPPF states that good design is a key aspect of sustainable development.
- 8.8 As can be seen in the History section 3 above, this site has had a number of planning applications, including an additional floor which was granted last year. That recent permission was a finely balanced decision, particularly given the planning history of previous refusals and appeal dismissal for an additional storey. Previous refusals were on grounds of increased prominence of an already dominant building and adverse impact to the character and appearance of the locality, which is predominantly low rise. It was felt that subsequent changes to the design including a set back of the upper storey and cladding to improve the overall building, together with the fact that additional employment floorspace was to be created, outweighed previous concerns.
- 8.9 Whilst the current application also proposes a set back of the upper floor and clad elevations and is partly lower, there are concerns regarding the proposals. The existing building is already somewhat out of character with its surroundings, which is predominantly 2/3 storey low rise and therefore any extensions need to be approached sensitively. The site is on a visual axis at the end of School Road and is quite prominent. There is one example of a taller building in the

wider locality - the redeveloped Gala Bingo site (5 storeys) on the corner of School Road/Portland Road however this not immediately adjacent to the site and has a different context being a prominent corner site on a main road. Rayford House currently benefits from being positioned in the corner of the street scene without a road frontage as such, and is set back into the site and in space. It is considered that the building requires this relatively spacious setting to limit its impact. The proposed substantial side extension of significant height to the west would encroach into this setting and is considered to emphasise the dominance of the building to an unacceptable degree. The building would appear unduly overbearing in its surroundings.

- 8.10 It should be noted that the height of the proposed building would bring it just over 18m high above ground level (17-18.3m from north & 20.4m approx from south at its highest point at south-west corner on this uneven site) and as it is taller than the majority of its surroundings it would therefore fall within the classification of a 'tall building' in terms of SPD15. The site is not located within an area defined as suitable for tall buildings in SPG15, further highlighting the sensitivity of the proposal. This in its own right does not however mean the proposal is automatically unacceptable, as each proposal is judged on its own merits against design policies. The applicant has submitted a supporting Tall Buildings Statement, however, it is not considered that this sufficiently makes the case that the proposal would be acceptable, for the reasons cited.
- 8.11 There are also concerns regarding the detailed design of the proposals. There is considered to be no strong overall coherence to the scheme, with the main building being horizontal in emphasis and of a different style and the new side extension being vertical in emphasis with a different appearance and window styles. The additional storey introduces yet another style. Whilst the current building does not have great architectural merit and is rather stark, it is of simple design and it is considered that the proposals, including use of cladding, timber, render and brick, together with different styles and types of windows and roof profiles, make it overly complicated to the detriment of the appearance of the building and the locality. There is no objection in principle to recladding or a contemporary approach, and indeed this could improve the appearance of the building, however, it is not considered that the current design is of sufficient quality, particularly for such a prominent and substantial building. The introduction of a living green wall to the east is welcomed as it would soften the appearance of this part of the building.

**Sustainable Transport:**

- 8.12 Adopted and emerging planning policy, and the NPPF, seek to ensure developments do not compromise highway safety and that sustainable modes of transport are promoted.
- 8.13 Given the comments made by the Sustainable Transport team in section 5 above, it is considered that the transport impacts of the development are acceptable. The access is safe and sufficient car parking, cycle parking and disabled parking (subject to condition) can be provided to serve the new development. Whilst it is regrettable that some office parking spaces would be

lost, these are limited and on balance this is considered acceptable. The proposal is not considered to cause undue pressure on off-site parking.

- 8.14 Use of sustainable modes of transport could be promoted and secured via a financial contribution and whilst the applicant has stated they would be agreeable to this in principle, as this does not form part of the current application it is also included as a reason for refusal.
- 8.15 It is considered that the introduction of a new access door in the east elevation boundary wall with Payne Avenue could be a significant benefit of the scheme, to shorten the route to the station in the interests of sustainability. It does not, however, currently form part of the application and it is considered inappropriate to impose a condition to ensure it is provided as residents have not had the chance to make comments on such a proposal and may raise concerns about noise or disturbance given its location at the end of a relatively quiet residential cul-de-sac, even if it were restricted to private use only. Concerns may also be raised about relocated bin storage.

**Impact on Amenity:**

- 8.16 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.17 The applicant has submitted a daylight/sunlight assessment which is rather limited, but in any event it is considered that an additional storey would not exacerbate the existing effects of the building in terms of overmassing and levels of sunlight to occupiers of nearby residential properties. The proposed extension westwards could impact the single storey art supplies building which has a window facing the site but given that there is a substantial wall on the boundary and there are other windows that serve that building, on balance the impact is considered acceptable. It is not considered that the addition of one storey and a side extension to the building will have a significantly different impact in terms of microclimate to nearby occupiers, including wind.
- 8.18 Given the comments made by the Environmental Health Team in section 5, it is considered that the proposal is acceptable in terms of noise and land contamination. A residential use is considered compatible with a B1 office use in principle.
- 8.19 There are some concerns about the potential for loss of privacy to occupiers of the ground floor flat directly adjacent to the main entrance. Staff, residents and visitors coming and going to the main entrance would be afforded views directly into the main living area and outdoor amenity space. Screening and/or elements of obscure glazing could improve the relationship (and could be conditioned) and thus this is not included as a reason for refusal. There is also some concern regarding the ground floor rear windows serving bedrooms where staff parking their cars could be intrusive, however, these windows are set back and do not

serve the main living area and there is scope to introduce a landscape buffer (by condition), and on balance this relationship is considered acceptable.

**Sustainability:**

- 8.20 Adopted and emerging planning policy seeks to ensure development is sustainable, including the enhancement of biodiversity. The core aim of the NPPF is achieving sustainable development.
- 8.21 The applicant has stated they will meet Code for Sustainable Homes Level 4 and this intention is welcomed, although this standard is no longer relevant. Conditions could however be imposed to ensure a similar sustainability level is reached. Adequate space can be provided within the site for both refuse and recycling. Currently there is no soft landscaping or greenery on site, and the proposed living green wall is welcomed for sustainable reasons and it promotes biodiversity, in accordance with policy. It would be possible to condition the incorporation of bat and bird boxes to further enhance biodiversity in accordance with policy.

**9 CONCLUSION**

- 9.1 The principle of introducing a residential use on an identified employment site is finely balanced. Flexibility and mixed uses are however encouraged by emerging City Plan policy and the NPPF and there would be no net loss of employment floorspace. The residential and office uses would be compatible. The transport demands created by the development are considered acceptable, however, a financial contribution via S106 agreement towards enhancement of sustainable modes is required.
- 9.2 Whilst there are positive aspects of the scheme as discussed in this report, and the provision of much needed residential units and investment in employment sites is welcome, the scale and design of the scheme is however not considered acceptable. This is a sensitive site with limited potential for successful expansion of this scale. The proposal would increase the dominance of a substantial building which is already somewhat out of character with its low rise surroundings and the significant side extension in particular erodes the spacious setting and further emphasises the building's impact. The proposal would be a 'tall building' but it is not located in an area identified as suitable for such buildings in SPG15. The overall detailed design is rather disjointed and doesn't give a coherent appearance and detracts from the building and the locality.

On balance, therefore, refusal is recommended.

**10 EQUALITIES**

- 10.1 It is proposed to have lift access to all floors, which ensures the development is accessible which is welcomed. No wheelchair accessible units are proposed, however, policy HO13 does not require this for less than 10 residential units. The applicant states that all the flats would meet Lifetime Homes standards – these are no longer relevant - however this is welcomed and a condition requiring compliance with Part M4(2) of Building Regulations could be imposed to improve accessibility. There is an existing ramp up to the east of the main

entrance as an alternative to the stairs. The location of the disabled parking spaces is not considered ideal however there is space to relocate them nearer the entrance and this could be secured by condition and thus is not stated as a reason for refusal.

## 11 REASON FOR REFUSAL / INFORMATIVES

### 11.1 Reasons for Refusal:

1. The proposed extensions and alterations would, by reason of their scale, location and design, relate poorly to the existing building and would result in a building that would be overly dominant and overbearing which would detract from the prevailing character and appearance of the locality. As such, the proposal is contrary to policies QD1, QD2, QD3 and QD14 of the Brighton & Hove Local Plan and CP12 of the emerging Brighton & Hove City Plan Part One.
2. The application, in the absence of detailed measures to promote and encourage sustainable transport and provide a legal obligation for highway improvements, fails to provide for all the travel demand it creates. As such, the proposal is contrary to policies TR1 and QD28 of the Brighton & Hove Local Plan and CP7 of the emerging Brighton & Hove City Plan Part One.

### 11.2 Informatives:

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

| Plan Type                              | Reference | Version | Date Received |
|--|-----------|---------|---------------|
| Location/block plan                    | 1520-P-01 | P1      | 21/12/15      |
| Existing site plan (inc roof plan)     | 1520-P-02 | P2      | 21/12/15      |
| Existing ground floor/site plan        | 1520-P-03 | P1      | 21/12/15      |
| Existing first & second floor plans    | 1520-P-04 | P1      | 21/12/15      |
| Existing third floor & roof plan       | 1520-P-05 | P1      | 21/12/15      |
| Existing elevations                    | 1520-P-06 | P1      | 21/12/15      |
| Existing elevations                    | 1520-P-07 | P1      | 21/12/15      |
| Existing context elevations            | 1520-P-08 | P1      | 21/12/15      |
| Existing sections                      | 1520-P-09 | P1      | 21/12/15      |
| Proposed site plan (incl roof plan)    | 1520-P-10 | P5      | 21/12/15      |
| Proposed basement & ground floor plans | 1520-P-11 | P5      | 21/12/15      |
| Proposed first & second floor plans    | 1520-P-12 | P2      | 21/12/15      |
| Proposed third and fourth floor plan   | 1520-P-13 | P2      | 21/12/15      |
| Proposed south elevation               | 1520-P-14 | P2      | 21/12/15      |
| Proposed north elevation               | 1520-P-15 | P2      | 21/12/15      |
| Proposed west elevation                | 1520-P-16 | P2      | 21/12/15      |

PLANNING COMMITTEE LIST – 09 MARCH 2016

|                             |           |    |          |
|-----------------------------|-----------|----|----------|
| Proposed east elevation     | 1520-P-17 | P2 | 21/12/15 |
| Proposed context elevations | 1520-P-18 | P2 | 21/12/15 |
| Proposed sections           | 1520-P-19 | P2 | 21/12/15 |



PLANNING COMMITTEE LIST  
09 March 2016

COUNCILLOR REPRESENTATION

**From:** Robert Nemeth  
**Sent:** 24 January 2016 20:36  
**To:** Maria Seale  
**Subject:** RE: planning application BH2015/04606 Extensions to Rayford House, School Rd, Hove

Dear Maria,

I would like this one to go to Committee in the event that the Officer is minded to refuse. I support the application.

**Cllr Robert Nemeth - Wish Ward  
Brighton & Hove City Council**

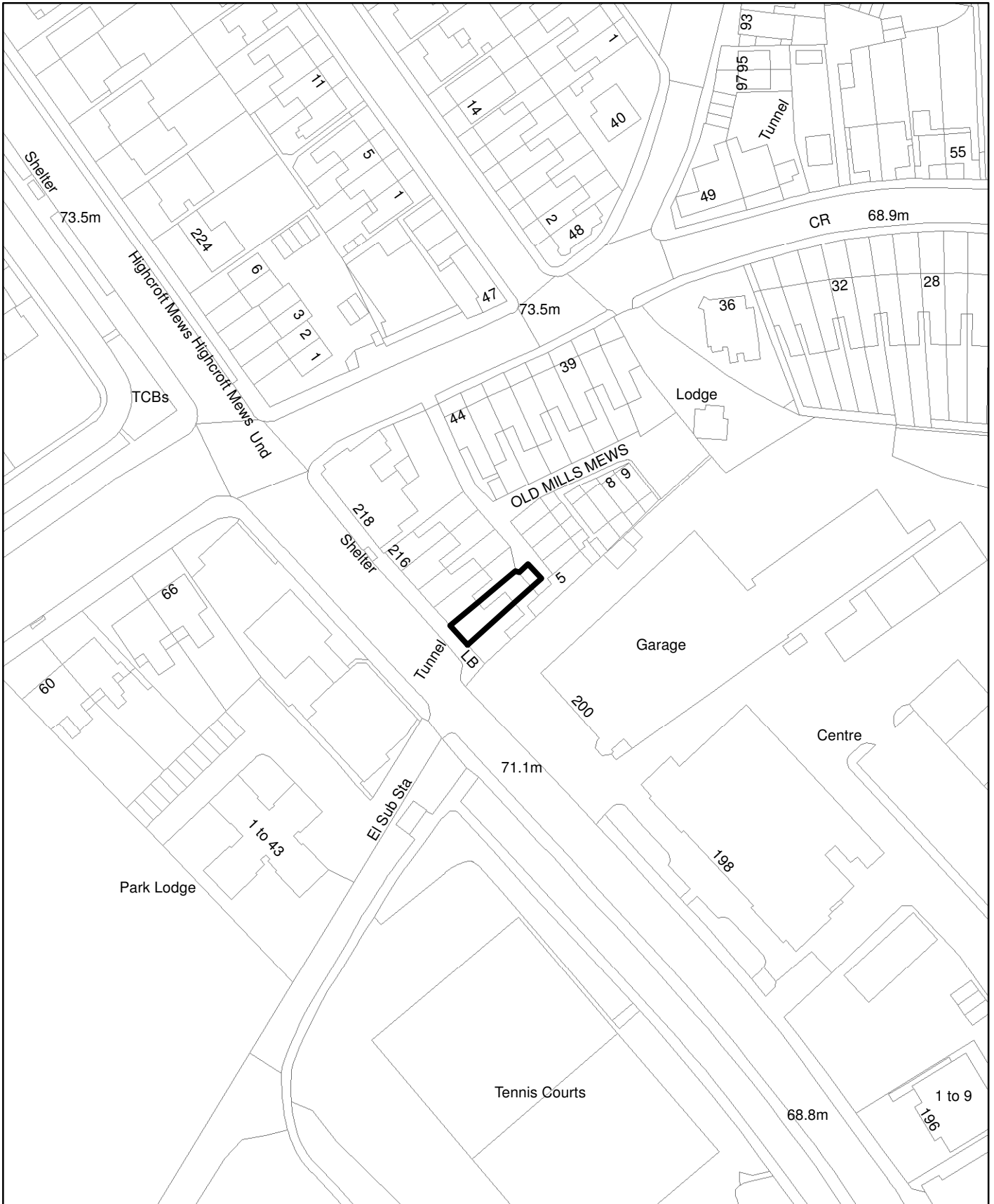




# **ITEM B**

**208A Dyke Road, Brighton  
BH2015/03126  
Full Planning**

**09 March 2016**



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

|                                      |  |                            |                     |
|--------------------------------------|--|----------------------------|---------------------|
| <b><u>No:</u></b>                    | <b>BH2015/03126</b>  | <b><u>Ward:</u></b>        | <b>PRESTON PARK</b> |
| <b><u>App Type:</u></b>              | <b>Full Planning</b>   |                            |                     |
| <b><u>Address:</u></b>               | <b>208A Dyke Road Brighton</b>   |                            |                     |
| <b><u>Proposal:</u></b>              | <b>Conversion of existing maisonette to 2no flats (C3) incorporating removal of garage at rear and rear conservatory and enlargement of rear balcony area.</b> |                            |                     |
| <b><u>Officer:</u></b>               | Mark Thomas Tel 292336   | <b><u>Valid Date:</u></b>  | 29/09/2015          |
| <b><u>Con Area:</u></b>              | N/A  | <b><u>Expiry Date:</u></b> | 24 November 2015    |
| <b><u>Listed Building Grade:</u></b> | N/A  |                            |                     |
| <b><u>Agent:</u></b>                 | Owen Powell Architects, 17 Reigate Road<br>Brighton<br>BN1 5AJ   |                            |                     |
| <b><u>Applicant:</u></b>             | Mr D Patel, 208a Dyke Road<br>Brighton<br>BN1 5AA  |                            |                     |

**1 RECOMMENDATION**

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

**2 SITE LOCATION & DESCRIPTION**

- 2.1 The application relates to a three storey mid-terrace property within a shopping parade on the east side of Dyke Road. The property houses a retail unit at ground floor and a residential maisonette to the upper floors with access from the rear yard.

**3 RELEVANT HISTORY**

**BH2015/00756** Conversion of existing maisonette to 2no flats (C3) with associated alterations including replacement of existing fire escape with new access staircase to rear. Refused 12/05/2015.

**BH2005/05484** Partial change of use of ground floor from shop to live/work unit at rear and retention of shop at front and associated external alterations. Refused 22/11/2005.

**BH2001/02737/FP** Change of use from retail (use class A1) to cafe/snack bar (use class A3) Refused 09/01/2002- appeal dismissed 04/10/2002.

**4 THE APPLICATION**

- 4.1 Planning permission is sought for the conversion of the first and second floor maisonette to two self-contained flats. Externally it is proposed to demolish the detached garage within the rear garden/yard and the rear conservatory which would result in an increased balcony area.

## 5 PUBLICITY & CONSULTATIONS

### External

5.1 **Neighbours: Seven (7)** letters of representations have been received from **2, 3 (x3), 4 (x3), 5 (x2) and 17 Old Mill Mews** objecting to the application for the following reasons:

- Noise and disturbance.
- The area is already overcrowded.
- Existing traffic/ parking issues in the area would be worsened.
- Traffic pollution.
- Overlooking.
- Insufficient space for two vehicles to park.
- The garage to be removed is attached to a cycle shed which is currently used.

5.2 **Councillor Allen** objects to the proposed development (email attached).

5.3 **Network Rail** No objection.

### Internal:

5.4 **Highway Authority:** No objection.

- The current proposed car parking layout of 2 spaces would appear to only allow for one car parking space due to the limited access. This would mean that there is only likely to be 1 parking space available for the proposed 2 flats. However at this location this amount of car parking for 2 flats is deemed acceptable and it is noted that there may be potential space for overspill parking in the surrounding private road network. The Highway Authority therefore does not wish to object on the level of car parking.
- The applicant states that there will be 2 cycle parking spaces on site. Further detail of the cycle parking space is required including the stand and its location. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
- The subdivision of a four bedroom maisonette into 2 flats is comparable in trips terms and is therefore acceptable.

## 6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);

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

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

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

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

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

|      |   |
|------|---|
| TR1  | Development and the demand for travel                               |
| TR7  | Safe development  |
| TR14 | Cycle access and parking  |
| TR19 | Parking standards   |
| SU2  | Efficiency of development in the use of energy, water and materials |
| SU9  | Pollution and noise control   |
| SU10 | Noise nuisance  |
| QD14 | Extensions and Alterations  |
| QD27 | Protection of amenity   |
| HO3  | Dwelling type and size  |
| HO4  | Dwelling densities  |
| HO5  | Provision of private amenity space in residential development       |
| HO9  | Residential conversions and the retention of smaller dwellings      |
| HO13 | Accessible housing and lifetime homes                               |

#### Supplementary Planning Document:

|       |   |
|-------|---|
| SPD12 | Design Guide for Extensions and Alterations |
|-------|---|

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

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

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 It is considered that the main issues of this proposal are the acceptability of the principle of the conversion, the quality of living conditions for future occupiers and those adjacent to the site, traffic/parking issues and sustainability matters.

### **Planning history**

- 8.2 The application follows the refusal of BH2015/00756 which also sought the conversion of the maisonette to two flats. The former scheme featured an external access staircase to the second floor flat, and the application was refused due to the potential for noise, disturbance and loss of privacy for occupiers of no. 210 Dyke Road from residents entering and leaving the application property using this staircase. BH2015/00756 was considered acceptable in terms of the principle of the development, the standard of accommodation for future occupiers, transport/parking and sustainability. The loss of the detached garaged was also considered acceptable in principle.

### **Principle of Conversion**

- 8.3 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to be 30,120 units) as the basis for the five year supply position.
- 8.4 The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The specific impacts of the development are considered fully below.
- 8.5 Brighton & Hove Local Plan policy HO9 specifies a range of criteria for consideration in the determination of schemes for residential conversion. Criterion (a) of the policy seeks to retain smaller self-contained residential units, specifying a minimum threshold of 115m<sup>2</sup> floor space or more than three bedrooms as originally built, for existing dwellings in conversion schemes. The maisonette has an approximate floor area of 127m<sup>2</sup> which is above the floor space threshold of criteria (a) of policy HO9.
- 8.6 The policy also states that a conversion should provide for a family unit with at least two bedrooms. Both flats would provide two bedrooms.
- 8.7 The policy also requires that conversion proposals would not be harmful to residents of neighbouring properties, would not result in unacceptable on-street car parking stress and that storage for refuse and cycles is incorporated into the proposal. Details of neighbour amenity, parking, and refuse/cycle storage are outlined below.

**Standard of living accommodation**

- 8.8 The standard of living accommodation of the two units is considered acceptable, with adequate provision of living space, natural light and ventilation. It is noted that both units would fall below the suggested floor spaces within the DCLG: Technical Housing Standards - nationally described space standard, although they would not fall significantly short - 57m<sup>2</sup> vs 61m<sup>2</sup> for the first floor flat and 65m<sup>2</sup> vs 70m<sup>2</sup> for the second floor flat. The proposed first floor second bedroom and the living/dining/kitchen rooms are not considered generously sized, although the proposed size is not sufficiently cramped to warrant refusal of the planning application. Similarly, the lack of private amenity space to the upper unit is not ideal, although refusal on these grounds could not be justified given the constraints of the site.

**Amenity**

- 8.9 Policy QD27 seeks to protect existing and future residents of neighbouring properties from development which would cause material nuisance and loss of amenity. It is recognised that two flats in the building would result in increased movements within the building but this is not envisaged to have a significant impact on neighbouring properties by way of noise and disturbance. The proposal would remove an existing conservatory which would result in an increased balcony area. Although the balcony would provide additional standing/sitting out space, it would not be of a size which would be likely to give rise to significant noise disturbance. Whilst the new area of balcony would provide for new vantage points for views towards the rear elevations of nos. 206 and 210 Dyke Road, these would be oblique and less direct in nature than those available from the existing section of the balcony which is situated further rearward. The removal of the garage building would allow new views from the balcony towards the ground floors of properties on Old Mill Mews (nos. 1-5). Given the existing views available from windows to upper floors and the degree of separation it is not considered that a significant loss of privacy would occur.

**Design**

- 8.10 The proposal to remove the garage within the rear yard would not have a detrimental impact on visual amenity. The removal of the rear conservatory, whilst retaining the roof as a canopy, would have a neutral impact on the character and appearance of the recipient property.

**Traffic/ Parking Matters**

- 8.11 Brighton & Hove Local Plan policy TR1 requires development to address the related travel demand. The written submission states that one parking space would be provided which would be in accordance with currently adopted parking standards. The submitted drawings, however, show two parking spaces. Whilst such a provision would also be acceptable it would be impractical in this location given the narrow access and lack of turning space. Furthermore, the provision of a single parking space parallel to the rear of the property would allow for the retention of an area of private amenity space for occupiers of the lower flat as proposed. Details of revised parking arrangements (for one vehicle) could be secured by condition.

8.12 Cycle storage has been proposed to the rear garden in the position of an existing bin store beneath a raised balcony, which is considered acceptable in principle. The submitted plans show only the footprint of this space. A condition requiring further details, including elevational drawings, could be requested by condition.

**Sustainability**

8.13 Brighton & Hove Local Plan policy SU2 and CP8 of the submission City Plan Part One requires new residential development to demonstrate efficiency in the use of water and energy. The applicants have submitted a Sustainability Checklist. Details have been provided within the Checklist detailing the energy efficiency measures that are proposed.

**9 CONCLUSION**

9.1 The proposal would preserve the appearance of the building and surrounding area and would provide a suitable standard of accommodation. The scheme is also appropriate in respect of its impact on the amenity of adjacent properties, sustainability, highway safety and the demand for travel.

**10 EQUALITIES**

10.1 No issues identified.

**11 CONDITIONS / INFORMATIVES**

11.1 Regulatory Conditions:

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

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

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

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

| Plan Type  | Reference | Version | Date Received     |
|--|-----------|---------|-------------------|
| Site location and block plans                    | 1422/1    | -       | 25th August 2015  |
| Existing and proposed ground floor plans         | 1422/2/A  | -       | 25th August 2015  |
| Existing and proposed first floor plans          | 1422/3/B  | -       | 19th January 2016 |
| Existing and proposed second floor plans         | 1422/4/B  | -       | 19th January 2016 |
| Existing and proposed rear elevation             | 1422/5/A  | -       | 25th August 2015  |
| Existing and proposed side elevation and section | 1422/6/B  | -       | 19th January 2016 |
| Existing and proposed sections                   | 1422/7/B  | -       | 19th January 2016 |



Pre-Commencement Conditions:

- 3) Notwithstanding the submitted plans, prior to first occupation of the development hereby permitted a revised parking layout plan shall be submitted to and improved in writing by the Local Planning Authority. The approved parking provision shall be fully implemented and made available for use prior to the first occupation of the development and shall be retained as such thereafter.  
**Reason:** To ensure that the parking of motor vehicles does not represent a hazard and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

- 4) Prior to first occupation of the development hereby permitted, details, including elevational drawings, of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 5) Prior to first occupation of the development hereby permitted, the refuse storage area shown on the approved plans shall be made available for use and shall thereafter be retained for use at all times.  
**Reason:** To ensure satisfactory facilities for the storage of refuse and to comply with policy HO9 of the Brighton & Hove Local Plan.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
- (ii) for the following reasons:-  
The proposal would preserve the appearance of the building and surrounding area and would provide a suitable standard of accommodation. The scheme is also appropriate in respect of its impact on the amenity of adjacent properties, sustainability, highway safety and the demand for travel.



PLANNING COMMITTEE LIST  
09 March 2016

COUNCILLOR REPRESENTATION

From: Kevin Allen  
Sent: 12 February 2016 6:42 PM  
To: Jeanette Walsh  
Subject: BH2015/03126: 208A Dyke Road

Dear Jeanette

This application involves the demolition of the existing shed-like structure in order to provide a parking area for two vehicles. The space strikes me as too small. What is more, with the removal of the shed and the consequent lowering of the roof level the ground floor rooms of nos. 3 and 4 Old Mill Mews will suffer overlooking from the backs of properties in Dyke Road.

I wish to record my opposition to this application and my recommendation that members should visit the site.

Best wishes

Kevin

Kevin Allen, Labour councillor for Preston Park

|                           |  |
|---------------------------|--|
| <b>PLANNING COMMITTEE</b> | <b>Agenda Item 156</b><br>Brighton & Hove City Council |
|---------------------------|--|

**Information on upcoming Pre-application Presentations and Requests 2016**

**NONE**

**Previous presentations - 2015 / 6**

| <b>Date</b>                    | <b>Address</b>   | <b>Ward</b>             | <b>Proposal</b>  |
|--------------------------------|--|-------------------------|--|
| 16 February 2016               | University of Sussex   | Hollingdean and Stanmer | Request re: Life Science building  |
| 16 February 2016               | Shelter Hall, 150-151 Kings Rd Arches & 65 Kings Rd (bottom of West St) & East Street Bastion, Grand Junction Rd | Regency                 | Demolition of former gym and construction of part 2, part 3 storey building for mixed commercial use (A1/A3) plus public toilets, substation and new seafront stairs. Erection of relocated seafront kiosk (A1/A3 use) to East Street Bastion  |
| 08 December 2015               | 251- 253 Preston Road, Brighton  | Withdean                | Demolition of non-original two storey link building. Erection of new three storey link building and conversion, extension and refurbishment works to existing buildings to facilitate creation of 22no apartments (C3). Erection of 6no single dwelling houses (C3) to rear of site to provide a total of 28no residential units, incorporating provision of new car parking, cycle parking and refuse stores, landscaping, planting and other associated works. |
| 08 December 2015               | Former Texaco Garage, Kingsway, Hove   | Central Hove            | Circa 50 flats set out over 7 storeys with basement car parking accessed off St Aubyns South, circa 400sqm retail floorspace on the ground floor with associated surface parking accessed off Kingsway.  |
| 17 <sup>th</sup> November 2015 | University of Sussex   | Hollingdean and Stanmer | Reserved matters application for approximately 2000 new student accommodation bedrooms.  |
| 27 <sup>th</sup> October 2015  | 78 West Street & 7-8 Middle Street,  | Regency                 | Demolition of vacant night club buildings and erection of mixed  |

**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 King's House on the date given after scheduled site visits unless otherwise stated.**

|                             |   |                            |  |
|-----------------------------|---|----------------------------|--|
|                             | Brighton  |                            | use building 5-7 storeys high plus basement comprising commercial A1/A3/A4 (retail/restaurant/bar) uses on ground floor & basement and C1 (hotel) use on upper floors with reception fronting Middle St.   |
| 4 <sup>th</sup> August 2015 | 121-123 Davigdor Road, Brighton   | Goldsmid                   | Replacement of existing building with three-part stepped building comprising 48 residential flats and 153sqm of community floorspace.  |
| 23 <sup>rd</sup> June 2015  | Land directly adjacent to American Express Community Stadium, Village Way, Falmer | Moulsecomb & Bevendean     | Erection of a 150 bedroom hotel.   |
| 23 <sup>rd</sup> June 2015  | Former St. Aubyns School, High Street, Rottingdean                                | Rottingdean Coastal        | Residential development of the site to provide 48 dwellings through refurbishment and conversion of Field House to provide 6no. apartments; refurbishment of 4no. existing curtilage listed cottages; demolition of remaining former school buildings and former headmaster's house; erection of 38 new dwellings and 62 bed care home; retention of sports pavilion and war memorial; provision and transfer of open space for public use; formation of accesses to Newlands Road and alterations to existing access off Steyning Road; provision of associated car parking and landscaping; alterations to flint wall. |
| 2 <sup>nd</sup> June 2015   | Land bound by Blackman Street Cheapside and Station Street, Brighton              | St Peter's and North Laine | Proposed part nine, part seven storey building to provide office and student accommodation for Bellerby's College.   |
| 2 <sup>nd</sup> June 2015   | Brighton College, Eastern Road, Brighton  | Queens Park                | Demolition of existing Sports and Science building fronting Sutherland Road and erection of new three storey Sports and Science building comprising swimming pool, Sports Hall, teaching rooms and rooftop running track and gardens.  |
| 10 <sup>th</sup> March 2015 | 106 Lewes Road, Brighton  | St Peter's and North Laine | Eight storey block of student accommodation.   |

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**PLANS LIST 09 March 2016****BRIGHTON & HOVE CITY COUNCIL LIST OF APPLICATIONS DETERMINED  
BY THE HEAD OF PLANNING & PUBLIC PROTECTION  
FOR EXECUTIVE DIRECTOR ENVIRONMENT, DEVELOPMENT & HOUSING  
UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS  
COMMITTEE DECISION****PATCHAM****BH2015/03912****122 Ladies Mile Road Brighton**

Certificate of Lawfulness for proposed single storey rear extension and loft conversion incorporating rear dormer.

**Applicant:** Mr Kelvin Aldridge

**Officer:** Molly McLean 292097

**Approved on 02/02/16 DELEGATED**

**BH2015/03958****48 Mayfield Crescent Brighton**

Erection of a single storey rear extension with associated alterations to garage.

**Applicant:** Mr Tim Bunting

**Officer:** Allison Palmer 290493

**Approved on 09/02/16 DELEGATED**

**BH2015/03998****73 Ladies Mile Road Brighton**

Certificate of lawfulness for proposed demolition of existing storage building and erection of new storage building to the rear.

**Applicant:** Mr Stephen Di Maio

**Officer:** Molly McLean 292097

**Approved on 01/02/16 DELEGATED**

**BH2015/04060****Land Adjacent to Methodist Church Lyminster Avenue Brighton**

Erection of 3no four bed terraced houses. (Part retrospective).

**Applicant:** F R Properties

**Officer:** Adrian Smith 290478

**Approved on 10/02/16 DELEGATED**

**BH2015/04076****25 Overhill Drive Brighton**

Certificate of lawfulness for proposed erection of a single storey rear extension with associated alterations to fenestration.

**Applicant:** Mrs Sallie Garratt

**Officer:** Molly McLean 292097

**Approved on 02/02/16 DELEGATED**

Report from 28/01/2016 to 17/02/2016

**BH2015/04103****32 Greenfield Crescent Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating hip to gable roof extension, 3no front rooflights, side window and rear dormer.

**Applicant:** Mr & Mrs Woodward

**Officer:** Molly McLean 292097

**Approved on 08/02/16 DELEGATED**

**BH2015/04208****20 Baranscraig Avenue Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating hip to gable roof extension, front rooflights and rear dormer.

**Applicant:** Mr & Mrs Hart

**Officer:** Molly McLean 292097

**Approved on 02/02/16 DELEGATED**

**BH2015/04269****435 Ditchling Road Brighton**

Application for removal of condition 8 of application BH2014/01006 allowed on appeal (Demolition of existing garage and boundary wall and erection of 3no two bedroom residential dwellings (C3)), that required Final /Post Construction Code Certificates issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 as a minimum prior to occupation of the residential units.

**Applicant:** Perth Securities

**Officer:** Chris Swain 292178

**Approved on 15/02/16 DELEGATED**

**BH2015/04406****3 Galliers Close Brighton**

Erection of single storey rear and side extension, raising of ridge height and insertion of rooflights.

**Applicant:** Mr Charlie Nobbs

**Officer:** Laura Hamlyn 292205

**Refused on 28/01/16 DELEGATED**

**BH2015/04492****22 Carden Hill Brighton**

Roof alterations incorporating hip to gable extension, dormers and rooflights to front and rear and side window and front porch extension.

**Applicant:** Mr & Mrs Barden

**Officer:** Laura Hamlyn 292205

**Approved on 15/02/16 DELEGATED**

**BH2015/04508****9 Thornhill Avenue Brighton**

Erection of single storey side and rear extensions.

**Applicant:** H Woodhouse

Report from 28/01/2016 to 17/02/2016



**Officer:** Allison Palmer 290493

**Approved on 15/02/16 DELEGATED**

**BH2015/04561**

**435 Ditchling Road Brighton**

Application for Approval of Details Reserved by Conditions 5 and 7 of application BH2014/01006 (allowed on appeal)

**Applicant:** Perth Securities

**Officer:** Sonia Gillam 292265

**Split Decision on 12/02/16 DELEGATED**

**BH2015/04602**

**Petrol Filling Station Mill Road Brighton**

Application for approval of details reserved by conditions 6, 7 and 8 of application BH2013/02211.

**Applicant:** MRH Retail Limited

**Officer:** Adrian Smith 290478

**Approved on 08/02/16 DELEGATED**

**BH2015/04653**

**34 Heston Avenue Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.1m, for which the maximum height would be 3.5m, and for which the height of the eaves would be 2.9m.

**Applicant:** Mr & Mrs Coomber

**Officer:** Charlotte Bush 292193

**Prior Approval is required and is refused on 28/01/16 DELEGATED**

**BH2016/00075**

**435 Ditchling Road Brighton**

Application for Approval of Details Reserved by Condition 6 of application BH2014/01006 (allowed on appeal).

**Applicant:** Perth Securities

**Officer:** Sonia Gillam 292265

**Refused on 12/02/16 DELEGATED**

## **PRESTON PARK**

**BH2015/03082**

**30 Preston Road Brighton**

Conversion of retail and retail storage space and 1no non-self-contained flat on upper floors into 3no self-contained residential units (C3) with alteration to shopfront to facilitate residential access door, front rooflight, rear dormer and associated alterations.

**Applicant:** Mr P O'Sullivan

**Officer:** Wayne Nee 292132

**Approved on 09/02/16 DELEGATED**

Report from 28/01/2016 to 17/02/2016

**BH2015/03150****40 Grantham Road Brighton**

Extension to existing raised decking with steps to garden level.

**Applicant:** Simon Gracethorne

**Officer:** Luke Austin 294495

**Refused on 29/01/16 DELEGATED**

**BH2015/03353****Ground Floor Flat 164 Havelock Road Brighton**

Erection of single storey rear extension.

**Applicant:** Mr David Maden

**Officer:** Luke Austin 294495

**Refused on 08/02/16 DELEGATED**

**BH2015/03546****First & Second Floor Maisonette 26 Prestonville Road Brighton**

Replacement of rear single glazed timber framed window with UPVC double glazed windows incorporating lead trays below and installation of lead tray below existing rear UPVC window.

**Applicant:** Miss Melissa Constable

**Officer:** Emily Stanbridge 292359

**Approved on 05/02/16 DELEGATED**

**BH2015/03674****68 Sandgate Road Brighton**

Certificate of lawfulness for proposed loft conversion incorporating rear dormer.

**Applicant:** Bayleaf Homes

**Officer:** Molly McLean 292097

**Approved on 09/02/16 DELEGATED**

**BH2015/03884****94 Rugby Road Brighton**

Erection of single storey rear and side extensions.

**Applicant:** Mr & Mrs Mason

**Officer:** Emily Stanbridge 292359

**Refused on 01/02/16 DELEGATED**

**BH2015/03906****181 Preston Drove Brighton**

Erection of single storey rear extension and outbuilding, creation of rear balcony with associated alterations.

**Applicant:** Mr Laurence Boakye

**Officer:** Emily Stanbridge 292359

**BH2015/03948****68 & part of 66 Rugby Road Brighton**

Erection of a single storey rear extension.

**Applicant:** Mrs Sophie Wheatley

**Officer:** Allison Palmer 290493

Report from 28/01/2016 to 17/02/2016

**Refused on 08/02/16 DELEGATED****BH2015/03964****67 Lowther Road Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating front rooflights and rear dormer.

**Applicant:** Ms Linda Groundsell

**Officer:** Molly McLean 292097

**Approved on 01/02/16 DELEGATED**

**BH2015/04038****57 Springfield Road Brighton**

Erection of single storey side extension and installation of rooflight to rear elevation.

**Applicant:** Mr David Jones

**Officer:** Justine Latemore 292138

**Approved on 09/02/16 DELEGATED**

**BH2015/04041****184 Dyke Road Brighton**

Certificate of lawfulness for proposed removal of existing conservatory and erection of single storey rear extension with alterations to fenestration.

**Applicant:** Mrs Josephine Cox

**Officer:** Molly McLean 292097

**Split Decision on 08/02/16 DELEGATED**

**BH2015/04109****74 Preston Road Brighton**

Replacement of existing workshop roof with flat roof, rooflights and raised parapet wall.

**Applicant:** Vehicle Hire UK Ltd

**Officer:** Chris Swain 292178

**Refused on 08/02/16 DELEGATED**

**BH2015/04135****Flat 3 24 Springfield Road Brighton**

Roof alterations incorporating creation of rear dormer and installation of rooflights to front and rear.

**Applicant:** Mr Martyn Allen

**Officer:** Justine Latemore 292138

**Approved on 12/02/16 DELEGATED**

**BH2015/04154****16 Beacon Close Brighton**

Erection of a single storey rear extension with raised decking and revised fenestration. Roof alterations incorporating hip to gable roof extension and rooflights.

**Applicant:** Joe Meredith

Report from 28/01/2016 to 17/02/2016

**Officer:** Allison Palmer 290493  
**Approved on 12/02/16 DELEGATED**

**BH2015/04198****37 Campbell Road Brighton**

Replacement of rear UPVC single door with timber double door.

**Applicant:** Mr Jason Slocombe  
**Officer:** Kate Brocklebank 292454  
**Approved on 29/01/16 DELEGATED**

**BH2015/04286****7 & 8 Port Hall Mews Brighton**

Application for Approval of Details Reserved by Conditions 8 and 10 of application BH2014/01124

**Applicant:** Mr Essam Barakat  
**Officer:** Sue Dubberley 293817  
**Approved on 04/02/16 DELEGATED**

**BH2015/04321****24 Highcroft Villas Brighton**

Certificate of lawfulness for proposed loft conversion incorporating rear dormer, side window and alterations to chimney.

**Applicant:** Mr James Ginzler  
**Officer:** Molly McLean 292097  
**Refused on 15/02/16 DELEGATED**

**BH2015/04324****28 Cleveland Road Brighton**

Certificate of lawfulness for proposed installation of bi-folding doors to replace existing patio doors to rear and new windows and rooflights to side elevation with associated alterations.

**Applicant:** Mr & Mrs Oli Rahman  
**Officer:** Molly McLean 292097  
**Refused on 09/02/16 DELEGATED**

**BH2015/04333****14 Port Hall Road Brighton**

Roof alterations including raising of ridge height, replacement of 2no existing dormers with new dormers and addition of 1no rooflight. Erection of two storey side extension with pitched roof, single storey flat roofed side and front extension, side balcony at first floor level and associated alterations.

**Applicant:** Mr & Mrs Hewitt  
**Officer:** Laura Hamlyn 292205  
**Approved on 09/02/16 DELEGATED**

**BH2015/04352****89 Edburton Avenue Brighton**

Report from 28/01/2016 to 17/02/2016

Installation of rooflight to front roof slope.

**Applicant:** Mr Ben Harding

**Officer:** Laura Hamlyn 292205

**Approved on 09/02/16 DELEGATED**

**BH2015/04452**

**72 Chester Terrace Brighton**

Erection of single storey rear extension and roof alterations incorporating dormer and rooflights to rear.

**Applicant:** Mr Nick Bengé

**Officer:** Laura Hamlyn 292205

**Approved on 03/02/16 DELEGATED**

**BH2015/04456**

**80 Havelock Road Brighton**

Insertion of front rooflight.

**Applicant:** Mrs Sam Beck

**Officer:** Laura Hamlyn 292205

**Approved on 03/02/16 DELEGATED**

**BH2015/04488**

**35 Sandgate Road Brighton**

Erection of single storey rear extension (Part retrospective).

**Applicant:** Mr Michael-John Day

**Officer:** Laura Hamlyn 292205

**Approved on 10/02/16 DELEGATED**

**BH2015/04523**

**6 Havelock Road Brighton**

Erection of single storey rear extension.

**Applicant:** Mr Roger Horlock

**Officer:** Laura Hamlyn 292205

**Refused on 09/02/16 DELEGATED**

**BH2015/04530**

**122 Balfour Road Brighton**

Certificate of lawfulness for proposed rear dormer to replace existing.

**Applicant:** Mr Tim Brady

**Officer:** Molly McLean 292097

**Approved on 09/02/16 DELEGATED**

**BH2015/04531**

**77 Waldegrave Road Brighton**

Insertion of rooflight to front elevation.

**Applicant:** Ms Abi Markey

**Officer:** Laura Hamlyn 292205

**Approved on 09/02/16 DELEGATED**

Report from 28/01/2016 to 17/02/2016

**BH2015/04607****62 Preston Road Brighton**

Roof alterations incorporating rear dormer and rooflights to front and rear.

**Applicant:** Mr Richard Little

**Officer:** Laura Hamlyn 292205

**Approved on 15/02/16 DELEGATED**

**BH2015/04645****113 Lowther Road Brighton**

Enlargement of existing rear dormer.

**Applicant:** Mr Al Green

**Officer:** Laura Hamlyn 292205

**Approved on 17/02/16 DELEGATED**

**REGENCY****BH2015/01633****21 Bedford Square Brighton**

Conversion of existing ground and lower ground floor office (B1) to 1no two bedroom maisonette (C3). Alterations to front including new bay windows, railings and wall.

**Applicant:** Mr Robbie Anderson

**Officer:** Helen Hobbs 293335

**Approved on 02/02/16 DELEGATED**

**BH2015/01634****21 Bedford Square Brighton**

Internal alterations to layout to convert existing ground and lower ground floor office (B1) to 1no two bedroom maisonette (C3). External alterations to front including new bay windows, railings and wall.

**Applicant:** Mr Robbie Anderson

**Officer:** Helen Hobbs 293335

**Approved on 02/02/16 DELEGATED**

**BH2015/02431****Land at and adjacent to West Pier and 62-73 Kings Road Arches Kings Road Brighton**

Application for removal of conditions 19 and 36 of application BH2014/04167 (i360 observation tower scheme originally approved under application BH2006/02369). Condition 19 to be removed relates to the requirement for rainwater recycling and condition 36 to be removed relates to the requirement for a wind turbine at the head of the tower.

**Applicant:** Marks Barfield Architects

**Officer:** Maria Seale 292175

**Approved after Section 106 signed on 05/02/16 Committee**

**BH2015/02686****109a-110 Western Road Brighton**

Display of externally illuminated fascia sign.

Report from 28/01/2016 to 17/02/2016

**Applicant:** Arun Estate Agencies Ltd

**Officer:** Joanne Doyle 292198

**Approved on 29/01/16 DELEGATED**

**BH2015/02773**

**54 - 56 West Street Brighton**

Installation of clear polycarbonate roller shutter to main entrance.

**Applicant:** Nationwide

**Officer:** Wayne Nee 292132

**Refused on 28/01/16 DELEGATED**

**BH2015/03588**

**Pump House Inn 46 Market Street Brighton**

Display of 2no externally illuminated hanging signs and 1no non-illuminated information sign.

**Applicant:** Mitchells & Butlers PLC

**Officer:** Justine Latemore 292138

**Approved on 05/02/16 DELEGATED**

**BH2015/03589**

**Pump House Inn 46 Market Street Brighton**

Replacement of existing lanterns, signage, floodlights and other associated works.

**Applicant:** Mitchells & Butlers PLC

**Officer:** Justine Latemore 292138

**Approved on 05/02/16 DELEGATED**

**BH2015/03592**

**Pump House Inn 46 Market Street Brighton**

Internal and external alterations including refurbishment of existing signage and installation of new signage, installation of new lantern and floodlight to replace existing and internal alterations and refurbishment.

**Applicant:** Mitchells & Butlers PLC

**Officer:** Justine Latemore 292138

**Approved on 05/02/16 DELEGATED**

**BH2015/03972**

**Unit 29 Churchill Square Brighton**

Certificate of Lawfulness for proposed change of use from retail (A1) to bureau de change (A2).

**Applicant:** Eurochange Ltd

**Officer:** Ryan OSullivan 290480

**Approved on 15/02/16 DELEGATED**

**BH2015/04194**

**6A Montpelier Terrace Brighton**

Existing timber sash window relocated to replace door and installation of timber double doors to rear. Internal alterations to layout of flat.

Report from 28/01/2016 to 17/02/2016

**Applicant:** Mrs Caroline Calder Smith

**Officer:** Emily Stanbridge 292359

**Approved on 03/02/16 DELEGATED**

**BH2015/04195**

**6A Montpelier Terrace Brighton**

Existing timber sash window relocated to replace door and installation of timber double doors to rear.

**Applicant:** Mrs Caroline Calder Smith

**Officer:** Emily Stanbridge 292359

**Approved on 03/02/16 DELEGATED**

**BH2015/04199**

**8-9 Kings Road Brighton**

Change of use of ground floor from retail (A1) to restaurant (A3) and installation of extraction flue to rear (Part Retrospective).

**Applicant:** Mr Andrew Bright

**Officer:** Joanne Doyle 292198

**Approved on 17/02/16 DELEGATED**

**BH2015/04429**

**11 Cranbourne Street Brighton**

Display of externally illuminated fascia sign, internally illuminated hanging sign and neon tube fascia signs, (Retrospective)

**Applicant:** Mr Peter Bennett

**Officer:** Ryan OSullivan 290480

**Approved on 05/02/16 DELEGATED**

**BH2015/04430**

**11 Cranbourne Street Brighton**

Installation of steel wall mounted planters. (Retrospective)

**Applicant:** Mr Peter Bennett

**Officer:** Ryan OSullivan 290480

**Approved on 05/02/16 DELEGATED**

**BH2015/04520**

**Basement Flat 9 Norfolk Terrace Brighton**

Application for Approval of Details Reserved by Conditions 2, 4 and 5 of application BH2015/03160

**Applicant:** Safeguide Ltd

**Officer:** Tim Jefferies 293152

**Approved on 09/02/16 DELEGATED**

**BH2015/04571**

**7, 7A and 7B Ship Street Gardens, Brighton, BN1 1AJ**

Application for Approval of Details Reserved by Condition 11 of application BH2015/02264.

**Applicant:** Taylor Patterson Sipp

Report from 28/01/2016 to 17/02/2016



**Officer:** Liz Arnold 291709  
**Approved on 10/02/16 DELEGATED**

**BH2015/04619****21 - 22 Market Street Brighton**

Display of non-illuminated fascia sign and externally illuminated projecting sign.

**Applicant:** Cass Art  
**Officer:** Ryan OSullivan 290480  
**Refused on 16/02/16 DELEGATED**

**BH2016/00193****Royal York Buildings 41-42 Old Steine Brighton**

Application for Approval of Details Reserved by Condition 4 of application BH2014/03051.

**Applicant:** Cardoe Martin Burr Ltd  
**Officer:** Liz Arnold 291709  
**Approved on 09/02/16 DELEGATED**

**BH2016/00204****7, 7A & 7B Ship Street Gardens Brighton**

Application for Approval of Details Reserved by Condition 13(i) of application BH2015/02264

**Applicant:** Taylor Patterson Sipp  
**Officer:** Liz Arnold 291709  
**Approved on 09/02/16 DELEGATED**

**ST. PETER'S & NORTH LAINE****BH2015/01471****The Astoria 10-14 Gloucester Place Brighton**

Demolition of existing Grade II listed building (approved under BH2013/03927) and construction of a new part 3/part 7 storey building (plus basement) to form 70no one, two, three and four bedroom self-contained residential units (C3) and incorporating commercial units (A1/A2/B1) in the basement and on the ground floor fronting Gloucester Place, a community room (D1) on the ground floor fronting Blenheim Place together with refuse/recycling facilities, cycle storage and other associated works.

**Applicant:** Unicity XXVI Brighton 2 sarl  
**Officer:** Adrian Smith 290478  
**Refused on 28/01/16 Committee**

**BH2015/01639****27-33 Ditchling Road Brighton**

Application for Approval of Details Reserved by Conditions 7, 8, 11, 12, 14, 15, 16, 17, 22, 23, 24, 26 and 27 of application BH2014/01431.

**Applicant:** Zise Ltd  
**Officer:** Jonathan Puplett 292525  
**Approved on 15/02/16 DELEGATED**

Report from 28/01/2016 to 17/02/2016

**BH2015/02666****25-28 Elder Place Brighton**

Application for Approval of details reserved by conditions 9, 10, 11, 12, 13, 14, 15, 17 and 18 of application BH2014/01943.

**Applicant:** GoodFood Ltd/Legal Link Ltd

**Officer:** Emily Stanbridge 292359

**Split Decision on 04/02/16 DELEGATED**

**BH2015/02982****99 & 100 North Road Brighton**

Erection of additional storey to create 2no two bedroom flats and 1no one bedroom flat (C3).

**Applicant:** Mr J Blake

**Officer:** Mark Thomas 292336

**Refused on 08/02/16 DELEGATED**

**BH2015/03491****46 Windsor Street Brighton**

Installation of wall lamps, flood lamp and awning to exterior of public house. (Retrospective).

**Applicant:** The Laine Pub Company

**Officer:** Ryan OSullivan 290480

**Approved on 02/02/16 DELEGATED**

**BH2015/03590****23 and 24-25 Vine Street Brighton**

Application for variation of condition 2 of application BH2015/00609 (Conversion of existing commercial premises from offices (B1) and storage space to provide 2 no two bed flats (C3) and additional and refurbished office space (B1), incorporating revised fenestration and associated works) to allow amendments to the approved drawings to permit construction of a single storey rear extension.

**Applicant:** Mr Harley Wilson

**Officer:** Nicola Hurley 292114

**Approved on 01/02/16 DELEGATED**

**BH2015/03652****8 Gloucester Mews 113 - 120 Gloucester Road Brighton**

Replacement of existing single glazed metal window with double glazed window at front of property.

**Applicant:** Mr Ben Coleman

**Officer:** Joanne Doyle 292198

**Approved on 17/02/16 DELEGATED**

**BH2015/03692****Flat 5 1 Alexandra Villas Brighton**

Report from 28/01/2016 to 17/02/2016

Alterations to fenestration to rear elevation.

**Applicant:** Ms Pauline Devlin

**Officer:** Luke Austin 294495

**Approved on 12/02/16 DELEGATED**

**BH2015/03708**

**Windsor Court Car Park Windsor Street Brighton**

Erection of three storey building with mansard roof to create 6no one bedroom flats and 1no two bedroom flat (C3).

**Applicant:** Baron Homes

**Officer:** Clare Flowers 290443

**Refused on 15/02/16 DELEGATED**

**BH2015/03726**

**4 Frederick Gardens Brighton**

Erection of single storey rear extension, replacement of existing UPVC windows with timber sash windows and replacement of front door.

**Applicant:** Mr Chris Hayes

**Officer:** Justine Latemore 292138

**Refused on 11/02/16 DELEGATED**

**BH2015/03845**

**46 Windsor Street Brighton**

Display of 7no externally illuminated fascia signs. (Retrospective).

**Applicant:** The Laine Pub Company

**Officer:** Ryan OSullivan 290480

**Approved on 02/02/16 DELEGATED**

**BH2015/03864**

**The Colonnades 160-161 North Street & 1-4 New Road Brighton**

Display of internally illuminated fascia signs, hanging signs and window lettering.  
Display of non-illuminated fascia signs and awning.

**Applicant:** Wahaca Ltd

**Officer:** Justine Latemore 292138

**Approved on 12/02/16 DELEGATED**

**BH2015/03865**

**The Colonnades 160-161 North Street & 1-4 New Road Brighton**

Alterations to shop front incorporating replacement awning.

**Applicant:** Wahaca Ltd

**Officer:** Justine Latemore 292138

**Approved on 12/02/16 DELEGATED**

**BH2015/03867**

**The Colonnades 160-161 North Street & 1-4 New Road Brighton**

Alterations to shopfront including replacement awning and alterations to fenestration and installation of illuminated and non-illuminated signage.

**Applicant:** Wahaca Ltd

**Officer:** Justine Latemore 292138

**Approved on 12/02/16 DELEGATED**

Report from 28/01/2016 to 17/02/2016

**BH2015/04011****57 Roundhill Crescent Brighton**

Erection of single storey extension to rear.

**Applicant:** Mr & Mrs Davies

**Officer:** Justine Latemore 292138

**Approved on 01/02/16 DELEGATED**

**BH2015/04278****37 Lewes Road Brighton**

Erection of detached toilet building.

**Applicant:** Pavilion Car Sales

**Officer:** Chris Swain 292178

**Approved on 09/02/16 DELEGATED**

**BH2015/04410****15 North Gardens Brighton**

Non Material Amendment to BH2014/01184 to rear elevation widening of door aperture onto the new terrace to allow for timber glazed sliding door. Side elevation widening and dropping window cill to window to allow fitting of glazed timber door.

**Applicant:** Mrs Bryony October

**Officer:** Helen Hobbs 293335

**Refused on 15/02/16 DELEGATED**

**BH2015/04471****24 Trafalgar Street Brighton**

Installation of new shopfront incorporating new entrance door to flat above.

**Applicant:** Perry Hill Surveyors

**Officer:** Ryan OSullivan 290480

**Approved on 15/02/16 DELEGATED**

**BH2015/04551****68 Shaftesbury Road Brighton**

Certificate of lawfulness for proposed extension to existing loft conversion incorporating rear dormer and new window to side elevation.

**Applicant:** Mr M Payne

**Officer:** Molly McLean 292097

**Approved on 03/02/16 DELEGATED**

**BH2015/04580****1-2 Regent Street Brighton**

Application for approval of details reserved by conditions 4 and 5 of application BH2015/01937.

**Applicant:** Mr David Sykes

**Officer:** Chris Swain 292178

**Approved on 15/02/16 DELEGATED**

**WITHDEAN****BH2015/02881****37 Preston Drove Brighton**

Variation of condition 2 of application of BH2004/03648/FP (Change of use from house (C3) and Doctors Surgery (D1) to childrens nursery for 60 children and bedsit. Erection of part single storey/part two storey rear extension) to state the number of children using the day nursery at any time shall not exceed 80 without the prior approval of the Local Planning Authority.

**Applicant:** Mr Roger O'Hara

**Officer:** Helen Hobbs 293335

**Approved on 11/02/16 Committee**

**BH2015/03140****9 The Beeches Brighton**

Conversion of existing garage to 1no three bedroom dwelling (C3) with associated alterations including side and rear extensions and revised fenestration.

**Applicant:** Mr Santino Sarri

**Officer:** Helen Hobbs 293335

**Refused on 28/01/16 DELEGATED**

**BH2015/03310****11 Withdean Road Brighton**

Erection of two storey rear extension incorporating balcony, conservatory extension to rear, alterations to roof including raised ridge height and extensions, alterations to fenestration and associated work

**Applicant:** Mrs Svetlana Adarich

**Officer:** Luke Austin 294495

**Approved on 15/02/16 DELEGATED**

**BH2015/03343****49 Hillcrest Brighton**

Certificate of lawfulness for proposed single storey rear extension, loft conversion incorporating hip to gable roof extension, rear dormer and front rooflights and erection of outbuilding to rear.

**Applicant:** Mr Gargan

**Officer:** Luke Austin 294495

**Approved on 01/02/16 DELEGATED**

**BH2015/03542****29 Harrington Road Brighton**

Creation of hardstanding, vehicle crossover and dropped kerb with associated alterations to front boundary.

**Applicant:** Mr Brett Ryder

**Officer:** Allison Palmer 290493

**Approved on 12/02/16 DELEGATED**

**BH2015/03571****42 Tongdean Lane Brighton**

Erection of single storey side extension to replace existing conservatory and alterations including new and replacement doors and windows, cladding and rear patio alterations with installation of balustrade.

**Applicant:** Mr Ben Williams

**Officer:** Luke Austin 294495

**Approved on 10/02/16 DELEGATED**

**BH2015/03572****113 Windmill Drive Brighton**

Certificate of lawfulness for proposed erection of single storey rear extension and alterations to side elevation.

**Applicant:** Mr Kevin Browne

**Officer:** Molly McLean 292097

**Approved on 15/02/16 DELEGATED**

**BH2015/03703****4 Cedars Gardens Brighton**

Certificate of lawfulness for proposed erection of side dormer.

**Applicant:** Mr Sean Jacob

**Officer:** Justine Latemore 292138

**Refused on 15/02/16 DELEGATED**

**BH2015/03878****326 Dyke Road Brighton**

Enlargement and conversion of existing garage into habitable living space with associated alterations.

**Applicant:** Ms Z Kordek

**Officer:** Luke Austin 294495

**Refused on 28/01/16 DELEGATED**

**BH2015/03888****7 Clermont Terrace Brighton**

Erection of orangery to rear.

**Applicant:** Mr Justin Lloyd

**Officer:** Laura Hamlyn 292205

**Approved on 09/02/16 DELEGATED**

**BH2015/03921****32 Clermont Terrace Brighton**

Certificate of lawfulness for proposed erection of glasshouse in the rear garden.

**Applicant:** Mr Matthew Fletcher

**Officer:** Molly McLean 292097

**Refused on 02/02/16 DELEGATED**

**BH2015/04031****60 Surrenden Road Brighton**

Report from 28/01/2016 to 17/02/2016

Conversion of garage into habitable space including removal of garage door and installation of a window.

**Applicant:** Mr Hugh Milward

**Officer:** Allison Palmer 290493

**Approved on 09/02/16 DELEGATED**

**BH2015/04043**

**15 Elms Lea Avenue Brighton**

Erection of rear and side extensions to ground and first floor levels with associated alterations.

**Applicant:** Quentin and Menna Creed

**Officer:** Allison Palmer 290493

**Refused on 01/02/16 DELEGATED**

**BH2015/04110**

**31 Cornwall Gardens Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating front and rear rooflights and rear dormer. Erection of detached outhouse to replace existing to rear.

**Applicant:** Mr & Mrs de Lurbe

**Officer:** Molly McLean 292097

**Split Decision on 01/02/16 DELEGATED**

**BH2015/04131**

**79 Compton Road Brighton**

Erection of a two storey rear extension.

**Applicant:** Mrs Caroline Carter

**Officer:** Joanne Doyle 292198

**Refused on 08/02/16 DELEGATED**

**BH2015/04149**

**45 Friar Road Brighton**

Certificate of Lawfulness for proposed single storey rear extension and revised fenestration.

**Applicant:** Mr R & Mrs I Miles

**Officer:** Molly McLean 292097

**Approved on 02/02/16 DELEGATED**

**BH2015/04316**

**Basement Flat 7 Clermont Road Brighton**

Erection of glazed entrance to rear elevation.

**Applicant:** Mr Alan Castell

**Officer:** Laura Hamlyn 292205

**Approved on 08/02/16 DELEGATED**

**BH2015/04399**

**12 Glen Rise Brighton**

Report from 28/01/2016 to 17/02/2016

Erection of two storey extension with Juliette balcony to rear, raising of ridge height and insertion of rooflights.

**Applicant:** John Blankson

**Officer:** Laura Hamlyn 292205

**Refused on 15/02/16 DELEGATED**

**BH2015/04483**

**26 & 26A Reigate Road Brighton**

Application for approval of details reserved by conditions 9, 11 13 and 14 of application BH2014/03799.

**Applicant:** Investsave Ltd

**Officer:** Liz Arnold 291709

**Approved on 09/02/16 DELEGATED**

**BH2015/04495**

**31 Surrenden Crescent Brighton**

Certificate of lawfulness for proposed creation of side dormer and alterations to roof to the rear.

**Applicant:** Mr Steve Purser

**Officer:** Molly McLean 292097

**Approved on 08/02/16 DELEGATED**

**BH2015/04526**

**43 Preston Drove Brighton**

Application for Approval of Details Reserved by Condition 6 and 7 of application BH2015/01684

**Applicant:** Mr & Mrs Ramsden

**Officer:** Emily Stanbridge 292359

**Approved on 02/02/16 DELEGATED**

**BH2015/04545**

**24 Millcroft Brighton**

Certificate of lawfulness for proposed erection of single storey rear extension to replace existing conservatory.

**Applicant:** Mr M Connock

**Officer:** Gareth Giles 293334

**Refused on 15/02/16 DELEGATED**

**BH2015/04572**

**18 Station Road Brighton**

Erection of part single, part two storey rear extension.

**Applicant:** Chris Higgs

**Officer:** Laura Hamlyn 292205

**Approved on 08/02/16 DELEGATED**

**EAST BRIGHTON**

**BH2015/03626**

Report from 28/01/2016 to 17/02/2016



**80 Craven Road Brighton**

Certificate of Lawfulness for proposed erection of a single storey detached outbuilding in the rear garden for working from home use.

**Applicant:** Mr Owen Gaster

**Officer:** Molly McLean 292097

**Refused on 01/02/16 DELEGATED**

**BH2015/04150****Upper Chalvington Place & Lower Chalvington Place Brighton**

Erection of 3no timber bin stores.

**Applicant:** Turftech Ltd

**Officer:** Justine Latemore 292138

**Refused on 08/02/16 DELEGATED**

**BH2015/04220****Former Whitehawk Library site Findon Road/Whitehawk Road Brighton**

Application for Approval of Details Reserved by Conditions 8, 9i, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 23 of application BH2015/02941

**Applicant:** Brighton & Hove City Council

**Officer:** Clare Simpson 292321

**Split Decision on 12/02/16 DELEGATED**

**BH2015/04285****39 College Place Brighton**

Erection of single storey rear extension and alterations to fenestration.

**Applicant:** Ms Coates

**Officer:** Luke Austin 294495

**Approved on 01/02/16 DELEGATED**

**BH2015/04423****City College Brighton & Hove Wilson Avenue Brighton**

Application for Approval of Details Reserved by Conditions 15, 17, 19 and 22 of application BH2014/00459

**Applicant:** City College Brighton & Hove

**Officer:** Nicola Hurley 292114

**Refused on 02/02/16 DELEGATED**

**BH2015/04573****6 Marlow Road Brighton**

Certificate of Lawfulness for proposed demolition of existing conservatory and erection of single storey rear extension. Loft conversion incorporating hip to gable roof extension, 3no front rooflights and rear dormer.

**Applicant:** Mr Emran Ahmed

**Officer:** Molly McLean 292097

**Approved on 15/02/16 DELEGATED**

**HANOVER & ELM GROVE**

Report from 28/01/2016 to 17/02/2016

**BH2015/02508****97 Hartington Road Brighton**

Conversion of existing ground floor unit (B1) to 1no two bedroom residential unit (C3) with associated car parking and demolition of part of existing structures to rear.

**Applicant:** Lovell & Baker

**Officer:** Jonathan Puplett 292525

**Approved on 29/01/16 DELEGATED**

**BH2015/03951****10 and 10a St Leonards Road Brighton**

Conversion of existing residential unit into 1no one bedroom flat and 1no two bedroom maisonette (C3) with alterations to fenestration. (Part Retrospective)

**Applicant:** Pelham Properties

**Officer:** Chris Swain 292178

**Approved on 16/02/16 DELEGATED**

**BH2015/04082****12 Hanover Crescent Brighton**

Change of use from residential care home (C2) to residential dwelling. (C3)

**Applicant:** Sussex Partnership NHS FT

**Officer:** Gareth Giles 293334

**Refused on 10/02/16 DELEGATED**

**BH2015/04125****21 Cobden Road Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating rear dormer and 2no front rooflights and replacement of existing window and door to rear with bi-folding doors.

**Applicant:** Ms Irving

**Officer:** Molly McLean 292097

**Approved on 08/02/16 DELEGATED**

**BH2015/04250****46 Newmarket Road Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating rear dormer and front rooflight. Alterations to fenestration at lower ground floor level to front elevation.

**Applicant:** Mr John Standing

**Officer:** Molly McLean 292097

**Approved on 02/02/16 DELEGATED**

**BH2015/04274****119 Lewes Road Brighton**

Application for Approval of Details Reserved by Conditions 3, 5, 6, 7, 20 and 24 of application BH2015/01121

**Applicant:** McLaren (119 Lewes Road) Ltd

Report from 28/01/2016 to 17/02/2016

**Officer:** Mick Anson 292354  
**Split Decision on 15/02/16 DELEGATED**

**BH2015/04521****112 Elm Grove Brighton**

Prior approval for change of use from retail (A1) to residential (C3) to form 1 no two bedroom flat with associated alterations.

**Applicant:** Robert Warr

**Officer:** Mark Thomas 292336

**Prior Approval is required and is refused on 04/02/16 DELEGATED**

**HOLLINGDEAN & STANMER****BH2015/03636****82 Hollingdean Terrace Brighton**

Certificate of Lawfulness for proposed alterations to rear of property incorporating removal of existing staircase and door, insertion of 3 no windows and 1 no double door at ground floor level, and associated alterations.

**Applicant:** Mr Stuart Paine

**Officer:** Justine Latemore 292138

**Approved on 29/01/16 DELEGATED**

**BH2015/04020****41 The Crestway Brighton**

Change of use from six bedroom single dwelling (C3) to seven bedroom house in multiple occupation (Sui Generis).

**Applicant:** Mr & Mrs Craig Dwyer-Smith

**Officer:** Chris Swain 292178

**Refused on 08/02/16 DELEGATED**

**BH2015/04339****336 Ditchling Road Brighton**

Certificate of lawfulness for proposed loft conversion incorporating rear dormer and 3 no front rooflights.

**Applicant:** Mr Mark Campbell

**Officer:** Molly McLean 292097

**Approved on 15/02/16 DELEGATED**

**BH2015/04344****378 Ditchling Road Brighton**

Certificate of Lawfulness for existing loft conversion incorporating rear dormer and front rooflights.

**Applicant:** Mr Fergal Jones

**Officer:** Molly McLean 292097

**Approved on 09/02/16 DELEGATED**

**BH2015/04566****26 Coldean Lane Brighton**

Report from 28/01/2016 to 17/02/2016

Certificate of Lawfulness for proposed loft conversion incorporating hip to gable roof extension, 3no front rooflights, side window and creation of rear dormer.

**Applicant:** Mrs Rebecca Ouassa

**Officer:** Molly McLean 292097

**Approved on 15/02/16 DELEGATED**

**BH2015/04586**

**54 Barnett Road Brighton**

Certificate of lawfulness for proposed erection of single storey rear extension and loft conversion with rear dormer and front rooflights.

**Applicant:** Ms J Clynick

**Officer:** Molly McLean 292097

**Approved on 17/02/16 DELEGATED**

**BH2015/04651**

**Chichester Building North South Road Brighton**

Application for Approval of Details Reserved by Conditions 2, 3, 4 and 5 of application BH2015/02441.

**Applicant:** Sussex Estates & Facilities

**Officer:** Tim Jefferies 293152

**Approved on 03/02/16 DELEGATED**

**MOULSECOOMB & BEVENDEAN**

**BH2015/03364**

**29 Staplefield Drive Brighton**

Erection of detached dwelling with associated works.

**Applicant:** Mr R Askwith

**Officer:** Rebecca Fry 293773

**Refused on 10/02/16 DELEGATED**

**BH2015/03498**

**Mithras House, Watts Building & Cockcroft Building University of Brighton  
Lewes Road Brighton**

Display of non-illuminated banners and window vinyls.

**Applicant:** Mr MarkToynbee

**Officer:** Luke Austin 294495

**Approved on 10/02/16 DELEGATED**

**BH2015/04017**

**2 Plymouth Avenue Brighton**

Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4) (retrospective).

**Applicant:** Rivers Birtwell

**Officer:** Chris Swain 292178

**Approved on 03/02/16 DELEGATED**

**BH2015/04473**

**6 - 7 Coombe Terrace Brighton**

Display of internally-illuminated fascia sign.

Report from 28/01/2016 to 17/02/2016

**Applicant:** Paydens Limited  
**Officer:** Nicola Hurley 292114  
**Approved on 04/02/16 DELEGATED**

**BH2015/04491****6 - 7 Coombe Terrace Brighton**

Installation of replacement shopfront with new roller security shutter.

**Applicant:** Paydens Limited  
**Officer:** Nicola Hurley 292114  
**Approved on 04/02/16 DELEGATED**

**QUEEN'S PARK****BH2015/00143****22 Grand Parade Brighton**

Removal of existing bay windows and demolition of bays to front elevation. Reconstruction of bays and reinstatement of existing bay windows with associated alterations.

**Applicant:** Parade Properties Ltd  
**Officer:** Joanne Doyle 292198  
**Approved on 29/01/16 DELEGATED**

**BH2015/02946****154 - 155 Edward Street Brighton**

Application for approval of details reserved by conditions 4 and 5 of application BH2014/02539.

**Applicant:** University of Brighton  
**Officer:** Luke Austin 294495  
**Refused on 09/02/16 DELEGATED**

**BH2015/03090****9A Bristol Road Brighton**

Certificate of lawfulness for existing use of the property as 1no studio flat.

**Applicant:** Pathzone Ltd  
**Officer:** Wayne Nee 292132  
**Approved on 01/02/16 DELEGATED**

**BH2015/03456****6 St James Street Brighton**

Display of internally illuminated fascia sign.

**Applicant:** Darnton B3 Architects  
**Officer:** Justine Latemore 292138  
**Refused on 01/02/16 DELEGATED**

**BH2015/03856****St James Mansions 16-18 Old Steine Brighton**

Change of use of basement from storage (B8) to dental surgery (D1).

**Applicant:** Brighton Dental Clinic  
**Officer:** Rebecca Fry 293773

Report from 28/01/2016 to 17/02/2016

**Approved on 12/02/16 DELEGATED****BH2015/04173****Flat 9 14 New Steine Brighton**

Revised fenestration incorporating installation of two windows to South elevation and change of colour of windows to East elevation. Internal alteration to layout of flat.

**Applicant:** Mrs Sara Clancy

**Officer:** Luke Austin 294495

**Approved on 29/01/16 DELEGATED**

**BH2015/04396****Brighton College Eastern Road Brighton**

Erection of two storey temporary classroom modular building.

**Applicant:** Brighton College

**Officer:** Adrian Smith 290478

**Approved on 05/02/16 DELEGATED**

**BH2015/04605****Hereford House 16-24 Hereford Street Brighton**

Change of use from care home (C2) to twenty-nine bedroom house in multiple occupation (sui generis) for a temporary five year period. (Retrospective).

**Applicant:** Mr Jogi Vig

**Officer:** Chris Swain 292178

**Refused on 16/02/16 DELEGATED**

**ROTTINGDEAN COASTAL****BH2014/03394****Land adjacent 6 Falmer Avenue Saltdean Brighton**

Demolition of existing house and stables and construction of 32 no. dwellings comprising of 4 two bedroom flats and 28 two storey two, three and four bed dwellings incorporating open space and landscaping works, parking and creation of access road from Falmer Avenue with other associated works. Creation of new pedestrian link between Falmer Avenue and South Downs Footpath.

**Applicant:** Hyde New Homes

**Officer:** Liz Arnold 291709

**Refused on 29/01/16 Committee**

**BH2015/02928****53 Roedean Crescent Brighton**

Removal of conditions 10 and 11 of application BH2014/03365 (Remodelling of existing dwelling including partial demolition of side of property, creation of new garage and replacement of existing railing with glass balustrading to front. Creation of rear dormer, installation of 2no rooflights to front, revised fenestration and associated works. Erection of a detached two storey four bedroom dwelling house to land to side of existing dwelling.), which state that no new build residential development shall commence or be occupied until a Code for

Report from 28/01/2016 to 17/02/2016

sustainable Homes rating of Code level 4 has been submitted to, and approved in writing by the Local Planning Authority.

**Applicant:** Mr K Massey  
**Officer:** Jonathan Puplett 292525  
**Approved on 03/02/16 DELEGATED**

**BH2015/03358****22 Bevendean Avenue Saltdean Brighton**

Application for Approval of Details Reserved by Condition 3, 4, 5 and 9 of application BH2013/03923 (allowed on appeal).

**Applicant:** Steven Cardy  
**Officer:** Wayne Nee 292132  
**Approved on 09/02/16 DELEGATED**

**BH2015/03470****41 Rock Grove Brighton**

Installation of 2 no. timber french doors to courtyard.

**Applicant:** Ms E Read  
**Officer:** Justine Latemore 292138  
**Approved on 09/02/16 DELEGATED**

**BH2015/03471****41 Rock Grove Brighton**

Internal alterations to layout of flat and installation of 2no. french doors to courtyard.

**Applicant:** Ms E Read  
**Officer:** Justine Latemore 292138  
**Approved on 09/02/16 DELEGATED**

**BH2015/03479****15 Lenham Avenue Saltdean Brighton**

Application for Approval of Details Reserved by Conditions 3,4 and 5 of application BH2014/03205.

**Applicant:** Mrs K O'Connell  
**Officer:** Sue Dubberley 293817  
**Approved on 02/02/16 DELEGATED**

**BH2015/03606****2 Meadow Close Rottingdean Brighton**

Erection of a one/two bedroom chalet bungalow with associated off - street parking and landscaping.

**Applicant:** Martin Investment Management  
**Officer:** Chris Swain 292178  
**Refused on 11/02/16 DELEGATED**

**BH2015/03980****25 Eastern Place Brighton**

Replacement of 3no existing UPVC windows with UPVC sliding sash windows to front.

Report from 28/01/2016 to 17/02/2016

**Applicant:** Mrs Nomi Rowe  
**Officer:** Allison Palmer 290493  
**Approved on 16/02/16 DELEGATED**

**BH2015/04035****1 Lenham Road West Brighton**

Erection of two storey side extension and balcony above existing garage.

**Applicant:** Mr Paul Fletcher  
**Officer:** Allison Palmer 290493  
**Approved on 03/02/16 DELEGATED**

**BH2015/04036****157 Marine Drive Saltdean Brighton**

Creation of dormer to east elevation, installation of 2no rooflights to west elevation and replacement of existing door at second floor level with patio doors to create Juliette balcony to south elevation.

**Applicant:** Mr Derrick Orman  
**Officer:** Allison Palmer 290493  
**Refused on 01/02/16 DELEGATED**

**BH2015/04050****Ovingdean Grange Greenways Brighton**

Erection of single storey pool house and swimming pool in rear garden.

**Applicant:** Mr S Coogan  
**Officer:** Allison Palmer 290493  
**Refused on 02/02/16 DELEGATED**

**BH2015/04148****West Quay Brighton Marina Village Brighton Marina Brighton**

Removal of existing goods hoist and installation of enclosed goods hoist. (Retrospective)

**Applicant:** J. D. Wetherspoon Limited  
**Officer:** Justine Latemore 292138  
**Refused on 08/02/16 DELEGATED**

**BH2015/04275****39-40 Arundel Place Brighton**

Application for Approval of Details Reserved by Condition 16(ii)a, 16(ii)b and 16(ii)c of application BH2013/04197

**Applicant:** Creative Developments Ltd  
**Officer:** Adrian Smith 290478  
**Approved on 15/02/16 DELEGATED**

**BH2015/04294****43 Ainsworth Avenue Brighton**

Erection of two storey side extension and first floor rear extension. Creation of verandah to front and side elevation and associated alterations.

**Applicant:** Mr & Mrs G Payne  
**Officer:** Luke Austin 294495

Report from 28/01/2016 to 17/02/2016



**Refused on 01/02/16 DELEGATED****BH2015/04393****137 Marine Drive Rottingdean Brighton**

Removal of side entrance porch and formation of front ground floor balcony. Increased ridge height and roof alterations to facilitate first floor incorporating side rooflights.

**Applicant:** Mr & Mrs J Malpass

**Officer:** Luke Austin 294495

**Refused on 11/02/16 DELEGATED****BH2015/04469****7 Longhill Road Brighton**

Certificate of lawfulness for proposed erection of single storey side extension with pitched roof.

**Applicant:** Lindsey Diamond

**Officer:** Molly McLean 292097

**Approved on 15/02/16 DELEGATED****BH2015/04475****90 Longhill Road Brighton**

Alterations to front garden and increase in size of car parking area with permeable surface. Erection of retaining wall, front wall and double gate, alterations to step access to dwelling and installation of glazed balustrade to garage roof.

**Applicant:** Mr David Adams

**Officer:** Luke Austin 294495

**Approved on 08/02/16 DELEGATED****BH2015/04486****The Lodge Ovingdean Road Brighton**

Conversion of existing garage into habitable living space including replacement of existing garage door with windows.

**Applicant:** Karen Beaumont & Michael Johnson

**Officer:** Luke Austin 294495

**Approved on 08/02/16 DELEGATED****BH2015/04511****Coppers The Green Rottingdean Brighton**

Enlargement of existing side dormer to facilitate installation of double doors.

**Applicant:** Sir R Appleyard

**Officer:** Luke Austin 294495

**Approved on 12/02/16 DELEGATED****BH2015/04553****16 Wanderdown Way Brighton**

Erection of lower ground and ground floor rear extensions with new roof terrace, extended decking and alterations to fenestration. (Part Retrospective).

**Applicant:** Mr David West

Report from 28/01/2016 to 17/02/2016

**Officer:** Luke Austin 294495  
**Approved on 11/02/16 DELEGATED**

**BH2016/00088****52 Lustrells Vale Saltdean Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.5m, for which the maximum height would be 3.1m, and for which the height of the eaves would be 2.3m.

**Applicant:** New Generation Care Ltd

**Officer:** Justine Latemore 292138

**Prior approval not required on 16/02/16 DELEGATED**

**BH2016/00120****40 Arundel Place Brighton**

Application for Approval of Details Reserved by Conditions 1(ii)b and 1(ii)c of application BH2014/01115

**Applicant:** Creative Developments Ltd

**Officer:** Nicola Hurley 292114

**Approved on 04/02/16 DELEGATED**

**WOODINGDEAN****BH2015/04048****165 Cowley Drive Brighton**

Certificate of Lawfulness for proposed single storey rear extension and blocking up of door to side.

**Applicant:** Mrs Beverley Handley

**Officer:** Molly McLean 292097

**Approved on 08/02/16 DELEGATED**

**BH2015/04318****21 Warren Avenue Brighton**

Erection of single storey rear extension.,

**Applicant:** Mr M Naeem

**Officer:** Luke Austin 294495

**Refused on 04/02/16 DELEGATED**

**BH2015/04354****36 Donnington Road Brighton**

Erection of extension to existing front porch.

**Applicant:** Mrs R Wiltshire

**Officer:** Luke Austin 294495

**Approved on 03/02/16 DELEGATED**

**BH2015/04480****1 The Ridgway Brighton**

Report from 28/01/2016 to 17/02/2016

Erection of 1 no. detached dwelling house (C3) to rear.

**Applicant:** Mr Denis Sharp

**Officer:** Luke Austin 294495

**Refused on 08/02/16 DELEGATED**

### **BRUNSWICK AND ADELAIDE**

#### **BH2015/02205**

##### **36B Brunswick Square Hove**

Replacement of timber framed single glazed windows and door with timber framed double glazed units.

**Applicant:** Ms Lucie Carr

**Officer:** Ryan OSullivan 290480

**Approved on 15/02/16 DELEGATED**

#### **BH2015/02206**

##### **36B Brunswick Square Hove**

Replacement of timber framed single glazed windows and door with timber framed double glazed units.

**Applicant:** Ms Lucie Carr

**Officer:** Ryan OSullivan 290480

**Approved on 15/02/16 DELEGATED**

#### **BH2015/02806**

##### **Garage North East of 28 Holland Mews Hove**

Demolition of garage and erection of 1no dwelling (C3).

**Applicant:** Mr John Marlow

**Officer:** Helen Hobbs 293335

**Refused on 28/01/16 DELEGATED**

#### **BH2015/03015**

##### **Flat 1 33 Lansdowne Place Hove**

Internal alterations to layout of basement flat. External refurbishment works and alterations including installation of replacement windows and new sliding doors to rear courtyard and new rear fire escape doors.

**Applicant:** Mrs Nikki Wollheim

**Officer:** Laura Hamlyn 292205

**Approved on 28/01/16 DELEGATED**

#### **BH2015/03016**

##### **Flat 1 33 Lansdowne Place Hove**

External refurbishment works and alterations including installation of replacement windows and new sliding doors to rear courtyard and new rear fire escape doors.

**Applicant:** Mrs Nikki Wollheim

**Officer:** Laura Hamlyn 292205

**Approved on 28/01/16 DELEGATED**

#### **BH2015/03053**

Report from 28/01/2016 to 17/02/2016

**1 Selborne Road Hove**

Demolition of existing rear extension and erection of single storey rear extension.

**Applicant:** Mr Daniel Crown

**Officer:** Joanne Doyle 292198

**Approved on 16/02/16 DELEGATED**

**BH2015/03446****18 Norfolk Road Brighton**

Roof alterations including installation of rear dormers and roof light. Alterations to rear fenestration and replacement windows associated with conversion to single dwelling house (C3) with retention of self-contained lower ground floor flat (C3).

**Applicant:** Mr Peter Sharp

**Officer:** Helen Hobbs 293335

**Approved on 16/02/16 DELEGATED**

**BH2015/04159****Ground Floor Flat 63 Lansdowne Street Hove**

Alterations to reinstate rear terrace and railings.

**Applicant:** Ms Janie Reynolds

**Officer:** Ryan OSullivan 290480

**Approved on 29/01/16 DELEGATED**

**BH2015/04330****Flat 81 Embassy Court Kings Road Brighton**

Internal works to install vertical damp proof membrane and dry line with plasterboard. (Retrospective).

**Applicant:** Bluestorm Ltd

**Officer:** Tim Jefferies 293152

**Refused on 04/02/16 DELEGATED**

**BH2015/04461****63 Church Road Hove**

Replacement of stained glass with clear glass to top fanlight on the front elevation. (Retrospective)

**Applicant:** Divino

**Officer:** Nicola Hurley 292114

**Approved on 08/02/16 DELEGATED**

**CENTRAL HOVE****BH2015/01823****4 Grand Avenue Hove**

Replacement of existing windows with double glazed metal crittall windows to rear elevation of entrance foyer.

**Applicant:** Four Grand Avenue (Hove) Man Co Ltd

**Officer:** Ryan OSullivan 290480

**Approved on 12/02/16 DELEGATED**

**BH2015/01824**

Report from 28/01/2016 to 17/02/2016

**4 Grand Avenue Hove**

Replacement of existing windows with double glazed metal crittall windows to rear elevation of entrance foyer.

**Applicant:** Four Grand Avenue (Hove) Man Co Ltd

**Officer:** Ryan OSullivan 290480

**Approved on 12/02/16 DELEGATED**

**BH2015/01827****4 Grand Avenue Hove**

Installation of timber lift lobby doors to enclosed landings of North and South towers.

**Applicant:** Four Grand Avenue (Hove) Man Co Ltd

**Officer:** Ryan OSullivan 290480

**Approved on 03/02/16 DELEGATED**

**BH2015/02753****28 Connaught Terrace Hove**

Certificate of lawfulness for proposed loft conversion incorporating rear dormers and installation of 3no front rooflights.

**Applicant:** Mr Steeden

**Officer:** Ryan OSullivan 290480

**Approved on 29/01/16 DELEGATED**

**BH2015/03568****124 Church Road Hove**

Change of use from retail (A1) to retail/cafe (A1/A3) with associated alterations.

**Applicant:** Mr Saaid Aboulkhani

**Officer:** Chris Swain 292178

**Approved on 10/02/16 DELEGATED**

**BH2015/03857****25 George Street Hove**

Installation of 4no external condenser units on flat roof at rear of property.

**Applicant:** Boots Opticians

**Officer:** Joanne Doyle 292198

**Refused on 01/02/16 DELEGATED**

**BH2015/04075****23 Third Avenue Hove**

Conversion of existing garage into 1no studio flat (C3).

**Applicant:** Mr Jonathan Stern

**Officer:** Adrian Smith 290478

**Refused on 05/02/16 DELEGATED**

**BH2015/04332****8 Vallance Road Hove**

Erection of single storey rear extension, excavation to create basement floor, new balustrade to rear and new steps to garden.

**Applicant:** Mr G Carden

Report from 28/01/2016 to 17/02/2016

**Officer:** Justine Latemore 292138

**Approved on 03/02/16 DELEGATED**

**BH2015/04351**

**Flat E 5 Third Avenue Hove**

Replacement of side window and door with UPVC window and composite door.

**Applicant:** Ms Jacqui Carter

**Officer:** Emily Stanbridge 292359

**Approved on 02/02/16 DELEGATED**

**BH2015/04416**

**8 Albany Villas Hove**

Enlargement of existing hard standing with new paving and alterations to front boundary.

**Applicant:** Mr Goode

**Officer:** Emily Stanbridge 292359

**Approved on 16/02/16 DELEGATED**

**BH2015/04673**

**4 Blatchington Road Hove**

Prior approval for change of use from retail (A1) to residential (C3) to form two bedroom flat.

**Applicant:** Homemakers Property Ltd

**Officer:** Mark Thomas 292336

**Prior Approval is required and is approved on 08/02/16 DELEGATED**

**GOLDSMID**

**BH2015/02430**

**53 Fonthill Road Hove**

Certificate of Lawfulness for existing use of property as single dwelling house.

**Applicant:** Mr Steve Geekie

**Officer:** Helen Hobbs 293335

**Approved on 29/01/16 DELEGATED**

**BH2015/02844**

**199 Dyke Road Hove**

Certificate of lawfulness for proposed erection of single storey pavilion to rear garden.

**Applicant:** Mr D Ives

**Officer:** Jonathan Puplett 292525

**Refused on 01/02/16 DELEGATED**

**BH2015/02917**

**121-123 Davigdor Road Hove**

Demolition of existing building and erection of a new part five and seven and eight storey (plus basement) building comprising a total of 47 one, two and three bedroom residential units (C3) with balconies, roof terraces (2 communal) to

Report from 28/01/2016 to 17/02/2016

storeys five, six and seven, community space on the ground floor (D1) together with associated parking, cycle storage, recycling facilities and landscaping.

**Applicant:** Crest Nicholson South

**Officer:** Adrian Smith 290478

**Approved after Section 106 signed on 05/02/16 Committee**

**BH2015/02955**

**64 Shirley Street Hove**

Change of use of storage unit (B8) to residential (C3) incorporating it into existing residential unit with associated alterations including revised fenestration.

**Applicant:** Mr G Barnard

**Officer:** Helen Hobbs 293335

**Refused on 08/02/16 DELEGATED**

**BH2015/03185**

**Garden Flat 67 Denmark Villas Hove**

Erection of conservatory to rear.

**Applicant:** Mr D Albon

**Officer:** Rebecca Fry 293773

**Approved on 29/01/16 DELEGATED**

**BH2015/03262**

**9 Wilbury Gardens Hove**

Replacement of rear window with French doors and formation of balcony. Erection of single storey detached outhouse.

**Applicant:** Mr & Mrs M Abrahams

**Officer:** Joanne Doyle 292198

**Approved on 29/01/16 DELEGATED**

**BH2015/03461**

**The Hideaway Furze Hill Hove**

Creation of additional floor with external terrace and glass balustrading to front. Removal of existing side extension and erection of garage.

**Applicant:** Mr Peter Overill

**Officer:** Joanne Doyle 292198

**Refused on 05/02/16 DELEGATED**

**BH2015/03645**

**25 Bigwood Avenue Hove**

Certificate of Lawfulness for proposed loft conversion incorporating hip to gable roof extension, front rooflights and rear dormer with Juliet balcony.

**Applicant:** Mr Bruce Phillips

**Officer:** Molly McLean 292097

**Approved on 01/02/16 DELEGATED**

**BH2015/03871**

**2 Furzedene Furze Hill Hove**

Erection of single storey front extension with extension of terrace and balustrade

Report from 28/01/2016 to 17/02/2016

above.

**Applicant:** Mr Jon Aukland  
**Officer:** Ryan OSullivan 290480  
**Approved on 01/02/16 DELEGATED**

**BH2015/03931****81 Shirley Street Hove**

Alterations to property incorporating lower ground floor extension, excavation to facilitate creation of lower ground floor patio at rear.

**Applicant:** Summers Fabrications Ltd  
**Officer:** Emily Stanbridge 292359  
**Approved on 16/02/16 DELEGATED**

**BH2015/04065****5 & Part of 6 Champions Row Wilbury Avenue Hove**

Erection of single storey rear extension with patio and roof terrace above.

**Applicant:** Mr & Mrs Stoakes  
**Officer:** Joanne Doyle 292198

**BH2015/04067****6 & part of 5 Champions Row Wilbury Avenue Hove**

Erection of a single storey rear extension with patio and roof terrace above.

**Applicant:** Mr Allan Ward  
**Officer:** Joanne Doyle 292198  
**Approved on 17/02/16 DELEGATED**

**BH2015/04338****Ridgeland House 165 - 167 Dyke Road Hove**

Installation of new shopfront and roller shutter with associated alterations.

**Applicant:** AGB Woking Ltd  
**Officer:** Mark Thomas 292336  
**Approved on 08/02/16 DELEGATED**

**BH2015/04373****19 Goldstone Lane Hove**

Removal of existing porch and creation of covered veranda and timber decking to front. Erection of rear extensions to ground and first floor levels, alterations to fenestration and other associated alterations.

**Applicant:** Mrs R McHugh  
**Officer:** Justine Latemore 292138  
**Approved on 08/02/16 DELEGATED**

**BH2015/04528****34 York Avenue Hove**

Application for Approval of Details Reserved by Condition 3 of application BH2014/01995

**Applicant:** Mr Craig Warnock  
**Officer:** Laura Hamlyn 292205  
**Refused on 08/02/16 DELEGATED**

Report from 28/01/2016 to 17/02/2016



**BH2015/04540****Tudor Grange 13 The Upper Drive Hove**

Erection of two storey rear extension incorporating roof terrace and juliet balcony.

**Applicant:** Mr & Mrs Harmer-Strange

**Officer:** Justine Latemore 292138

**Approved on 15/02/16 DELEGATED**

**BH2015/04559****Kings Gate 111 The Drive Hove**

Application for removal of condition 5 of application BH2014/00075 (Creation of additional floor to provide 3no three bedroom flats and 3no two bedroom flats with cycle store) that requires a Code for Sustainable Homes rating of level 3 to be achieved in details to be submitted to and approved by the Local Planning Authority.

**Applicant:** Anstone Properties Ltd

**Officer:** Emily Stanbridge 292359

**Approved on 15/02/16 DELEGATED**

**BH2015/04647****5 Silverdale Avenue Hove**

Erection of a single storey rear extension.

**Applicant:** Mr P Framp

**Officer:** Joanne Doyle 292198

**Approved on 15/02/16 DELEGATED**

**BH2015/04665****1 Goldstone Street Hove**

Erection of 1no house (C3) with ground and lower ground floor.

**Applicant:** Mr S A Alajmi

**Officer:** Emily Stanbridge 292359

**Refused on 15/02/16 DELEGATED**

**HANGLETON & KNOLL****BH2015/00160****Land to the rear of 25 & 27 Holmes Avenue Hove**

Demolition of existing garage and outbuildings and erection of 1no three bedroom detached house (C3). (Amended Site Plan)

**Applicant:** Mrs Val Bristow

**Officer:** Helen Hobbs 293335

**Refused on 10/02/16 DELEGATED**

**BH2015/03375****23 Rowan Avenue Hove**

Erection of a single storey rear extension. (Retrospective)

**Applicant:** Mr M Ramzi

**Officer:** Justine Latemore 292138

Report from 28/01/2016 to 17/02/2016

**Approved on 29/01/16 DELEGATED****BH2015/03905****81 Hangleton Valley Drive Hove**

Certificate of lawfulness for proposed conversion of integral garage to study with installation of window to front elevation.

**Applicant:** Mr Darren Ede

**Officer:** Molly McLean 292097

**Approved on 01/02/16 DELEGATED**

**BH2015/03959****134 Poplar Avenue Hove**

Erection of a single storey rear extension with associated alterations.

**Applicant:** Mr Ray Wingate

**Officer:** Charlotte Bush 292193

**Approved on 09/02/16 DELEGATED**

**BH2015/04215****81 Rowan Avenue Hove**

Certificate of Lawfulness for proposed loft conversion incorporating hip to gable roof extension, rear dormer, front rooflights and side window.

**Applicant:** Mrs Julie O'loughlin

**Officer:** Molly McLean 292097

**Approved on 01/02/16 DELEGATED**

**BH2015/04507****55 Hangleton Valley Drive Hove**

Certificate of lawfulness for proposed enlargement of existing rear dormer and insertion of 4no. rooflights to front.

**Applicant:** Mr Chris Georgiou

**Officer:** Molly McLean 292097

**Approved on 09/02/16 DELEGATED**

**BH2015/04525****305 Hangleton Road Hove**

Erection of single storey rear extension with raised terrace.

**Applicant:** Mr & Mrs Smyth

**Officer:** Emily Stanbridge 292359

**Approved on 01/02/16 DELEGATED**

**BH2015/04588****180 Hangleton Road Hove**

Erection of a single storey rear extension with associated alterations to ground floor roof.

**Applicant:** Mrs D Lee

**Officer:** Laura Hamlyn 292205

**Approved on 15/02/16 DELEGATED**

Report from 28/01/2016 to 17/02/2016

**BH2015/04663****14 Farmway Close Hove**

Erection of single storey side extension.

**Applicant:** Mr John Harbour

**Officer:** Laura Hamlyn 292205

**Approved on 15/02/16 DELEGATED**

**BH2016/00091****315 Hangleton Road Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 2.8m, and for which the height of the eaves would be 3.8m.

**Applicant:** Mr B Mascard

**Officer:** Charlotte Bush 292193

**Prior Approval is required and is refused on 17/02/16 DELEGATED**

**NORTH PORTSLADE****BH2015/01982****Flint Close Portslade**

Application for Approval of Details Reserved by Conditions 6, 8 and 12(i)a of application BH2014/02490.

**Applicant:** Brighton & Hove City Council

**Officer:** Adrian Smith 290478

**Approved on 15/02/16 DELEGATED**

**BH2015/04021****212 Mile Oak Road Portslade**

Demolition of existing outbuildings and erection of a single storey ancillary annexe in rear garden.

**Applicant:** Mrs Lucy Walsh

**Officer:** Justine Latemore 292138

**Refused on 16/02/16 DELEGATED**

**BH2015/04094****31 Beechers Road Portslade**

Formation of front dormer.

**Applicant:** Mr Jacob Wrightman

**Officer:** Ryan OSullivan 290480

**Approved on 03/02/16 DELEGATED**

**BH2015/04476****18 Clover Way Portslade**

Erection of single storey rear extension and associated excavation works.

**Applicant:** Ms Mari Booker

**Officer:** Emily Stanbridge 292359

**Approved on 01/02/16 DELEGATED**

Report from 28/01/2016 to 17/02/2016

**BH2015/04554****5 Westway Close Portslade**

Erection of single storey front extension.

**Applicant:** Mr Jason Miles

**Officer:** Laura Hamlyn 292205

**Refused on 16/02/16 DELEGATED**

**BH2015/04593****4 Edgehill Way Portslade**

Erection of first floor side extension.

**Applicant:** Leon & Claire Nelman

**Officer:** Laura Hamlyn 292205

**Refused on 12/02/16 DELEGATED**

**SOUTH PORTSLADE****BH2014/03715****Aldi Stores Ltd 7 Carlton Terrace Portslade**

Application for variation of condition 1 of application BH2011/02857 to vary the hours of operation of the store to read: The store shall not be open for trading to the public except between the hours of 08:00 and 22:00 on Monday to Saturday, and 10:00 to 16:00 on Sundays and Bank Holidays. Staff may be within the premises between the hours of 07:00 and 23:00 hours on Mondays to Saturdays and 09:30 to 17:30 on Sundays and Bank Holidays.

**Applicant:** Aldi Stores Ltd

**Officer:** Jonathan Puplett 292525

**Refused on 28/01/16 Committee**

**BH2015/03071****46 St Andrews Road Portslade**

Conversion of ground floor flat and lower ground floor store into 1no one bedroom flat and 1no two bedroom flat (C3) and replacement of fence with garden boundary wall.

**Applicant:** Park Avenue Estates Ltd

**Officer:** Helen Hobbs 293335

**Refused on 15/02/16 DELEGATED**

**BH2015/04098****45 Mile Oak Gardens Portslade**

Certificate of lawfulness for proposed single storey side extension.

**Applicant:** Mr Graham Walder

**Officer:** Molly McLean 292097

**Approved on 01/02/16 DELEGATED**

**BH2015/04099****Chandlers Brighton BMW Victoria Road Portslade**

Application for variation of condition 2 of application BH2014/03341 (Remodelling

Report from 28/01/2016 to 17/02/2016

of showroom including revised windows and doors, new ramp to front elevation and alterations to colour finish of existing retail area metal faced cladding panels, roof overhang fascia and soffits) to allow amendments to the approved drawings to permit paved area to front.

**Applicant:** Barons & Chandlers  
**Officer:** Nicola Hurley 292114  
**Refused on 01/02/16 DELEGATED**

**BH2015/04301****13 Franklin Road Portslade**

Erection of single storey rear extension.

**Applicant:** Mr Tony Barton  
**Officer:** Emily Stanbridge 292359  
**Refused on 01/02/16 DELEGATED**

**BH2015/04348****291 Old Shoreham Road Portslade**

Certificate of lawfulness for proposed installation of sliding doors in enlarged opening to rear and rooflight to existing upper ground floor terrace.

**Applicant:** Mr James Follows  
**Officer:** Molly McLean 292097  
**Refused on 01/02/16 DELEGATED**

**BH2015/04433****39 - 41 Vale Road Portslade**

Application for approval of details reserved by conditions 5, 6, 7, 8, 9, 10 and 11 of application BH2014/03455.

**Applicant:** Brighton Faith Association  
**Officer:** Helen Hobbs 293335  
**Split Decision on 17/02/16 DELEGATED**

**HOVE PARK****BH2015/02659****57 Tongdean Avenue Hove**

Erection of 1 no five bedroom single dwelling with double garage to front garden of existing property.

**Applicant:** Farshid Moussavi  
**Officer:** Helen Hobbs 293335  
**Refused on 08/02/16 DELEGATED**

**BH2015/02925****44 Tongdean Avenue Hove**

External alterations including erection of single storey extensions to sides, creation of ramp and planter to rear, alterations to fenestration and other associated works.

**Applicant:** Mr Mark Walters

Report from 28/01/2016 to 17/02/2016

**Officer:** Charlotte Bush 292193

**Approved on 10/02/16 DELEGATED**

**BH2015/03333**

**Land at junction of Goldstone Crescent and King George VI Avenue Hove**

Replacement of existing 16.7 metre high monopole with new 16.7m high monopole with wraparound cabinet at base, installation of new telecommunications cabinet and associated works.

**Applicant:** H3G UK Limited

**Officer:** Mark Thomas 292336

**Approved on 09/02/16 DELEGATED**

**BH2015/03611**

**213 Goldstone Crescent Hove**

Erection of single storey rear extension.

**Applicant:** Mr Wayne Andrews

**Officer:** Ryan OSullivan 290480

**Refused on 01/02/16 DELEGATED**

**BH2015/03786**

**17 Goldstone Crescent Hove**

Application for variation of condition 2 of application BH2014/03761 (Variation of condition 2 of application BH2013/02613) (Original permission for Demolition of existing three bedroom single dwelling and erection of part three/part four storey block of 7no flats.) to permit amendments to approved drawings including enlargement of roof terrace and conversion of garden area to patio area.

**Applicant:** CCS Holdings Ltd

**Officer:** Adrian Smith 290478

**Approved on 29/01/16 DELEGATED**

**BH2015/03835**

**Hove Park Depot The Drove Hove**

Application for Approval of Details Reserved by Condition 20 of application BH2014/00922.

**Applicant:** Kier Construction Southern

**Officer:** Jonathan Puplett 292525

**Approved on 15/02/16 DELEGATED**

**BH2015/03846**

**21 Nevill Avenue Hove**

Certificate of lawfulness for proposed extension to existing garage to form annex.

**Applicant:** Ms Samantha Cuthbertson

**Officer:** Emily Stanbridge 292359

**Refused on 29/01/16 DELEGATED**

**BH2015/04047**

**Blatchington Mill School Nevill Avenue Hove**

Application for Approval of Details Reserved by Condition 3 of application

Report from 28/01/2016 to 17/02/2016

BH2013/03742.

**Applicant:** Blatchington Mill School

**Officer:** Mark Thomas 292336

**Approved on 08/02/16 DELEGATED**

**BH2015/04095**

**57 Elizabeth Avenue Hove**

Certificate of Lawfulness for proposed loft conversion including roof extensions, side dormers and rooflights, erection of single storey front extension and associated works.

**Applicant:** Mr Brian Rosehill

**Officer:** Molly McLean 292097

**Split Decision on 01/02/16 DELEGATED**

**BH2015/04096**

**57 Elizabeth Avenue Hove**

Alterations to roof including front extension and side rooflights.

**Applicant:** Mr Brian Rosehill

**Officer:** Justine Latemore 292138

**Approved on 09/02/16 DELEGATED**

**BH2015/04108**

**14 Goldstone Crescent Hove**

Erection of single storey side extension.

**Applicant:** Mr & Mrs Johnson

**Officer:** Ryan OSullivan 290480

**Approved on 10/02/16 DELEGATED**

**BH2015/04214**

**5 Hove Park Gardens Hove**

Erection of single storey extension to dining room.

**Applicant:** Gospel Standard Bethesda Fund

**Officer:** Laura Hamlyn 292205

**Approved on 10/02/16 DELEGATED**

**BH2015/04270**

**285 Dyke Road Hove**

Enlargement of existing garage.

**Applicant:** Lakeside Investments Ltd

**Officer:** Mark Thomas 292336

**Approved on 12/02/16 DELEGATED**

**BH2015/04304**

**8 Poynter Road Hove**

Erection of single storey rear extension.

**Applicant:** Mrs Kate Backhouse

**Officer:** Laura Hamlyn 292205

**Approved on 08/02/16 DELEGATED**

Report from 28/01/2016 to 17/02/2016

**BH2015/04362****7 Nevill Road Hove**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension with rooflights at front and rear.

**Applicant:** Mr Ben Wanless

**Officer:** Molly McLean 292097

**Approved on 29/01/16 DELEGATED**

**BH2015/04363****7 Nevill Road Hove**

Removal of existing bay window and existing extension and erection of single storey rear extension and alterations to fenestration.

**Applicant:** Mr Ben Wanless

**Officer:** Laura Hamlyn 292205

**Approved on 11/02/16 DELEGATED**

**BH2015/04377****26 Queen Victoria Avenue Hove**

Erection of two storey side extension and extension to roof above.

**Applicant:** Mr & Mrs A Sherwood

**Officer:** Laura Hamlyn 292205

**Approved on 01/02/16 DELEGATED**

**BH2015/04467****275 Dyke Road Hove**

Erection of single storey rear extension with decking area.

**Applicant:** Mr & Mrs Bunce

**Officer:** Laura Hamlyn 292205

**Approved on 08/02/16 DELEGATED**

**BH2015/04587****10 Tongdean Avenue Hove**

Erection of two storey front extension and roof extension incorporating raised ridge height and rooflights to front, sides and rear and alterations to front driveway.

**Applicant:** Mr Daniel McHenry

**Officer:** Laura Hamlyn 292205

**Approved on 16/02/16 DELEGATED**

**BH2015/04615****61 Hill Drive Hove**

Erection of first floor rear extension with juliette balcony enlargement of existing roof and associated alterations.

**Applicant:** Mr & Mrs Stevenson

**Officer:** Laura Hamlyn 292205

**Approved on 16/02/16 DELEGATED**

**BH2015/04658****155 Woodland Avenue Hove**

Erection of single storey front extension and porch.

Report from 28/01/2016 to 17/02/2016



**Applicant:** Mr Michael Woodward  
**Officer:** Laura Hamlyn 292205  
**Refused on 10/02/16 DELEGATED**

**BH2016/00025****15 Rigden Road Hove**

Erection of new single storey rear extension, new front porch, revised fenestration and associated alterations.

**Applicant:** Ms Andrea Wadsworth  
**Officer:** Allison Palmer 290493  
**Approved on 17/02/16 DELEGATED**

**WESTBOURNE****BH2015/02458****130 Cowper Street Hove**

Application for Approval of Details Reserved by Condition 7 part (i) (a) (b) (c), and conditions 8, 9, 10, 11, 12, 13, 14 and 15 of application BH2014/03075.

**Applicant:** R & R Valeting  
**Officer:** Jonathan Puplett 292525  
**Approved on 15/02/16 DELEGATED**

**BH2015/03060****Kingsway Store Kingsway Hove**

Temporary change of use of site to storage (B8) and erection of temporary structures for a period of 24 months.

**Applicant:** Brighton Surf Life Saving Club  
**Officer:** Adrian Smith 290478  
**Refused on 02/02/16 DELEGATED**

**BH2015/03421****12 Princes Crescent Hove**

Demolition and partial rebuilding of chimney stack to side elevation (Part Retrospective).

**Applicant:** Mr & Mrs David & Margaret Blackman  
**Officer:** Laura Hamlyn 292205  
**Approved on 17/02/16 DELEGATED**

**BH2015/03696****73 Langdale Gardens Hove**

Erection of single storey rear extension.

**Applicant:** Mr & Mrs George  
**Officer:** Joanne Doyle 292198  
**Approved on 09/02/16 DELEGATED**

**BH2015/03961****102 Montgomery Street Hove**

Certificate of Lawfulness for single storey rear extension and loft conversion

Report from 28/01/2016 to 17/02/2016

incorporating rear dormer with Juliet balcony.

**Applicant:** Mr M Tate

**Officer:** Molly McLean 292097

**Approved on 02/02/16 DELEGATED**

**BH2015/04253**

**41 Byron Street Hove**

Certificate of Lawfulness for proposed single storey rear extension and loft conversion incorporating front rooflights and rear dormer.

**Applicant:** Ms Kirsty Wilson

**Officer:** Molly McLean 292097

**Split Decision on 02/02/16 DELEGATED**

**BH2015/04276**

**40 Walsingham Road Hove**

Roof alterations incorporating rear dormer and 3no rooflights, erection of single storey rear extension and associated alterations.

**Applicant:** Mr Nick Macpherson

**Officer:** Justine Latemore 292138

**Approved on 09/02/16 DELEGATED**

**BH2015/04407**

**102 Montgomery Street Hove**

Erection of two storey rear extension.

**Applicant:** Mr M Tate

**Officer:** Emily Stanbridge 292359

**Refused on 01/02/16 DELEGATED**

**BH2016/00093**

**88 Rutland Road Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.7m, for which the maximum height would be 3m, and for which the height of the eaves would be 2.4m.

**Applicant:** Mr John Chard

**Officer:** Justine Latemore 292138

**Prior approval not required on 16/02/16 DELEGATED**

**WISH**

**BH2015/02105**

**Martello Lofts 315 Portland Road Hove**

Application for Approval of Details Reserved by Conditions 1 and 2 of application BH2015/00278.

**Applicant:** Mr David Martin on behalf of Rampart Capital Principal Investments 2

**Officer:** Jonathan Puplett 292525

**Approved on 15/02/16 DELEGATED**

Report from 28/01/2016 to 17/02/2016

**BH2015/02411****322A Portland Road Hove**

Conversion of existing maisonette into 2no two bedroom flats and 1no studio flat with associated loft conversion incorporating a rear dormer, new windows to side elevation and rooflights.

**Applicant:** Barker James Developments Ltd

**Officer:** Jonathan Puplett 292525

**Refused on 28/01/16 DELEGATED**

**BH2015/02495****47 Portland Villas Hove**

Demolition of existing conservatory and erection of single storey rear extension.

**Applicant:** Mrs Claire Ford

**Officer:** Joanne Doyle 292198

**Approved on 08/02/16 DELEGATED**

**BH2015/02589****143 Portland Road Hove**

Erection of single storey rear extension to provide additional treatment rooms.

**Applicant:** Mr Simon Fuller

**Officer:** Charlotte Bush 292193

**Approved on 05/02/16 DELEGATED**

**BH2015/03265****14 Portland Avenue Hove**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, front rooflight, side windows and rear dormer.

**Applicant:** Mr M & J Wingate

**Officer:** Joanne Doyle 292198

**Approved on 29/01/16 DELEGATED**

**BH2015/03672****124 New Church Road Hove**

Alterations to convert existing property into 2no bedroom flat on lower ground floor, 3no bedroom flat on ground floor and two 2no bedroom maisonettes on first and second floors incorporating loft conversion, installation of rooflights and associated works.

**Applicant:** Krigland Limited

**Officer:** Clare Flowers 290443

**Refused on 28/01/16 DELEGATED**

**BH2015/03775****131 St Leonards Avenue Hove**

Erection of new shed and extension of existing fence at side of property. Demolition of existing front boundary wall and erection of new brick wall to front and side. (Part Retrospective)

**Applicant:** Ms Claire Scott

**Officer:** Laura Hamlyn 292205

Report from 28/01/2016 to 17/02/2016

**Approved on 09/02/16 DELEGATED****BH2015/03999****160 New Church Road Hove**

Application for removal of condition 4 of application BH2014/02223 (Erection of a single storey extension and associated alterations to fenestration to existing detached garage. (Part Retrospective)) regarding the outbuilding being used solely for purposes incidental to the enjoyment of the dwelling house and not as a separate unit of accommodation or business use.

**Applicant:** Mrs M Emmanuel

**Officer:** Helen Hobbs 293335

**Approved on 09/02/16 DELEGATED**

**BH2015/04032****Virgin Media Ltd Wharf House Basin Road South Portslade**

Installation of 2no roof mounted condenser units to replace existing condensers with associated works

**Applicant:** Virgin Media Limited

**Officer:** Justine Latemore 292138

**Approved on 16/02/16 DELEGATED**

**BH2015/04282****Flats 4, 9 & 11 Brittany Court 178 New Church Road Hove**

Replacement of existing metal single glazed doors with aluminum double glazed doors.

**Applicant:** Mr Parviz Behdad & Jeremy Lee

**Officer:** Laura Hamlyn 292205

**Approved on 03/02/16 DELEGATED**

**BH2015/04303****347 Kingsway Hove**

Certificate of lawfulness for proposed hip to gable loft conversion with front rooflights, side window and rear dormer, erection of replacement front porch and alterations to fenestration.

**Applicant:** Mr Hisham Abbas

**Officer:** Molly McLean 292097

**Approved on 02/02/16 DELEGATED**

**BH2015/04314****46 St Leonards Gardens Hove**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, rear dormer and front rooflights.

**Applicant:** Mrs Laura Glynn

**Officer:** Molly McLean 292097

**Refused on 09/02/16 DELEGATED**

**BH2015/04347****33A Boundary Road Hove**

Erection of first floor rear extension with extension to roof above incorporating

Report from 28/01/2016 to 17/02/2016

rooflights to side.

**Applicant:** Mr Daniel Barker  
**Officer:** Laura Hamlyn 292205  
**Refused on 09/02/16 DELEGATED**

**BH2015/04398****17 Derek Avenue Hove**

Erection of two storey side rear extension.

**Applicant:** Mr Jon Clark  
**Officer:** Emily Stanbridge 292359  
**Refused on 01/02/16 DELEGATED**

**BH2015/04405****245 Kingsway Hove**

Erection of rear extensions to ground and first floor levels.

**Applicant:** Mr Oliver Carter  
**Officer:** Emily Stanbridge 292359  
**Approved on 16/02/16 DELEGATED**

**BH2015/04419****Portslade Railway Station Portland Road Hove**

Application for Approval of Details Reserved by Conditions 2a and 2b of application BH2015/03003

**Applicant:** GTR Ltd  
**Officer:** Joanne Doyle 292198  
**Approved on 02/02/16 DELEGATED**

**BH2015/04458****10 St Keyna Avenue Hove**

Erection of single storey rear extension.

**Applicant:** Mr James Makin  
**Officer:** Emily Stanbridge 292359  
**Approved on 01/02/16 DELEGATED**

**BH2015/04481****9-16 Aldrington Basin/Land South of Kingsway Basin Road North Portslade**

Application for variation of conditions of application BH2012/04044 (Demolition of business unit to east of Magnet showroom. Erection of new building ranging from 3no to 5no storeys at Kingsway Level and a further one and a half storeys of car parking beneath Kingsway ground floor accessed via Basin Road North. Development comprises mixed use commercial premises (A1, A3, B1, D1) with associated new access and 52 residential units in 6no blocks. Change of use of existing Magnet showroom at Basin Road North level to storage (B8) with associated service area, lorry delivery bay and car parking) for rewording of conditions 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 34, 36, 39 and 40 to permit development up to Basin Road North ground floor slab level, conditions 37 and 38 to allow for demolition of existing buildings and condition 33 to permit development up to Kingsway ground floor slab level.

**Applicant:** Harbour View Developments (Sussex) Ltd

Report from 28/01/2016 to 17/02/2016

**Officer:** Liz Arnold 291709  
**Approved on 08/02/16 DELEGATED**

**Withdrawn Applications**

**None**

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

BH2015/04014

80 and 80A Crescent Drive South  
BrightonDemolition of existing houses and  
erection of 7no dwelling houses (C3).

APPEAL LODGED

28/01/2016

Non Determination Appeal

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

BH2015/01799

150 Saltdean Vale Saltdean Brighton

Prior approval for change of use from  
retail (A1) to self-contained flat (C3) with  
external alterations to front and rear.

APPEAL LODGED

01/02/2016

Delegated

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

BH2015/02126

6 Crescent Road Brighton

Erection of rear extension, creation of rear  
dormer and insertion of front rooflight.

APPEAL LODGED

01/02/2016

Delegated

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

BH2015/00445

Diplocks Yard 73 North Road Brighton

Erection of part single, part two storey building  
to provide 8no office units (B1).

APPEAL LODGED

01/02/2016

Planning (Applications) Committee

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

BH2015/03269

11 Chelston Avenue Hove

Erection of single storey rear extension linking main house to existing garage and associated alterations to garage.

APPEAL LODGED

04/02/2016

Delegated

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

BH2015/03135

2 Thornhill Avenue Brighton

Creation of additional floor to create two storey dwelling, alterations to fenestration and associated works.

APPEAL LODGED

04/02/2016

Delegated

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

BH2015/02785

1 Sussex Road Hove

Removal of part of pitched roof to facilitate creation of roof terrace with associated alterations to rear elevation.

APPEAL LODGED

04/02/2016

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****PATCHAM**

BH2015/03821

8 Highfield Crescent Brighton

Erection of single storey rear extension to lower ground floor.

APPEAL LODGED



**PLANNING COMMITTEE****Agenda Item 158**

Brighton &amp; Hove City Council

APPEAL RECEIVED DATE 05/02/2016APPLICATION DECISION LEVEL Delegated**WARD****SOUTH PORTSLADE**APPEAL APP NUMBER

BH2015/03138

ADDRESS

6 Locks Hill Portslade

DEVELOPMENT DESCRIPTION

Demolition of existing building (D1) and erection of 5no houses (C3) fronting Locks Hill with car parking and vehicular access from rear.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

04/02/2016

APPLICATION DECISION LEVEL

Delegated

**WARD****WOODINGDEAN**APPEAL APP NUMBER

BH2015/02277

ADDRESS

165 Cowley Drive Brighton

DEVELOPMENT DESCRIPTION

Erection of two storey side extension and associated alterations.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

08/02/2016

APPLICATION DECISION LEVEL

Delegated

**WARD****REGENCY**APPEAL APP NUMBER

BH2015/03351

ADDRESS

27 Castle Street Brighton

DEVELOPMENT DESCRIPTION

Certificate of lawfulness for proposed change of use from storage and distribution (B8) to music recording studio (B1) with ancillary rehearsal facilities.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

15/02/2016

APPLICATION DECISION LEVEL

Delegated

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

BH2015/04217

The Studio 1A Northgate Cottages Falmer  
Road Rottingdean BrightonErection of first floor rear extension, creation of  
2no side dormer and installation of rooflights.

APPEAL LODGED

15/02/2016

Delegated

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

BH2015/02558

22 Sandhurst Avenue Brighton

Erection of two storey side extension with front  
rooflights and rear dormer, formation of front  
porch, crossover and hardstanding.

APPEAL LODGED

17/02/2016

Delegated

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

BH2015/04411

24 Westfield Avenue South Saltdean Brighton

Erection of single storey rear extension.

APPEAL LODGED

16/02/2016

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****HOVE PARK**

BH2015/03330

29 Hove Park Way, Hove, BN3 6PT

Enlargement of existing mezzanine floor and  
alterations to front entrance.

APPEAL LODGED

17/02/2016

APPLICATION DECISION LEVEL      Delegated

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**WARD**

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**HOVE PARK**

BH2015/02983

41 Bishops Road Hove

Creation of additional floor to create two storey dwelling, alteration to front boundary wall, creation of hardstanding and other associated alterations.

APPEAL LODGED

17/02/2016

Delegated

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**INFORMATION ON HEARINGS / PUBLIC INQUIRIES**  
**9 March 2016**

**Brighton & Hove**  
**City Council**

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

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**None**



**APPEAL DECISIONS**

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| <b>A – 56 FARM HILL, BRIGHTON - WOODINGDEAN</b>  | <b>125</b>  |
| Application BH2015/00951 – Appeal against refusal to grant planning permission for residential conversion from existing, detached chalet bungalow to 1no. 3-bed and 1no. 4-bed semi-detached, chalet style dwellings. <b>APPEAL DISMISSED</b> (delegated decision)                       |             |
| <b>B – 5 BUXTED RISE, BRIGHTON – PATCHAM</b>   | <b>129</b>  |
| Application BH2015/01021 – Appeal against refusal to grant planning permission for rear and side extensions. <b>APPEAL DISMISSED</b> (delegated decision)  |             |
| <b>C – FLAT 3, 6 BRUNSWICK TERRACE, HOVE – BRUNSWICK &amp; ADELAIDE</b>  | <b>131</b>  |
| Application BH2014/03223 – Appeal against refusal to grant planning permission for convert the second (single) bedroom into a kitchen and the existing kitchen into a double bedroom; includes partial removal of supporting wall + one door. <b>APPEAL ALLOWED</b> (delegated decision) |             |
| <b>D – LAND TO THE REAR OF 63 BRAMBLE RISE, BRIGHTON - WITHDEAN</b>  | <b>135</b>  |
| Application BH2015/00628 – Appeal against refusal to grant planning permission for demolition of existing garage and store and erection of new 3 bedroom two storey detached dwelling. <b>APPEAL DISMISSED</b> (delegated decision)  |             |
| <b>E – 10 CANFIELD ROAD, BRIGHTON – MOULSECOOMB &amp; BEVENDEAN</b>  | <b>139</b>  |
| Application BH2015/01047 – Appeal against refusal to grant planning permission for detached house. <b>APPEAL DISMISSED</b> (delegated decision)  |             |

**F – 44 VICTORIA STREET, BRIGHTON – REGENCY** **143**

Application BH2015/01594 – Appeal against refusal to grant planning permission for removal of existing pitched roof to create a 13 sq.m roof terrace. Remaining flat roof to be planted with green roof 1.1m anti glare glass balustrades to be set back from front and rear by 1.5m. **APPEAL DISMISSED** (delegated decision)

**G – 6 WINCHESTER STREET, BRIGHTON – ST. PETER’S & NORTH LAINE** **147**

Application BH2014/01007 – Appeal against refusal to grant planning permission for dormer window roof conversion providing an additional bedroom. **APPEAL DISMISSED** (delegated decision)

**H – LAND TO THE REAR OF 75 LYNDHURST ROAD, HOVE – GOLDSMID** **151**

Application BH2015/01164 – Appeal against enforcement notice for demolition of existing garage and erection of a dwelling house. **APPEAL ALLOWED** (delegated decision)

**I – 9 ADAMS CLOSE, BRIGHTON – HOLLINGDEAN & STANMER** **157**

Appeal against enforcement notice for Without planning permission, change of use of the property from a dwelling house (C3) to use as a house in multiple occupation (C4) providing accommodation for between three and six unrelated individuals, who share basic amenities including a kitchen, living space and a bathroom. The requirement of the notice is to cease the use of the property as a House in Multiple Occupation (Class C4). **APPEAL DISMISSED** (enforcement decision)

**J – 18 MCWILLIAM ROAD, BRIGHTON – WOODINGDEAN** **163**

Application BH2015/01959 – Appeal against refusal to grant planning permission for roof conversion incorporating hip to gable extensions and rear dormer. **APPEAL ALLOWED** (delegated decision)

**K – 80 COOMBE VALE, SALTDEAN, BRIGHTON – ROTTINGDEAN COASTAL** **165**

Application BH2015/01719 – Appeal against refusal to grant planning permission for roof extension. **APPEAL ALLOWED** (delegated decision)



**L – 2A SHANKLIN ROAD, BRIGHTON – HANOVER & ELM GROVE 167**

Application BH2015/01408 – Appeal against refusal to grant planning permission for alterations to existing garage unit to facilitate parking of motor home vehicle. **APPEAL ALLOWED** (delegated decision)

**M – 16 WESTBOURNE PLACE, HOVE – WESTBOURNE 171**

Application BH2015/00921 – Appeal against refusal to grant planning permission for demolition of part of existing workshop to rear and replacement with a new first floor garden living room, part grass, part hard landscaped roof terrace with lightwell and walk-on glass rooflight. Kitchen extended into existing courtyard with utility room to rear. **APPEAL DISMISSED** (delegated decision)

**N – 146 HARTINGTON ROAD, BRIGHTON – HANOVER & ELM GROVE 175**

Application BH2015/02082 – Appeal against refusal to grant planning permission for two storey extension to a corner plot. **APPEAL DISMISSED** (delegated decision)

**O – 43 CHESTER TERRACE, BRIGHTON – PRESTON PARK 177**

Application BH2015/00900 – Appeal against refusal to grant planning permission for single storey side extension to the rear. **APPEAL ALLOWED** (delegated decision)

**P – 60 WANDERDOWN ROAD, BRIGHTON – ROTTINGDEAN COASTAL 179**

Application BH2015/02967 – Appeal against refusal to grant planning permission for extension to existing garage and new landscaping. **APPEAL DISMISSED** (delegated decision)

**Q – FLAT 3, 41 SUSSEX SQUARE, BRIGHTON – ROTTINGDEAN COASTAL 181**

Application BH2015/02655 & BH2015/02656 – Appeal against refusal to grant planning permission for single storey extension and internal alterations to flat. **APPEAL DISMISSED** (delegated decision)

**R – 2 FOREST ROAD, BRIGHTON – HOLLINGDEAN & STANMER 185**

Reference 2014/0222 – Appeal against enforcement notice for 'Without planning permission development of the land by the permanent placement of a secure storage container'. **APPEAL DISMISSED** (delegated decision)



## Appeal Decision

Site visit made on 5 January 2016

**by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI**

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

**Decision date: 28 January 2016**

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**Appeal Ref: APP/Q1445/W/15/3132705**  
**56 Farm Hill, Brighton BN2 6BH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr J Morris against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/00951, dated 18 March 2015, was refused by notice dated 24 June 2015.
  - The development proposed is described as the residential conversion from existing, detached chalet bungalow to 1no. 3-bed and 1no. 4-bed semi-detached, chalet style dwellings.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - The effect of the development on the character and appearance of the area;
  - The effect of the development on the living conditions of the occupiers of 58 Farm Hill, having particular regard to privacy, light, and outlook; and,
  - Whether the proposed development would provide acceptable living conditions for future occupiers in terms of the provision of private, amenity space.

### Reasons

*The effect on the character and appearance of the area*

3. The street has a significant slope running its length in which the stepped plots of bungalows, set behind low enclosures on the footway, have a distinct rhythm of pitched roofs with generally consistent eaves and ridge heights. The roof forms tend to be hipped to the street, with gables forming only smaller elements, above bay windows. The consistent gaps, front building lines, and roof massing makes for a distinctive townscape in this street, which descends steeply towards the coast.
  4. I note the care in the design to retain much of the existing eaves on the south, downhill side of the house, while raising the eaves on the north or uphill side of the house, with a consequential raising of the ridge, and the introduction of dormers. However, the hip to gable form and raised gable of the proposal
-

- which would face towards Farm Hill would appear incongruous in the surrounding roofscape of generally hipped ends with eaves set at more modest heights.
5. I note that the houses enclosing the close on the other side of the plot are two storeys high, and that the bungalow opposite No 56 has a gabled roof. However, as a result of the combined effect of the gable end form of the proposal, together with the increased height of the eaves along the north elevation, the development would appear at odds with the roofs of the surrounding houses, which are generally hipped.
  6. I note the Council considers the shape of the proposed front dormers out of place and that they would be too prominent. However, their fronts would be set back behind the outermost walls of the south elevation, and their scale above the extended eaves would be modest. Their shape would add interest to the townscape of the building, while retaining the conspicuity of the roof as the central element of roofscape. In the surrounding context, where many roofs have elongated boxes as dormers running across their slopes, I find this aspect of the design would help to redress the design quality of roofscape in the surroundings.
  7. I conclude on this issue, that the raised eaves along the length of the north elevation, together with the hip to gable conversion of the roof, would have a harmful effect on the character and appearance of the area, suggesting overdevelopment of the plot. While the Council refers to Policies QD27 and H05 of the Brighton and Hove Local Plan 2005 (LP), which have little relevance to this issue, it would be contrary to Policies QD3 and QD14 to which it also refers, and which seek amongst other things, development of an intensity appropriate to the prevailing townscape, and which takes into account the character of the area.

*The effect on the living conditions of the occupiers of 58 Farm Hill*

8. The proposal would contain two windows at first floor facing towards the house to the north, 58 Farm Hill, which has windows in its ground floor flank and in a side dormer, facing the proposal. Whilst the window of the first floor bathroom of the proposal could be conditioned to retain the privacy of these neighbours, without a similar condition for the window of the proposed centre, north bedroom in the proposal, there would be the opportunity for direct, almost perpendicular overlooking into at least one ground floor, flank window of the neighbour, which appears to serve a living space.
9. To a lesser degree, there would be a risk of overlooking, albeit at an acute angle, into the habitable room served by the window in the side dormer of No 58. I have considered imposing a glazing condition on the new bedroom window, but this would adversely affect the living conditions of those occupying the bedroom. As the distance between the relevant windows would be less than 10m, I consider that there would be a risk of overlooking which would harm the privacy of the occupiers of No 58.
10. The uplift of the extended roof and the formation of end gables in place of hips would reduce the amount of light, including south light reaching No 58. Whilst I note that the flank windows in No 58 already have a reduced level of light because of the arrangement of the buildings in this street, on the information before me, I consider that the proposal, when taking into account the effect of

the lengthened ridge of the roof with its gabled ends, would reduce the amount of light received into the ground floor habitable room of No 58 to an unacceptable degree.

11. Given that the uplift of the eaves and ridge of the proposal would be around 1m, and that it would be confined largely to the footprint of the existing house, as well as the ground floor level of No 58 being approximately half a metre higher than the ground floor level of the proposal, I do not consider that the development proposed would reduce the outlook from No 58 to a materially harmful degree. I have had regard to the dormers proposed, but as they would be relatively small and located close to the eaves, I find that they would not, when combined with the roof uplift, compound the effect of the main roof on outlook to such a degree as to result in an overbearing presence in the roofscape or an excessive sense of enclosure.
12. I conclude on this issue, that while the proposal would not have an adverse impact on outlook, it would, by allowing overlooking into No 58 and by reducing the amount of light its habitable rooms may receive, materially harm the living conditions of the occupiers of 58 Farm Hill, and would in this respect be contrary to LP Policy QD27 which requires development not to cause material loss of amenity to adjacent occupiers.

*The provision of private amenity space for future occupiers*

13. The Council is concerned over the proposal's lack of private, useable amenity space for the house on the Farm Hill side of the development, and has referred to LP Policy H05 which seeks in new residential development the provision of space appropriate to the scale and character of the development. While the proposal would retain part of the garden of the existing house for this plot, it would be exposed to passers-by using the adjacent footways. The privacy it would provide, essential for a 3-bedroom house which may be occupied by a family, would be very limited.
14. The appellant has suggested erecting screening walls of substantial height along the back edge of footway to provide privacy to the garden of the house on the Farm Hill side. However this was not included in the proposal which was consulted upon, and, apart from a computer generated image, no details of this proposal have been provided. The Council has indicated that it would consider such screening harmful to the character of the street scene, which has relatively low front boundaries, and I am inclined to agree. Therefore, I conclude on this issue that the house closest to Farm Hill would have insufficient private, useable amenity space and would thereby provide unacceptable living conditions for future occupiers, contrary to Policy H05 of the LP.

**Other Matters**

15. The Council, in its statement of case and in its officer report, has indicated that it seeks a contribution to footway improvements by means of a planning obligation in order to offset the impact of the additional dwelling. However, it has not submitted any quantified evidence of the additional demand or the details of the methodology of its calculation. The obligation sought would not meet all the statutory tests, and has therefore not been taken into account.

16. I note the representations from neighbours including concerns over additional traffic and pressure on the street parking in the area. The additional traffic generated by the proposal would not alter significantly the present volume of traffic in the surrounding roads, and there is no evidence of safety or capacity issues. The development would provide parking in accordance with the Council's parking standards, and I note that the local highway authority raises no objection to the proposal. I consider that the proposal would provide sufficient parking in accordance with the LP and would not result in an adverse impact on highway safety or traffic flow.

**Conclusion**

17. Whilst the development would provide a modest benefit of one additional house to local housing supply, this is outweighed by the harm to the character and appearance of the area, and the unacceptable harm it would cause to the living conditions of surrounding and future occupiers, which is in clear conflict with the policies of the development plan. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

*Patrick Whelan*

INSPECTOR

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## Appeal Decision

Site visit made on 26 January 2016

by **S M Holden** BSc MSc CEng TPP MICE MRTPI FCIHT

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

Decision date: 28 January 2016

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### Appeal Ref: APP/Q1445/D/15/3134185

#### 5 Buxted Rise, Brighton BN1 8FG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr David Greenow against the decision of Brighton and Hove City Council.
  - The application Ref BH2015/01021, dated 23 March 2015, was refused by notice dated 20 August 2015.
  - The development proposed is rear and side extensions.
- 

#### Decision

1. The appeal is dismissed.

#### Main Issue

2. The main issue is the effect of the proposed extensions on the character and appearance of the host property and the surrounding area.

#### Reasons

3. Buxted Rise is characterised by pairs of semi-detached two-storey dwellings. They are arranged in groups with similar design characteristics, one of which is attached garages with flat roofs. These properties also have front entrances in what is described as a hallway extension that connects the house to the garage. In the case of No 5 this hallway runs the full depth of the house and projects into the rear garden. This single-storey rear projection also includes a toilet and store sited to the rear of the garage.
  4. The proposal seeks to replace the garage and the existing single-storey projection with a single-storey side and rear extension. It would be flush with the front elevation and wrap around the remainder of the ground floor. At the front it would be 4.4m wide and it would project just over 3m from the existing rear elevation. The extension would have a combined flat and hipped roof.
  5. Towards the front of the site the proposed extension would occupy a similar footprint to that of the existing garage. However, its different roof form would fundamentally change its appearance. It would therefore fail to respect or complement the shape or style of the main dwelling. The existing garage is clearly a subservient form of building. By contrast the proposed extension would be seen as an addition to the house that incorporated living space. In
-

this context it would appear to be excessive in width and out of proportion with the host dwelling. The changed roof form would accentuate this increase in size, significantly adding to the overall bulk of the proposal. The lack of set-back from the front elevation would further highlight the disproportionate size of the proposal.

6. At the rear of the property the wrap around extension would result in a doubling of the overall footprint of the house. This combination of rear and side extensions of the scale proposed would result in it dominating the rear of the house. Its shape and siting would not enable it to integrate satisfactorily with the form and proportions of the main dwelling. The large expanse of flat roof and long sections of tiled hipped roof would heighten this incongruous appearance and would not, in my view, represent good design.
7. The Council's Supplementary Planning Document: *Design Guide for Extensions and Alterations* (SPD12) states that as a general rule extensions should play a subordinate 'supporting role' that respects the design, scale and proportions of the host building. It advises that single-storey side extensions should normally be no wider than half the frontage width of the host property and should be set back from the front of the building by at least 0.5m. It goes on to provide guidance about roof forms that are likely to be acceptable. The appeal proposal does not accord with these requirements.
8. On my site visit I saw that some nearby properties had converted their garages into living accommodation. Although I do not have details of when these changes took place or how the Council assessed them, I saw that these alterations had retained flat roofs. The appellant has also referred to other schemes in the vicinity that the Council has permitted. However, I have no information that would enable me to make meaningful comparisons with the appeal proposal. In any event my role in this matter is to determine the appeal on its individual merits in the light of current planning policy.
9. I conclude that the proposed extension would be harmful to the character and appearance of the host property and the surrounding area. It would therefore be contrary to saved Policies QD2 and QD14 of the Brighton & Hove Local Plan, which seeks high quality design that respects its setting and takes account of the height, scale, bulk and design of existing buildings. It would also fail to take account of the advice of SPD12.
10. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR





## Appeal Decision

Site visit made on 18 December 2015

**by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL**

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

Decision date: 29 January 2016

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### **Appeal Reference: APP/Q1445/Y/15/3130330**

### **Flat 3, 6 Brunswick Terrace, Hove BN3 1HN**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mrs A Fewings against the decision of Brighton and Hove City Council.
  - The application (reference BH2014/03223, dated 21 September 2014) was refused by notice dated 24 April 2015.
  - The works proposed are described in the application form as: "convert the second (single) bedroom into a kitchen and the existing kitchen into a double bedroom; includes partial removal of supporting wall + one door".
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### **Decision**

1. The appeal is allowed and listed building consent is granted for alterations to Flat 3, 6 Brunswick Terrace, Hove BN3 1HN, to create a modified kitchen and bedroom, as executed, in accordance with the terms of the application (reference BH2014/03223, dated 21 September 2014).

### **Preliminary points**

2. Notwithstanding the description of the proposed development given in the application form, I am convinced that the appeal proposals should more succinctly be described as alterations to the listed building to create a modified kitchen and bedroom.
3. The appellant's new married name has been noted but the appeal has been dealt with in accordance with the submitted documentation, for the sake of consistency and clarity.

### **Main issue**

4. The main issue to be determined in this appeal is the effect of the works for which listed building consent is sought on the listed building and its setting.

### **Reasons**

5. Numbers 1-6 Brunswick Terrace form a substantial and imposing Georgian terrace, dating from 1824-1828. It is faced in stucco over brickwork, with slate roofs, and is constructed over a basement storey that looks into a well which runs around the perimeter of the building, adjacent to the public footpath in Brunswick Terrace and Waterloo Street. The terrace has been listed as a whole

- as a building of special architectural or historic interest (Grade I) and it is located within the Brunswick Town Conservation Area.
6. At the time of the site visit the building was affected by external scaffolding that disguised its appearance to some extent but which did not prevent the site visit from being effective.
  7. The listed building has been subdivided into flats and Flat 3, to which this appeal relates, is a basement flat with frontages to both Brunswick Terrace and Waterloo Street. The works for which listed building consent is now sought involved the conversion of a bedroom to form the kitchen to the flat (on the Brunswick Terrace frontage) and the conversion of the previous kitchen to form a bedroom. Thus, the flat itself had already been created as a result of earlier conversion works.
  8. It appears that the works to which the appeal relates were carried out some considerable time ago. Indeed, a "Certificate of Completion" (under the Building Regulations) has been submitted as part of this appeal. The Certificate shows that a formal inspection had been carried out and that the works for the "proposed removal of inner non-supporting wall and doors" (application reference BN2002/0902) had been completed before 15 June 2007. No contravention of the Building Regulations had been identified.
  9. Whether or not listed building consent ought to have been obtained at that time, in all the circumstances, no application for such consent was submitted. This appeal relates to a recent retrospective application for listed building consent for the works as executed (as set out above).
  10. Provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990 impose obligations on those considering whether to grant listed building consent for works that would affect a listed building. In such cases, it is necessary to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses. Other provisions in the Act require decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas affected by development proposals.
  11. That statutory framework is reinforced by the 'National Planning Policy Framework', especially at Section 12, which emphasises the importance of conserving and enhancing the historic environment, though it also points out the desirability of putting a heritage asset to its "optimum viable use".
  12. The Policies in the Development Plan do not have the same weight in respect of applications for listed building consent as would be the case in respect of an application for planning permission. Besides, a planning application would not be applicable to the internal and minor works that are the subject of this appeal (and which were carried out a number of years ago) and there is no such application in this case.
  13. The Policies are material considerations, nevertheless, and the Development Plan includes Policies that are aimed at protecting the historic environment. Policy HE1 of the Brighton and Hove Local Plan is of particular relevance, since it is aimed at protecting listed buildings specifically. Supplementary Planning Documents are also relevant, notably 'SPD 09: Architectural Features'.

14. The internal works that have been carried out, to form the adapted kitchen and bedroom, can hardly be said to have materially affected the historic or architectural qualities of the listed building and they are not contentious in this appeal.
15. Nevertheless, objections have been raised to the installation of a waste pipe from the kitchen that has been taken through the external wall of the flat and which runs along the outside of the wall to discharge to a gulley some distance away. The pipe is of relatively narrow gauge and is set low down on the wall, close to the floor of the lightwell at the back of the footpath on Brunswick Terrace. Although the pipe falls towards the gulley (for obvious practical reasons), it has only a relatively shallow slope. Moreover, the pipe has been painted to match the wall against which it is fixed and does not affect any mouldings or other significant architectural elements.
16. In consequence, the pipe is not visually intrusive and does not cause material harm to the listed building, nor to its setting in the Brunswick Town Conservation Area. It is true that the creation of an underground connection to the main drains would be less visible (or might even be completed internally) but there would be some disruption to the fabric of the building and the lightwell and the imposition of such a requirement would not be justified, in relation to this appeal.
17. Comment has also been made about the efficacy of the drainage system, since the kitchen waste discharges into a gulley that is shared with rainwater pipes. Such a system is not ideal, of course, but is not untypical of such old buildings, while other gullies serving this part of the listed building evidently also discharge to a combined sewerage system. In any case, such concerns are more appropriately considered in relation to other legislation or in the context of private obligations, if any (which are outside the scope of this appeal).
18. In short, the conversion scheme for which retrospective consent is sought does improve the layout of the flat and it does not do any material harm to the listed building or to its setting in the Conservation Area, in the context of all the changes that have taken place over the years. The lack of any action during the years since the work was done supports the conclusion that the pipe from the kitchen does not significantly harm the appearance of the building.
19. Hence, I have concluded that the scheme before me does not conflict with the aim of protecting the historic environment which is established in primary legislation and set out in Section 12 of the 'National Planning Policy Framework'. I am persuaded that the scheme before me can properly be permitted and I have found nothing to cause me to alter my decision.
20. In view of the fact that the works were completed some years ago and the lack of detail on the submitted drawings, it is not necessary for conditions to be applied in respect of this decision.

*Roger C Shrimplin*

INSPECTOR



## Appeal Decision

Site visit made on 5 January 2016

**by David Walker MA MRTPI**

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

**Decision date: 01 February 2016**

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**Appeal Ref: APP/Q1445/W/15/3135019**

**Land to rear of 63 Bramble Rise, Brighton, Brighton & Hove BN1 5GE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr M Deller against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/00628, dated 24 February 2015, was refused by notice dated 16 July 2015.
  - The development proposed is the demolition of existing garage and store and erection of new 3 bedroom two storey detached dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in the appeal are the effect of the proposal on i) the character and appearance of the area, and ii) the living conditions of the occupants of neighbouring properties having regard to noise and disturbance.

### Reasons

#### *Character and Appearance*

3. The proposal would result in a two storey dwelling of contemporary design situated in the rear garden of the host property No 63 and accessed off a private lane. It would replace the existing double garage at No 63.
  4. It is pointed out for the appellant that the Council cannot demonstrate a five-year supply of housing sites as required at paragraph 47 of the National Planning Policy Framework (the Framework). This is acknowledged by the Council and, under the circumstances, the Framework states that policies for the supply of housing cannot be considered up-to-date. Accordingly the presumption in favour of sustainable development set out within the Framework is a material consideration of significant weight and capable of outweighing housing mix Policy HO3 of the Brighton & Hove Local Plan (the Local Plan) referred to by the Council in its reasons for refusal, and housing density Policy HO4 referred to by the appellant.
  5. In applying the presumption in favour of sustainable development I am mindful of the Government's policy that the three dimensions of sustainable development, namely the economic, social and environmental roles, are mutually dependent. Therefore, while paragraph 47 of the Framework seeks to
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boost significantly the supply of housing, this is to be achieved within the core planning principles set out at paragraph 17 and which includes the need to 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

6. The proposal would be located off an access lane that leads to the rears of properties along Bramble Rise, Highbank and Mill Rise. While there are a number of ancillary domestic buildings situated along the lane, including the sizeable garages at the appeal site and the neighbouring property No 65, there are no other dwellings located along the lane. The existing pattern of development in the vicinity of the appeal site, therefore, is one that fronts the public highway with private gardens to the rear. The rear access lane is very much incidental to this defining pattern of development and at the time of my site inspection had a quiet ambience with little use and activity.
7. Into this quiet setting the two storey dwelling would be nestled between the sloping gardens of the host property and its neighbours, and face out over the lane towards the rear gardens of the houses along Highbank. Although there would be a screening effect from existing trees along the lane, such an unusual pattern of development would be fundamentally at odds with the prevailing character of the area. It would lead to conflict with the requirements of Local Plan Policy QD2 to emphasise and enhance the positive qualities of the local neighbourhood by taking into account local characteristics. The setting of the proposal into the slope of the rear garden would not sufficiently integrate it into the existing rhythm and layout of the existing development of the area.
8. I acknowledge that the proposal would not be highly visible from public vantage points, and that the Council raises no objection to its design, but it would rise above the eaves of the summerhouse at No 65 with a wide flat roof structure that would be readily apparent to nearby residents and be of a dominant scale in its cramped garden setting. In this regard I am mindful of the requirements of Policy QD3 of the Local Plan to incorporate an intensity of development appropriate to the locality and/or its townscape, amongst other things, and to rigorously examine proposals for backland development to avoid town cramming.
9. Having regard to paragraph 49 of the Framework and the presumption in favour of sustainable development, the harm to character and appearance that I have identified would significantly and demonstrably outweigh the limited benefits to the housing supply that would be provided by one additional dwelling. Although the Local Plan is an aged document, to the extent that its design Policies QD1, QD2 and QD3 are consistent with paragraph 17 of the Framework and the more detailed design guidance at Section 7 of the Framework, I find no convincing reasons for setting them aside.
10. In this issue, therefore, I find the proposal would have a harmful effect on the character and appearance of the area leading to conflict with the requirements of design policies QD1, QD2 and QD3 of the Local Plan.

#### *Living Conditions*

11. I acknowledge that the design of the proposal is unlikely to give rise to overlooking of neighbouring properties and a corresponding loss of privacy. However, the introduction of a dwelling adjacent to the private gardens of

neighbouring properties, where none exists at present, would create a more intensive level of residential use and activity.

12. Such an intensity of usage as would arise from the full-time occupation of a new dwelling would be materially different from the occasional use of the existing garden. It would give rise to a level of noise and disturbance from general comings and goings, televisions and audio equipment, domestic appliances, and from night-time lighting that would be likely to have a harmful effect at a location where there would be a reasonable expectation of peace and quiet.
13. In this regard the proposal would conflict with the requirements of Policy QD27 of the Local Plan that seek to protect residential amenity, and the corresponding provision at paragraph 17 of the Framework. In this issue, therefore, I find that the harm to living conditions from the proposal would also significantly and demonstrably outweigh the limited benefits that would accrue from the provision of an additional dwelling for the purposes of the presumption in favour of sustainable development.

### **Conclusion**

14. For the reasons given above, and with regard to all matters raised including the submissions of interested members of the public and the development plan read as a whole, I conclude that the appeal should be dismissed.

*David Walker*

INSPECTOR





## Appeal Decision

Site visit made on 5 January 2016

**by David Walker MA MRTPI**

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

**Decision date: 01 February 2016**

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**Appeal Ref: APP/Q1445/W/15/3134461**  
**10 Canfield Road, Brighton, Brighton & Hove BN2 4DN**

- 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 John Sear, Home & Coastal Developments Ltd, against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/01047, dated 23 March 2015, was refused by notice dated 29 July 2015.
  - The development proposed is a detached house.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in the appeal are the effect of the proposal on, i) the character and appearance of the area, and ii) the living conditions of the occupants of 10 Canfield Road having regard to scale and proximity.

### Reasons

3. The proposal is a revised scheme following the Council's refusal of an earlier scheme. I have not been provided with details of that scheme to draw any comparisons and have in any event determined the appeal on its merits.

#### *Character and Appearance*

4. Canfield Road, and Crayford Road that leads off it, are residential streets in short terraces of two storey houses with a generally consistent design. The proposal would occupy the site of two garages located behind No 10 Canfield Road and adjacent to No 1 Crayford Road, partially filling the gap between the existing terraces with a new dwelling.
  5. Whereas the existing houses of the two streets are elevated above the footway by some height to address the sloping topography of the area, the proposed dwelling would be at the ground level of the existing garages. The relative variation in levels has facilitated a three storey design that would be below the roof height of No 1. It would also broadly occupy the footprint of the garages thereby projecting forwards of the consistent building line presented by the terraces of Crayford Road.
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6. While I acknowledge that there is some variation in the appearance of the houses of Crayford Road, as a result of improvements over time, there is uniformity in scale and design and this is a determining characteristic of the street. In this context of consistent house designs the proposal would introduce an atypical three storey detached house sited forwards in its plot. It would, moreover, feature little in the way of the common architectural details of the street such as in the use of double bay windows with hanging tiles.
7. The appellant points to the desirability of replacing the existing garages with a building of modern design and interest. I have some sympathy with this approach but find the resulting building to be wholly at odds in its configuration, appearance, and siting with the prevailing character of the existing development of the area. The use of generally similar finishing materials to the existing houses would go some way to assimilating the proposal into its setting, but there would remain large expanses of rendered masonry and a half dormer window that would appear out of place.
8. In this regard I find the proposal would not accord with the Council's policies for achieving good design set out within the Brighton & Hove Local Plan (the Local Plan) at Policies QD1, QD2 and QD3. Although the Local Plan is an aged document it remains the development plan for the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004. The emerging Brighton & Hove City Plan Part One (submission document) does not reduce the weight to be attached to these Local Plan policies at this time.
9. To the extent that the Local Plan policies are consistent with Section 7 of the National Planning Policy Framework (the Framework) they remain capable of carrying significant weight. And, while paragraph 58 of the Framework seeks to optimise the potential of sites to accommodate development, this is to be balanced against other design objectives including the need to respond to local character and reflect the identity of local surroundings and materials.
10. The Council acknowledges that it cannot demonstrate a five-year supply of suitable housing sites, but the harm to character and appearance that I have identified would be environmental harm under the dimensions of sustainable development set out at paragraph 7 of the Framework. In this respect, I find the environmental harm would significantly and demonstrably outweigh the limited benefits that would be delivered by an additional dwelling for the purposes of the presumption in favour of sustainable development at paragraph 14 of the Framework.
11. In this issue, therefore, I conclude that the proposal would have a harmful effect on the character and appearance of the area and as a result would conflict with the requirements of design Policies QD1, QD2 and QD3 of the Local Plan.

#### *Living Conditions*

12. Although there were no objections to the planning application from neighbours I am mindful that Policy QD27 of the Local Plan seeks to ensure suitable levels of amenity for the future occupants of buildings. Although the Local Plan pre-dates the publication of the Framework by some years, paragraph 17 of the Framework contains a specific policy to 'always seek to secure...a good standard of amenity for all existing and future occupants of land and buildings'.

13. Due to the absence of windows directly overlooking the neighbouring properties I am satisfied that no unacceptable loss of privacy would occur. I also agree with the appellant that the siting and aspect of the proposal is unlikely to reduce to a harmful effect the amount of sunlight available to the garden of No 10. However, the proposal would be positioned close to the rear wall and projecting ground floor extension of No 10 and this proximity, combined with the overall height and elevated position of the new dwelling, would create an overbearing effect on the occupants of No 10 with a corresponding loss of outlook.
14. Such a reduction in the living conditions available to the occupants of No 10, as would be harmful, would conflict with Policy QD27 of the Local Plan and paragraph 17 of the Framework. In the circumstances, the proposal would not amount to sustainable development for the purposes of the presumption in favour of sustainable development at paragraph 14 of the Framework.

**Conclusion**

15. For the reasons given above, and having regard to all matters raised including the previously developed status of the land, the accessibility of the proposal and the energy and water saving measures employed, I conclude the appeal should be dismissed.

*David Walker*

INSPECTOR



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## Appeal Decision

Site visit made on 26 January 2016

by **S M Holden** BSc MSc CEng MICE TPP MRTPI FCIHT

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

Decision date: 03 February 2016

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### Appeal Ref: APP/Q1445/D/15/3134765

### 44 Victoria Street, Brighton BN1 3FQ

- 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 Richard Wilson against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/01594, dated 1 May 2015, was refused by notice dated 14 July 2015.
  - The development proposed is removal of existing pitched roof to create a 13 sq.m roof terrace. Remaining flat roof to be planted with green roof 1.1m anti glare glass balustrades to be set back from front and rear by 1.5m.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. Prior to the Council's determination of the proposal, the appellant made suggestions about retaining the north gable wall as a means of overcoming the Council's concerns. However, the Council did not invite the appellant to submit an amended scheme. A revised proposal was submitted with the appeal, but this has not been the subject of public consultation or any formal decision by the Council. In view of this, and the level of public interest in the original proposal, I am unable to take the revised scheme into consideration. I have therefore determined the appeal on the basis of the plans submitted with the original application.

### Main Issue

3. The main issue is whether the proposed roof alterations would preserve or enhance the character or appearance of the Montpelier and Clifton Hill Conservation Area.

### Reasons

4. Victoria Street lies within the Montpelier and Clifton Hill Conservation Area, a densely developed urban area characterised by two and three-storey terraced dwellings, which are rendered and painted white. No 44 is a mid-terrace property. Towards the southern end of Victoria Street the houses have three storeys; immediately to the north of No 44 there is a distinct change in the roofline where the number of storeys drops to two. The proposal seeks to remove the existing pitched roof and create a roof terrace enclosed by a glass balustrade. It would include an element of 'green roof' between the edge of the building and the
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- balustrade. A new staircase would be inserted from the second floor to provide access to the terrace through a glazed hatch.
5. Government policy in respect of the historic environment is set out in the National Planning Policy Framework (the Framework). Paragraph 126 advises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. Any harm that is less than substantial must be weighed against the public benefit of the proposal. Furthermore, proposals within conservation areas must meet the statutory test of preserving or enhancing the character or appearance of that area.
  6. Saved Policy HE6 of the Brighton and Hove Local Plan, 2005, is consistent with this approach and sets out a series of criteria that development within the city's conservation areas must meet. The Council's Supplementary Planning Document: *Design guide for extensions and alterations* (SPD12), adopted 2013, provides additional advice regarding the roofs of buildings within conservation areas. It advises that alterations to the shape of the roof, the use of unsympathetic materials and the loss of original features can all have a serious effect on the appearance and character of historic areas. It specifically states that consent will not be granted to remove a pitched roof to form a roof terrace.
  7. From the junction with Upper North Street and in other views from the south, the existing roof of No 44 is barely visible. It is set back behind a parapet wall and alongside the buildings to the south, which are of a similar height. However, to the north the ground rises and the buildings are not as tall. The flank wall of No 44 therefore protrudes above that of No 43. Consequently the pitched roof and its associated gable end can be clearly seen by anyone looking down Victoria Street towards Upper North Street and the sea. Although No 44 is partially attached to No 46, which has lost its original roof, this adjoining property is also linked to No 63 Upper North Street and is part of a different terrace. The visual relationship between No 44 and the terrace to the north is therefore just as important as its connection to the properties to the south, if not more so.
  8. In this context the removal of the pitched roof would result in the loss of part of the historic roofscape of Victoria Street, which is a significant heritage asset of this part of the conservation area. This would be the case notwithstanding the existing use of standard concrete tiles, since the existing character of the roof derives primarily from its form, shape and pitch rather than the materials used. The loss of the gable end, which marks the change in height of the roofs along the street and adds interest to the street scene, would be especially noticeable.
  9. Its replacement by a flat roof enclosed by glass balustrading incorporating a section of green planting would introduce an alien and incongruous feature into the area. It would fundamentally change the relationship between the existing chimney stack and the flank wall of the house. The changed profile of the house and the glass balustrade surrounding the flat roof would be visible from the street, particularly when viewed from north of the site. The parapet wall on the front elevation of the building and the introduction of new parapet walls on the northern and southern sides of the property would not obscure this change.
  10. Given the dimensions of the proposed roof terrace, it is likely that its use would result in the introduction of domestic paraphernalia, such as tables and chairs, at a high level. This would detract from the appearance of the historic roofscape. The proposal would also result in the loss of the rear chimney stack. The chimneys of the houses in Victoria Street are one of its distinguishing features. Whilst the rear

chimney stack at No 44 is less visible than the one that protrudes from the front roof slope its loss would, nevertheless, be detrimental to the historic roofscape of the terrace as a whole.

11. The appellant drew my attention to an existing roof terrace at No 46 Victoria Street. The Council approved this in 2003, Ref: BH2003/02981, as it was satisfied that the former hipped roof was not visible from the street scene. I cannot comment on this assessment, or compare that proposal with the scheme before me, as the original roof has now been removed. Nevertheless, on my site visit I could see the railings that enclose this roof terrace and consider them to appear somewhat out of character with the surrounding roofscape. The existing roof terrace is therefore not a justification for permitting something that I consider to be harmful in close proximity to it. In any event, I have determined the appeal proposal on its individual merits having regard to current planning policies, which almost certainly differ from those that were relevant in 2003. There was no evidence to confirm that other roof terraces in the vicinity have been authorised by the Council and I therefore give their presence little weight in my determination of this appeal.
12. In my view, the proposed roof alterations would be harmful to the appearance of No 44 and the wider conservation area, although in terms of the Framework this harm would be less than substantial. However, paragraph 132 of the Framework states that any harm to a heritage asset requires clear and convincing justification. Furthermore, in 2014 the Court of Appeal<sup>1</sup> re-iterated the need for decision makers to give 'considerable importance and weight' to the desirability of preserving historic assets when carrying out a 'balancing exercise' in planning decisions. Whilst I accept that the proposal would provide valuable private amenity space for this family dwelling, this does not amount to a public benefit that would offset the harm to the conservation area.
13. Taking all these factors into consideration, I conclude that the proposal would be harmful to the character and appearance of the host property, the Montpelier and Clifton Hill Conservation Area and the setting of nearby Listed Buildings, including St Mary Magdalene Church. The scheme would therefore be contrary to saved Policies QD14, HE3 and HE6 of the Brighton and Hove Local Plan, which require roof alterations to be well designed, sited and detailed, especially in areas protected for their architectural and historic interest. In addition the proposal would not accord with the specific requirements of SPD12, or the advice and guidance of the Framework regarding the conservation of historic assets.
14. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR

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<sup>1</sup> <sup>1</sup> Barnwell Manor Wind Energy v East Northants DC, English Heritage, National Trust & SCLG, Civ 137 18 February 2014





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## Appeal Decision

Site visit made on 5 January 2016

**by Mr N P Freeman BA(Hons) DipTP MRTPI DMS**

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

**Decision date: 5 February 2016**

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**Appeal Ref: APP/Q1445/X/15/3005773**  
**6 Winchester Street, Brighton, BN1 4NX**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mrs Mjriam Sessa against the decision of Brighton & Hove City Council.
- The application Ref BH2014/01007, dated 22 March 2014, was refused by notice dated 11 November 2014.
- The application was made under section 191(1)(b) of the Town and Country Planning Act 1990, as amended.
- The development for which a LDC is sought is a dormer window roof conversion providing an additional bedroom.

**Decision: The appeal is dismissed.**

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### Reasons

1. The issue in question is whether the dormer addition that has been constructed comes within the "permitted development rights" conveyed by Class B of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order (GPDO) 1995, as amended<sup>1</sup>. It is evident from the case presented by the Council that the matters in contention relate to whether the development is all within the curtilage of the dwellinghouse and whether the terms of condition B.2(a) of Class B are met, namely whether the materials used in any exterior work are of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. In all other respects the Council accept that the dormer extension satisfies the requirements of Class B.
2. The agent has referred to other materials used as facing materials for dormer windows on buildings in the area and elsewhere in Hove and the likely historical roofing materials used on the properties in Winchester Street. The merits or otherwise of the materials used in this instance are not a matter for consideration as this is not a planning appeal. The only consideration is whether the development that has taken place is lawful having regard to the terms of the GPDO.
3. Detailed drawings of the dormer extension have been provided which show that it spans the full width of the plot and has effectively replaced the entire original rear roof slope. There is no dispute that the northern face or cheek of the

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<sup>1</sup> Although a new GPDO 2015 has replaced the 1995 Order that latter was still in force at the date that the LDC application was submitted and accordingly forms the legal basis for determination of this appeal

dormer has been built up from the party wall with 8 Winchester Street. I note that a party wall agreement has been signed by the owners of No.8, dated 16 July 2013, but this is a private property matter and does not mean that the development in question is lawful.

4. The Council argue that because the cheek of the dormer is built above the entirety of the northern party wall that it includes land outside the curtilage of No.6 and hence it is not permitted development. No guidance or court authority has been cited to support this position and it is therefore a matter of interpretation. A small part of the addition is built over part of the party wall which is in the ownership of No.8. Whilst the encroachment only appears from the submitted plans to be a matter of about 150mm I nevertheless interpret this as amounting to development outside the curtilage of No.6 within the curtilage of No.8. On this basis I find that as part of the development is not within the curtilage of the dwellinghouse the subject of the LDC application and subsequent appeal it would not come within the terms of Class B.
5. Turning to the second reason for opposing the issuing of an LDC, it is necessary to consider whether the development meets the terms of Condition B.2(a) of Class B. The Council argue that the facing materials used to cloak the cheeks and face of the dormer extension, namely dark grey synthetic slates, are not "of a similar appearance" to the roof tiles that characterise the dwelling. There is also a comment that the main rear window in the dormer has a strong horizontal emphasis.
6. Reference is made to P33-34 of the Department of Communities and Local Government (DCLG) – Permitted Development for Householders: Technical Guidance April 2014 which states:

*"The face and sides of a dormer window should be finished using materials that give a similar visual appearance to the existing house. So the materials used for facing a dormer should appear to be of similar colour and design to the materials used in the main roof of the house when viewed from ground level.*

*Window frames should also be similar to those in the existing house in terms of their colour and overall shape."*
7. In terms of the slates used in the cladding of the dormer they are dark grey in colour. As the rear part of original main roof has effectively been replaced by the dormer there is no roofing material in existence to follow as regards similarity when viewed from ground level. However the front roof slope of the existing house and indeed the main roofs of most of the properties in the vicinity are clad in interlocking tiles. These are dark brown in colour which I consider to be similar to the colour of the slates. However, in terms of design the slates have a smooth, shiny appearance whereas the tiles have a rough textured, articulated appearance which I do not consider to be similar. As regards the fenestration, this consists of white UPVC frames which are the same material used for the windows in the rear elevation at ground and first floor levels. I accept that the larger window in the dormer has a horizontal emphasis but those below have no strong vertical emphasis and are of a variety of widths. Hence I do not agree with the Council's argument on this point.

8. Bringing these findings together, I consider that the slates used are not of a similar appearance to the roofing materials used on the exterior of the existing dwellinghouse. They have similarities in terms of colour but have a distinctly different shape, design and finish to the concrete roof tiles on the main roof. Consequently, I conclude that Condition B.2 of Class B is not met and therefore the dormer extension is not permitted development under Class B of Part 1 of Schedule 2 of the GPDO.
9. For the reasons given above I conclude that the Council's refusal to grant a LDC in respect of a dormer window roof conversion providing an additional bedroom at 6 Winchester Street, Brighton, BN1 4NX was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.
10. I would add that from what is before me there is no indication that the Council have taken enforcement action against the development. The appellant has the opportunity to submit a planning application for the development which would then be a matter for the Council to determine having regard to the development plan and any other material considerations. Further discussion with the Council may therefore be appropriate.

*N P Freeman*

INSPECTOR



## Appeal Decision

Site visit made on 5 January 2016

**by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI**

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

**Decision date: 5 February 2016**

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**Appeal Ref: APP/Q1445/W/15/3133313**

**Land to rear of 75 Lyndhurst Road, Hove BN3 6FD**

- 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 Ms Luisa Morelli against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/01164, dated 12 March 2015, was refused by notice dated 8 July 2015.
  - The development proposed is described as the demolition of existing garage and erection of a dwelling house.
- 

### Decision

1. I allow the appeal and grant planning permission for the demolition of existing garage and erection of a dwelling house at land to rear of 75 Lyndhurst Road, Hove BN3 6FD, in accordance with the terms of the application, Ref BH2015/01164, dated 12 March 2015, and the plans submitted with it, subject to conditions 1) to 9) on the attached schedule.

### Application for costs

2. An application for costs was made by Ms Luisa Morelli against Brighton and Hove City Council. This application is the subject of a separate Decision.

### Main issues

3. The main issues are:
  - The effect of the proposed development on the character and appearance of the area; and
  - Whether the proposed development would provide acceptable living conditions for future occupiers in terms of the light received into, and the outlook from, the basement accommodation.

### Reasons

*The effect on the character and appearance of the area*

4. The Council considers that the relatively small plot size and small garden areas of the proposal would result in it being incongruous with the character of the surrounding area, and appearing as over development.
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5. This end of Silverdale Avenue has a spacious character because of the back gardens of the houses in Lyndhurst Avenue which face obliquely towards it, and which are enclosed by a stepped boundary wall with planting along its top. Standing opposite the railway embankment and the street trees on the other side of the road, makes for a distinctive section of street.
6. I agree that the proposed subdivision of the existing plot would shorten the back garden of No 75. I have had regard to the back gardens of the detached houses Nos 73 to 79 as well as the shorter gardens of the other houses in the street block. However, as the existing garden contains a garage, only a little smaller than the proposed plot, I do not consider the shortening to be so significant as to undermine the spatial character of No 75 or that of the surrounding plots or gardens.
7. The plot size of the proposal would be small compared to many of those in the wider area; however, the surrounding plots are a variety of sizes. The proposed plot size would be similar to the plot to the north. Similarly, as regards garden size, the depth of the front garden would be similar to the neighbouring plots on this section of Silverdale Avenue. And, while the light wells and garden of the proposal would be smaller than many of those in the surrounding area, the overall garden area would not be significantly different to the back gardens of 18 Silverdale Avenue to the north, and 79 Lyndhurst Avenue to the south.
8. I note that the house immediately to the north of the proposal appears as infill development. I accept that just because the proposal would be similar in height and width, and sit no further forward than that house, does not justify it in character and appearance terms. However, the site already contains a building fronting the street, and the additional area of garden which would be lost to the proposal could absorb the scale and mass of the proposal without ill-effect on the character of the street or surrounding buildings and gardens. The building lines, form and scale of the proposal would follow that established to the north; and it would have sufficient space around three of its sides to soften the edges of the plot in the context of the street and garden character of the surroundings.
9. For these reasons, while the plot size and garden size of the proposal may be comparatively small, I consider it would not appear incongruous with its neighbours, or appear as over development. I conclude on this issue that the proposed development would not harm the character and appearance of the area. It would accord with Policies QD1, QD2 and QD3 of the Brighton and Hove Local Plan 2005 (LP), which seek amongst other things, buildings with a high standard of design, and proposals which enhance the positive qualities of the neighbourhood, with an intensity of development appropriate to the locality and prevailing townscape.

*The living conditions for future occupiers in terms of light and outlook*

10. The basement accommodation, which would contain two bedrooms, would, by virtue of its floor level being around 3m lower than ground level, have limited access to light. However, the bedrooms would be surrounded on their window walls by light wells which would capture and reflect the available diffuse skylight into their openings which would be both wide and floor-to-ceiling in

height. This would be assisted by the relatively clear aspects above ground to the south and west which would let sunlight into the wells. The ensuite bedroom would have two aspects at ninety degrees to each other, and the second bedroom, a broad, glazed wall.

11. I note that the ground floor of the house would be arranged around a single, central space lit by numerous openings and extensive areas of glazing. I find that the living area of the house would be exceptionally well lit; this would offset to some degree any shortfall in light in the bedrooms. In terms of light, because of the size and arrangement of the light-wells and their good access to sunlight and unobstructed skylight, as well as the extensive areas of glazing and aspects to the basement, I consider that though the bedrooms would be at basement level, they would have sufficient access to natural light.
12. I agree with the Council that the outlook from the bedrooms would be constrained, but I disagree that the degree of constraint would be harmful to the occupiers. The ensuite bedroom would have an outlook onto two light wells through large, floor to ceiling openings centred upon the longest dimensions of the light wells, which would be substantial in size compared to the rooms they would serve. The second bedroom would have a wall of glass providing outlook onto two light wells and the understair. The floor to ceiling height of the basement level would be generous, at around 2.5m, which, combined with the extent of the openings serving the rooms, would maximise what outlook there is available. Given the breadth and depth of the light wells, there is ample opportunity for the walls and ground of the wells to be treated to provide an interesting and pleasant environment.
13. In respect of this issue, I conclude that the proposed development would provide acceptable living conditions for future occupiers in terms of the light received into and the outlook from the basement accommodation. There would be no conflict with Policy QD27 of the LP which requires development not to cause material loss of amenity to proposed occupiers or to be detrimental to human health.

### **Other matters**

14. The Council, in its statement of case, and in its delegated report, has indicated that it seeks a contribution to footway improvements by means of a planning obligation in order to offset the impact of the additional dwelling. However, it has not submitted any quantified evidence of the additional demand or the details of the methodology of its calculation. The obligation would not meet all the statutory tests, and has therefore not been taken into account.

### **Conditions**

15. The Council has suggested a number of conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of the Planning Practice Guidance (PPG); for clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
16. In the interests of proper planning and for the avoidance of doubt, I have imposed a condition requiring the development to be carried out in accordance with the approved plans. Conditions to secure finishing materials, the provision of refuse storage, boundary treatments, as well as a scheme of landscaping are

necessary to safeguard the character and appearance of the area, though in view of the limited scale of the proposal and opportunity for tree planting I have reduced the requirements of the landscape condition, as proposed. In the interests of sustainable development, it is necessary to secure the provision of cycle parking. In order to reduce the risk of flooding, a condition for the drainage of hard surfaces is needed.

17. The positive conclusions in the main issues above are finely balanced. The potential to develop the house further without adversely affecting the character and appearance of the area or the living conditions of surrounding and future occupiers is limited. I therefore agree that the withdrawal of permitted development rights under classes A, B, D and E is necessary, though I consider the withdrawal of rights under class C to be excessive.
18. The Council requests that a condition be applied requiring compliance with optional requirement M4(2) (accessible and adaptable dwellings) of the Building Regulations. However, the adopted policy referred to does not include M4(2) or set out the proportion of new dwellings which should comply with the requirement, as advised by the Planning Practice Guidance (the PPG). In this light, I do not consider such a condition necessary or reasonable.
19. It also seeks conditions requiring a performance standard of energy efficiency and water usage, whereas the adopted policy it refers to requires only that proposals demonstrate a high standard of efficiency in the use of energy and water. While I note the reference to Policy CP8 of the emerging City Plan Part One, the plan remains under examination, which limits the weight I can accord it, as set out in paragraph 216 of the National Planning Policy Framework 2012. In these circumstances, I am not convinced that the development would be unacceptable without these conditions, so I have not imposed them.

### **Conclusion**

20. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should succeed.

*Patrick Whelan*

INSPECTOR



### **Schedule of 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: 01 Site location and block plans; 02 Site survey as existing; 02b Street facing elevation as existing; 3B Ground floor inc. site survey; 04 Lower ground floor as proposed; 05 Section AA as proposed; 06 Section BB as proposed; 07 Street facing elevation/ section CC as proposed; 08 South west facing elevation as proposed; 09 South east (rear) facing elevation as proposed; 10 North west facing elevation as proposed; 11 Street facing elevation as proposed.
- 3) No development above the lowest floor slab level of the dwelling hereby approved shall take place until samples of the external materials to be used for the construction of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Prior to the occupation of the dwelling, details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. The approved hard landscape works shall be provided in accordance with the approved details and prior to the occupation of the dwelling. The approved soft landscape works shall be carried out in accordance with the approved details, in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner.
- 5) Prior to the occupation of the dwelling, cycle parking facilities shall be provided in accordance with approved plan Ref 3B Ground floor inc. site survey, and shall thereafter be retained for use by the occupants of and visitors to the development.
- 6) Prior to the occupation of the dwelling, refuse and recycling storage facilities shall be provided in accordance with approved plan Ref 3B Ground floor inc. site survey, and shall thereafter be retained for use at all times.
- 7) Prior to the occupation of the dwelling, details of the proposed boundary treatments shall have been submitted to and approved by the local planning authority. The boundary treatments shall be provided in accordance with the approved details prior to the occupation of the dwelling, and shall thereafter be retained.
- 8) No extension, enlargement, alterations or provision within the curtilage of the dwelling house as provided for within Schedule 2, Part 1, Classes A, B, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) shall be carried out.
- 9) The hard surfaces hereby approved shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the site.



## Appeal Decision

Site visit made on 8 December 2015

**by Mrs H M Higenbottam BA (Hons) MRTPI**

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

**Decision date: 10 February 2016**

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**Appeal Ref: APP/Q1445/C/15/3070056**

**9 Adams Close, Brighton BN1 7HU**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs Laura Dwyer-Smith against an enforcement notice issued by Brighton & Hove City Council.
- The notice was issued on 8 May 2015.
- The breach of planning control as alleged in the notice is 'Without planning permission, change of use of the property from a dwelling house (C3) to use as a house in multiple occupation (C4) providing accommodation for between three and six unrelated individuals, who share basic amenities including a kitchen, living space and a bathroom.
- The requirement of the notice is to cease the use of the property as a House in Multiple Occupation (Class C4).
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision:** The appeal is dismissed and the enforcement notice is upheld with a correction.

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### The Notice

1. The act of development is 'material change of use'. I will therefore correct the notice to refer to that. This minor correction would not result in injustice to either party.

### Appeal on ground (c)

2. In appealing on ground (c), the burden of proof is firmly on the appellant to demonstrate on the balance of probabilities that the matters stated in the enforcement notice do not amount to a breach of planning control.
3. The appellant contends that the change of use of the property is not material as a HMO<sup>1</sup> use has not harmed the appearance of the appeal building or the wider street scene. It is conceded that the use of the property to accommodate 6 unrelated persons rather than a single family unit normally associated with a C3 dwelling may result in a marginal increase in noise and disturbance from additional comings and goings. However, the appellant states that no evidence has been provided by the Council to suggest that any increase in noise and disturbance has occurred as a result of the use or that, if it did, it would amount to material harm to the living conditions of adjacent occupiers.

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<sup>1</sup> HMO is a House in Multiple Occupation.

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4. Class C3 Dwellinghouses of the Town and Country Planning (Use Classes) Order 1987 as amended (UCO) is defined as  
*'Use as a dwellinghouse (whether or not as a sole or main residence) by —  
(a) a single person or by people to be regarded as forming a single household;  
(b) not more than six residents living together as a single household where care is provided for residents; or  
(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).*

*Interpretation of Class C3*

*For the purposes of Class C3 (a) "single household" shall be construed in accordance with section 258 of the Housing Act 2004.'*

5. The appellant states that she purchased the property in April 2014 and was informed at that time that the previous tenants were a group of students and prior to that tenancy, the property was occupied by a family. The appellant notes that the property has been let as a shared house by between 3 and 6 unrelated individuals in recent years and has also been let to a family between tenancies by students.
6. The property is currently occupied by 6 individuals with shared kitchen, living room and bathroom facilities. On the ground floor is a living room, double bedroom (with sink), WC and shower; on the first floor are two double bedrooms (with sinks) and a kitchen; on the second floor are three double bedrooms (with sinks) and a bathroom.
7. There is no substantiated evidence that the tenants comprise a single household in accordance with section 258 of the Housing Act 2004. As such, the use of the property by six individuals does not fall within Class C3 of the UCO. However, it does fall within Class C4 Houses in multiple occupation of the UCO which is defined as a 'Use of a dwellinghouse by not more than six residents as a 'house in multiple occupation'.
8. The Council has adopted<sup>2</sup> a direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) which requires a change between Class C3 (use as a dwellinghouse) and Class C4 (use as a dwellinghouse by not more than 6 residents as a HMO) to be authorised by a grant of planning permission. The appeal site is within the area covered by this direction.
9. Notwithstanding my conclusion that the use falls within Class C4, I must also consider whether or not the use would be materially different from the use of the property as a Class C3 dwellinghouse, as it existed when last occupied as such.
10. The submitted information provides no detail as to the pattern of occupation by the tenant family referred to in the appellant's submissions. In the absence of detailed information on how the property was occupied, and drawing on my own judgement and experience, it is more likely than not, that occupation by six independent students results in a different pattern of activity, which is likely to have resulted in a more intensive form of occupation including comings and goings, with individual journey patterns and a lack of shared lives' and participation in the community than would be expected from a single household

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<sup>2</sup> April 2013

occupation. To my mind this type of occupation is materially different from a single household occupation by a family.

11. On the evidence provided the appellant has failed to demonstrate on the balance of probability, in a precise and unambiguous way, that a material change of use of the property from a dwelling house (C3) to use as a house in multiple occupation (C4) providing accommodation for between three and six unrelated individuals, who share basic amenities including a kitchen, living space and a bathroom has not taken place. The appeal on ground (c) therefore fails.

### **Appeal on ground (a)**

#### *Main issues*

12. I consider that the main issues in relation to the ground (a) appeal are the effect of the use of the appeal property as a HMO on the living conditions of local residents and whether it would support a mixed and balanced community.

#### *Reasons*

13. The appeal property is a mid terrace, three storey building, on the west side of Adams Close.
14. As stated above, the area is subject to an Article 4 Direction removing permitted development rights to change from Class C3 to Class C4 of the UCO which came into effect in April 2013. The Council state that the emergence of concentrations of students in HMO's, particularly close to existing university campuses in the city, has brought about rapid changes to the local populations, housing markets and residential environments in these areas. It therefore wants to make sure that local communities are balanced in terms of the type of housing available and the people that live there. The Council's report in relation to the introduction of the Article 4 Direction is stated to identify issues including increased noise disturbance, refuse, litter and fly tipping problems, higher burglary and crime rates and increased parking demand related to concentrations of HMO's. Reference is also made to Environmental Health records for noise complaints and refuse in the gardens within the areas included within the Article 4 Direction.
15. Saved Policy QD27 of the Brighton and Hove Local Plan 2005 (BHLP) indicates that permission should not be granted where it would cause material nuisance and loss of amenity. The explanatory text of BHLP Policy HO14 recognises that in some areas of the City a concentration of HMO's can cause various problems and refers to the importance of protecting amenities when assessing new HMO proposals with particular reference to Policies QD27 and HO4. BHLP Policy HO4 seeks to make the best use of the limited amount of land available for housing and supports higher density housing in suitable locations whilst creating high quality living environments which respect their surroundings and take full account of matters such as community safety and crime prevention.
16. Local residents have referred to disturbance resulting from students moving in one case at 1am and other times within the early hours, noise and disturbance both during acceptable and anti social hours on a number of occasions, refuse being left outside the house or in the rear garden, refuse containers blowing into parked cars, parking issues and also to the number of HMO's in the area.

17. The Council have carried out a mapping exercise within a 50m radius of the appeal site and state that there are currently 7 registered Class C4 or HMO dwellings within the mapped area. This is not disputed by the appellant and equates to a concentration of 14.6% HMO/Class C4 use.
18. The appeal property is a mid-terrace property, with bedroom accommodation over three floors. It is close to other HMO/Class C4 properties and in a residential area consisting mainly of family dwellings. On the evidence available, the use has resulted in harm to the amenities of adjacent residents and residents are aware of the occupation of the property by individuals. As such, I consider it is contrary to BHLP Policies QD27 and HO14. It would also be contrary to one of the core planning principles of the Framework which is that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings.
19. The Council has an emerging plan, the Brighton and Hove Submission City Plan Part One (February 2013) (CP) which was the subject of an initial hearing at the end of October 2013. Paragraph 216 of the National Planning Policy Framework (the Framework) states that from the day of publication decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the Framework. CP Policy CP21 part ii refers to HMO's and is relevant to the consideration of this appeal. Whilst there were objections to part i of Policy CP21 there were no objections to part ii of the policy which is the part that is relevant to the appeal development. The parties have referred to appeal decisions<sup>3</sup> where the issue of the weight to be attached to CP Policy CP21 has been considered. I have considered the evidence in relation to this policy that has been provided by the parties and have concluded, in the light of that evidence and in accordance with the Framework, that part ii of the policy should be afforded substantial weight.
20. CP Policy CP21 part ii resists a change of use to Class C4 where more than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use. The concentration of HMO/Class C4 uses within a 50m radius of the appeal site is above the threshold set by the emerging Policy CP21 and, as such, the development fails to support mixed and balanced communities or to ensure that a range of housing needs continue to be accommodated throughout the city. The appeal development is therefore also contrary to emerging CP Policy CP21 part ii.

#### Conclusion

21. For the reason give above the appeal on ground (a) fails.

#### **Appeal on ground (g)**

22. This ground of appeal is that the time given to comply with the notice is too short. The Council have given six months for compliance. The appellant considers that she requires twelve months to comply.

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<sup>3</sup> APP/Q1445/A/14/2214205, APP/Q1445/A/13/2206186, APP/Q1445/C/14/2225896 & 2225897, APP/Q1445/A/14/2214317.

23. In support of this ground of appeal the appellant refers to 'tenancy agreements'. Specifically, the appellant refers to an existing short hold tenancy which ended in June 2015 and a new tenancy being in place for July 2015 to July 2016. She also states it would be disadvantageous to both the tenant and the appellant if the current tenancy were forced to be terminated prematurely by the enforcement notice.
24. Whilst I note the appellant's concern in relation to termination of the tenancy agreement this does not justify the extension of the period for compliance. In my view, a period of six months would more or less accord with the termination of the most recently agreed tenancy and would allow adequate time for existing occupants to look for alternative accommodation. Furthermore, the Council has the power to further extend the period for compliance with the notice under section 173A(1)(b) of the 1990 Act as amended, should further information indicate that this would be appropriate.
25. For the reasons given above the appeal on ground (g) fails.

### **Conclusion**

26. For the reasons given above I conclude that the appeal should fail. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the deemed application.

### **Formal decision**

27. It is directed that the enforcement notice is corrected by the insertion of the words 'the material' between 'planning permission,' and 'change of use' in paragraph 3.
28. Subject to this correction the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*Hilda Higenbottam*

Inspector







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## Appeal Decision

Site visit made on 2 February 2016

**by Mr Kim Bennett BSc DipTP MRTPI**

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

**Decision date: 10 February 2016**

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**Appeal Ref: APP/Q1445/D/15/3134936**  
**18 McWilliam Road, Brighton BN2 6BE**

- 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 Ryan Kendall against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/01959, dated 29 May 2015, was refused by notice dated 10 September 2015.
  - The development proposed is a roof conversion incorporating hip to gable extensions and rear dormer.
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### Decision

1. The appeal is allowed and planning permission is granted for a roof conversion incorporating hip to gable extensions and rear dormer at 18 McWilliam Road in accordance with the terms of the application, Ref BH2015/01959, dated 29 May 2015, and the plans submitted with it, 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: 1201/01; 02; 03; 04 and 05.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

3. The appeal property comprises a detached bungalow located on the eastern side of the road. The main roof is hip ended but with a forward gable projection. There are bungalows on both sides of the road and whilst both adjoining bungalows have hip ended roofs, there are a variety of roof forms in the immediate area including full hips, half hips, gable ends and a combination of all three.
4. The Council is concerned that the proposed change to the roof would appear bulky and unsympathetic to the building and area. However, I note that there would be no overall increase in ridge height and that the proposed resulting

gable end roof would be similar to those properties directly opposite and would relate well to the existing gable projection. Although it would be different to its immediately adjoining neighbours, their roofs are already different from the appeal property with neither having a front gable feature and No 20 having a slacker pitch. There are also further differences to roof forms on properties to the north and south of the appeal property on that side of the road and therefore in my view it is not critical to retain a hipped roof. The proposed roof lights would be regularly spaced in the roof and would not be conspicuous or cause any visual harm. I am also mindful that two of the proposed rooflights could be inserted in the existing roof with the benefit of permitted development.

5. Turning to the proposed rear dormer, whilst it would be large, it would be contained within the roof slope and set in from the sides, ridge and eaves of the building. In those respects it would be generally consistent with advice within the Council's Supplementary Planning Document – design guide for extensions and alterations 2013 (SPD). Although it would conflict with other advice in the SPD in that it would not be as small as possible or be seen as a subordinate addition to the roof, it would not be prominent from any other public views and I noted that there are other flat roof dormers of a variety of sizes within the local area. I do not consider it critical that windows should align with those below in this instance given its enclosed location at the rear of the property. I also consider that whilst the SPD is based upon sound and well conceived design principles, it nevertheless is guidance only. As such it cannot be applied rigidly and each situation must be considered on its individual merits.
6. The Council does not raise any objections from an amenity point of view and having considered that issue at my site visit, I see no reason to take a different view.
7. For the above reasons there would be no harm to the character and appearance of the area. The proposal would therefore be compliant with Policy QD14 of the Brighton & Hove Local Plan 2005 and the SPD in that it would be well designed in relation to the property and adjoining properties and would not be an inappropriate roof addition. Although the proposed dormer would partly conflict with SPD guidance, it would be visually acceptable in this case for the reasons given.
8. Conditions requiring the development to be built in accordance with approved plans and for matching materials are necessary in the interests of good planning. Accordingly the appeal should be allowed and planning permission granted.

*Kim Bennett*

INSPECTOR

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## Appeal Decision

Site visit made on 2 February 2016

**by Mr Kim Bennett BSc DipTP MRTPI**

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

**Decision date: 10 February 2016**

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**Appeal Ref: APP/Q1445/D/15/3136052**

**80 Coombe Vale, Saltdean, Brighton BN2 8HL**

- 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 Ms C Vincent against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/01719, dated 14 May 2015, was refused by notice dated 17 September 2015.
  - The development proposed is a roof extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a roof extension at 80 Coombe Vale, Saltdean, Brighton BN2 8HL in accordance with the terms of the application, Ref BH2015/01719, dated 14 May 2015, and the plans submitted with it, 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: P/692/01; 02; 03; 04; 05B and 06A.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

3. The appeal property comprises a detached bungalow located on a corner plot on the south-west side of Coombe Vale. It is set back from the road and has a tall evergreen hedge along the site frontage. Facing the road, there is a large projecting gable elevation which runs through to the rear elevation, and to the side of that and at right angles to it, a hip roofed projection incorporating a large flat roof dormer. The surrounding area in the vicinity of the site is characterised by bungalows with a number of dormer windows in the front elevations. Roofs to the bungalows tend to be gable ended in the main, either facing the road or running at right angles to it.

4. Part of the proposal involves the raising of the gable ended section of the property by approximately 0.8m to provide additional space within the roof area. The Council raises no objections to this and I see no reason to take a different view given that the property currently sits slightly below No 78 because of the dip in the road at this point, and it is well separated from Nos 85 and 87 Westfield Avenue North. The Council is concerned however that the extension of the existing dormer into the main roof area would not be contained within the roof slope and would dominate the roof area, contrary to guidance within its Supplementary Planning Document 2013 – design guide for extensions and alterations (SPD).
5. However, the property is not prominent in the street scene, being set well back from the road frontage. The dormer would not be seen when approaching from the north because it would be screened by the gable ended element of the roof. From the south it would also be partially screened by the boundary hedge running along the side of No 87 Wakefield Avenue North and the difference in road levels, and is set well back from the front elevation. I acknowledge that the proposed dormer would be large, but that is already the case and the extension would not significantly add to that. I note that the main window would match the size and proportions of ground floor windows in the north-east facing gable end. Materials would also match that of the existing dormer and the extended dormer would continue to be set in from the front main wall. Having regard to those issues, I consider that the dormer would remain reasonably integrated with, and subordinate to, the main building. Additionally, given the variety of roof forms, roof alignments and other dormer windows within the immediate area, I do not consider that there would be any visual harm arising.
6. Although it could be argued that the proposal might be contrary to guidance within the SPD in that it would not be as small as possible and would adjoin part of the main roof, the SPD is guidance only and, as the appellant points out, seeks to establish broad design principles. As such it cannot be applied rigidly and each situation must be considered on its individual merits. The general principles in the SPD behind design and appearance is that the original design of the building and its setting should form the primary influences on design of extensions and for the reasons set out, there would be no harm in this instance.
7. The Council raises no objections in terms of any impact to residential amenity and having considered that issue at my site visit, I see no reason to take a different view.
8. In the light of the above there would be no conflict with Policies QD2 or QD14 of the Brighton & Hove Local Plan 2005 in that the proposal would be well designed in relation to the property to be extended and its relationship to the surrounding area, taking into account local characteristics. Although there would be minor conflict with design guidance in the SPD, rigid compliance with such guidance is not necessary in this case. Conditions requiring the development to be built in accordance with the approved plans and for matching materials are necessary in the interests of good planning. Accordingly, the appeal should be allowed and planning permission granted.

*Kim Bennett* INSPECTOR

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## Appeal Decision

Site visit made on 15 December 2015

**by Rory Cridland LLB (Hons)**

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

**Decision date: 10 February 2016**

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**Appeal Ref: APP/Q1445/W/15/3133283**

**2a Shanklin Road, Brighton BN2 3LQ.**

- 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 Nigel Hughes against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/01408, dated 20 April 2015, was refused by notice dated 11 Aug 2015.
  - The development proposed is alterations to existing garage unit to facilitate parking of motor home vehicle.
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### Decision

1. The appeal is allowed and planning permission is granted for alterations to existing garage unit to facilitate parking of motor home vehicle at 2a Shanklin Road, Brighton BN2 3LQ in accordance with the terms of the application, Ref BH2015/01408, dated 20 April 2015, 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 drawing number 2279/15/01C.
  - 3) Before the first active use of the building hereby permitted the window on the southern elevation shall be fitted with obscured glass and shall be permanently retained in that condition.
  - 4) The building hereby permitted shall be rendered in accordance with details to be submitted to and approved in writing by the Local Planning Authority, which shall include the wall adjacent to the boundary with No.39 Hartington Road. Development shall be carried out in accordance with the approved details and shall thereafter be permanently retained in that condition.

### Preliminary matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered which corresponds to that on the Council's decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
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### **Main Issue**

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

### **Reasons**

4. The appeal site is situated in a residential street comprising mainly two storey, terraced properties and forms part of a terrace of three garages of similar construction and appearance. Work has already been carried out to increase its height but it is evident that the extant structure upon which the additions are set has a firmly established building line which is already set forward from the adjacent properties.
5. Although the proposal would result in an increase in height of approximately 1 metre to the front and 2 metres to the rear, it's siting in an area where the ridge heights of the surrounding dwellings are considerably higher, helps to ensure it does not appear dominant or overbearing within the wider street scene.
6. Likewise, its smooth rendered finish would be in keeping with the side elevation of the neighbouring terrace as well as the rear extension of No. 37 Hartington Road which further helps it to integrate with the surrounding area.
7. While I note the planning officers concerns regarding its scale, particularly in relation to the adjoining garages, I am satisfied that, due to the fact that the original garage was already larger and set higher than those adjoining it, any harm resulting from this increase in scale would be limited and not sufficient to justify refusing permission.
8. Consequently, I am satisfied that the proposed development would not be a dominant addition to the street or out of keeping with the character and appearance of the area and, accordingly, find no conflict with polices QD1, QD2 and QD14 of the Brighton and Hove Local plan or the Supplementary Planning Document 12, Design guide for Extensions and Alterations which, taken together, seek to preserve and enhance the character and appearance of the surrounding area and ensure that the design of new development takes account of local characteristics.

### **Other matters**

9. I note the concerns of the occupier of No.39 Hartington Road in respect of the boundary and in particular those relating to the exposed brickwork and outlook. However, the plans indicate that the proposal would include a smooth rendered finish along this boundary which would help mitigate its impact. Likewise, while I note the increased height, I am satisfied that the proposal would be sufficiently distant from the main dwelling of No. 39 that any sense of enclosure would be limited. Accordingly, I do not regard these concerns as sufficient to justify a refusal of permission.

### **Conclusion**

10. In addition to the standard time condition, I regard a condition specifying the compliance with the approved plans as necessary for the avoidance of doubt.
11. Likewise, I regard a condition requiring the submission of details regarding rendering of the external walls, including the wall along the boundary with No.

39 Hartington Road as necessary to protect the amenity of the occupiers of that and neighbouring dwellings.

12. I also note that the drawings indicate obscured glazing in the window on the south side elevation. Notwithstanding the condition requiring compliance with the approved plans, I regard a condition securing its retention as necessary in order to protect the amenity of neighbouring properties.
13. For the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should succeed.

*Rory Cridland*

INSPECTOR





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## Appeal Decision

Site visit made on 13 January 2016

by **S M Holden** BSc MSc CEng MICE TPP MRTPI FCIHT

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

Decision date: 11 February 2016

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### Appeal Ref: APP/Q1445/D/15/3136847 16 Westbourne Place, Hove BN3 4GN

- 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 Dan Lehmann against the decision of Brighton and Hove City Council.
  - The application Ref BH2015/00921, dated 16 March 2015, was refused by notice dated 10 August 2015.
  - The development proposed is demolition of part of existing workshop to rear and replacement with a new first floor garden living room, part grass, part hard landscaped roof terrace with lightwell and walk-on glass rooflight. Kitchen extended into existing courtyard with utility room to rear.
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#### Decision

1. The appeal is dismissed.

#### Procedural matter

2. The Council's decision notice and the appeal form describe the development as: 'reconfiguration of property including demolition of part of existing workshop to rear and replacement with new first floor garden living room incorporating increased roof height, revised and extended roof terrace with glazed balustrade, ground floor rear extension and associated works'. However, I have used the description on the application form in determining the appeal.

#### Main Issues

3. The main issues are whether the proposal would:
  - a) preserve or enhance the character or appearance of the Sackville Conservation Area;
  - b) result in the unacceptable loss of premises capable of use for employment generation.

#### Reasons

##### *Character and appearance*

4. Westbourne Place lies within the Sackville Gardens Conservation Area. It is characterised by two-storey, terraced Victorian mews cottages. The houses are interspersed with workshop uses, some of which are to the rear and accessed through gated undercrofts beneath the first floors of the street front buildings.
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5. No 16 has a double frontage with a bay window and timber garage doors. I understand that the garage was originally a single room deep with a courtyard to the rear. Beyond this was a two-storey building, originally used as a stable and hayloft. Over the years the property has been subjected to a series of changes and the garage has been extended to incorporate part of the courtyard and the stable. The rear wall of the original garage was removed and a floor inserted above the courtyard to link the two buildings. This has created a large garage/workshop on the ground floor, which wraps around the house. Of the original courtyard, only a small trapezium-shaped area between the rear of the house and the garage remains. The hayloft is now a first floor workshop, to which a shed-like structure has been attached. The remainder of the first floor is a roof terrace, which is currently used as an outside amenity space.
6. The proposal is to partially demolish the rear workshop, whilst retaining the walls on the northern and southern sides of the building. It is then proposed to extend the ground floor of the house, effectively creating a narrow, single storey outrigger that would occupy the full depth of the plot. The section between the house and the two-storey element of the garage/workshop would have a flat roof. The remainder of the ground floor would be retained as a garage/workshop with the exception of a small rectangular open courtyard. This would be accessed via bi-fold doors from the dining room in the proposed extension. At first floor level the timber structure, described as a store, would be removed. It is proposed that a garden room occupying 60% of the width of the plot would replace the workshop. This would have a modern design. The remainder of the first floor would be formed into an enlarged roof terrace, part of which would be covered by louvred timbers to match the pitch of the proposed zinc roof of the garden room.
7. Government policy in respect of the historic environment is set out in the National Planning Policy Framework (the Framework). Paragraph 126 advises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. Any harm that is less than substantial must be weighed against the public benefit of the proposal. Furthermore, proposals within conservation areas must meet the statutory test of preserving or enhancing the character or appearance of that area. Saved Policy HE6 of the Brighton & Hove Local Plan is broadly consistent with this approach.
8. The original layout of the site with an open courtyard between two distinct buildings has already been lost. The garage and workshop are linked together for the full depth of the premises on the southern side of the plot. The existing open courtyard area is an awkward trapezium shape that does not relate well to what remains of either of the original buildings. The proposed single-storey, flat roof rear extension would create a permanent connection between the house and the site of the original stable/hayloft. The enlarged house would therefore occupy the full depth of the plot and further reduce the size of the courtyard.
9. Open courtyards that occupy the areas between the front and rear buildings are one of the historic assets associated with this group of properties in Westbourne Place. However, using part of the existing garage to create a new courtyard would largely offset the loss of what remains of the original courtyard at No 16. The proposal would result in a more usable, rectangular-shaped space sited between the extension and the existing garage. Although this area would be small, I consider it would relate well to the extension with its large glazed bi-fold doors, enabling the area to appear more spacious and open. In addition, the proposed 'walk-on' rooflight in the ceiling of the extension would allow light to penetrate the area from above, thereby increasing this sense of openness.

10. There was no evidence before me to suggest that the existing layout should be preserved because of its significance as an historic asset. Furthermore, none of the proposed changes to the layout at ground floor level would be visible from the public realm or from the surrounding dwellings. I am therefore satisfied that this part of the proposal is acceptable and would not result in material harm to the Sackville Gardens Conservation Area.
11. The removal of the existing store attached to the front elevation of the workshop at first floor level would be a positive benefit of the scheme. This is an incongruous feature that currently masks the form of the original workshop and detracts from the appearance of the rear part of the terrace as a whole. The proposed replacement modern structure would replicate the pitched roof of the existing workshop and the similar structures associated with the neighbouring properties. The small increase in the height of the roof could be satisfactorily accommodated alongside the taller roof of the adjoining property, No 14. The use of timber louvred solar shading over the remaining width of the property would ensure that a continuous roof structure is provided along the terrace as a whole. I therefore concur with the Council that the contemporary design of the proposed garden room is acceptable.
12. At first floor level there is already a roof terrace, which is actively used as a private amenity space. The proposal would therefore not bring about a fundamental change to the use of this part of the site. However, the space would be enlarged with the inclusion of the open area beneath the timber louvred roof adjacent to the proposed garden room. The proposal would reduce the size of the gap above the courtyard and move this opening to a more central position within the amenity space. However, these changes would barely be visible from the neighbouring properties, partly because of the height of the shared boundary wall between Nos 16 and 18. The combined use of hard and soft surfaces would make the area a more attractive outdoor space. It therefore seems to me that the proposal is an imaginative way of making good use of a limited space whilst respecting the context.
13. Taking all these factors into consideration I conclude that the proposed extension would not be harmful to the character or appearance of the host property. I am therefore satisfied that the Sackville Gardens Conservation Area would be preserved. The proposal would accord with the aims and objectives of saved Policies HE6 and QD14 of the Brighton & Hove Local Plan, which seek high quality development that respects its setting, especially in areas protected for their historic interest. It would also comply with the Framework's requirements to conserve historic assets in a manner appropriate to their significance.

*Loss of small premises for employment use*

14. There is a disagreement between the parties as to the lawful use of the appeal site, which arises from the site's planning history. In 1999 permission for the partial demolition of the rear workshop and erection of a new house on the site was refused<sup>1</sup>. One of the reasons given by the Council for refusing that application was the loss of a B1 light industrial unit. Permission for the partial demolition of the rear workshop and conversion into a granny flat was granted in 2000<sup>2</sup>. However, this was not implemented and is therefore not relevant to my considerations in relation to this appeal. There have been no other planning applications to formally

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<sup>1</sup> BH1999/02005/FP

<sup>2</sup> BH2000/02060/FP

approve a change of use of the part of the site from B1 to residential (C3). The appellant contends that the whole site is now in residential use, as he has owned and occupied it since 2009, i.e. more than four years. However, from the evidence presented and what I saw on my site visit, the garage/workshop continues to be used as a garage/workshop, for the undertaking of the appellant's hobby, repairing of historic motor vehicles.

15. Notwithstanding the dispute about the current lawful use of the site, the proposal before me would materially reduce the size of the area potentially available for employment use. Nevertheless, a substantial area of the garage would be retained and this could be of a sufficient size to provide a small business unit. Whilst it might be the appellant's intention to continue to make use of the garage for his hobby, there would be nothing to prevent these, or similar activities, being undertaken as a part of a business on this site in the future.
16. However, it seems to me that irrespective of the size of the retained garage, in practical terms, the proposed layout would result in this area becoming ancillary to the dwelling. As a consequence, the proposal would effectively result in the employment unit as whole being lost. Saved Policy EM6 of the Brighton & Hove Local Plan specifically supports the retention of small industrial and business units in order to encourage new employment enterprises. The difficulty of identifying new sites for such uses is highlighted in the plan, providing a sound reason for retaining existing sites where possible. The policy sets out a series of criteria, which need to be met for a change of use to be considered acceptable. No evidence was presented with the appeal to demonstrate that any of these criteria had been met.
17. I therefore conclude that the proposal would result in the unacceptable loss of premises that could be capable of use for employment generation. The scheme would be contrary to the aims and objectives of saved Policy EM6 of the Local Plan.

### **Conclusion**

18. I have concluded that the proposal would preserve the character and appearance of the Sackville Gardens Conservation Area and is acceptable in this regard. However, I have found that the proposal would result in the unacceptable loss of premises capable of use for employment generation and for this reason, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR

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## Appeal Decision

Site visit made on 2 February 2016

**by Mr Kim Bennett BSc DipTP MRTPI**

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

**Decision date: 13 February 2016**

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**Appeal Ref: Q1445/D/15/3137207**  
**146 Hartington Road, Brighton BN2 3PB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Richard White against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/02082, dated 7 June 2015, was refused by notice dated 19 October 2015.
  - The development proposed is a two storey extension to a corner plot.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

3. The appeal property comprises an end of terrace two storey house located on the southern side of Hartington Road and on the corner of its junction with Carisbrooke Road. Hartington Road slopes up steeply from west to east at this point, resulting in a stepped roof form to the terrace. Although there are semi-detached houses opposite, there are further terraced houses on either side of Carisbrooke Road.
4. The appellant argues that the road does not have a distinctive character in this part and that there are designs of different styles in the area. However I disagree in that the terrace of which the appeal site forms part, has a distinctive character because of the regular width of property and the manner in which the buildings are stepped in height to take account of changing road levels. Such an arrangement creates a pleasing and regular rhythm in the street scene. That rhythm would be disrupted by a much larger width frontage to the property than its neighbours, and the stepping down in height of the extension roof. The design approach to extend the existing bay window feature would not overcome that concern in my view.
5. The lower height roof would be caused by the limited depth of the proposed extension and the irregular building footprint, the side boundary of which would be hard against the side boundary of the site. This would lead a visually

awkward arrangement of built form particularly when viewed from Carisbrooke Road where the rear of the property is clearly visible. Furthermore, the extension would also be clearly visible when approaching from the east, and the combination of discordant elements would be at odds with the regular rhythm of the terrace and cause visual harm in the street scene.

6. Whilst I acknowledge that there is no requirement for a regimented roofline, the proposed arrangement would, in my view, detract from the pleasing and stepped character of the existing terrace. The fact that the side area is relatively unused space is not a good reason to allow a development that would be unacceptable in other respects. Similarly, the reference to the development to the east of the site at No 53 Carisbrooke Road, clearly illustrates the disruptive harm to the architectural rhythm of the street that has been caused in that instance and is not therefore a good reason to allow a proposal which would create further visual harm.
7. I note that the Council raise no objections from an amenity point of view and I see no reason to come to a different view.
8. For the above reasons, the proposed extension would harm the character and appearance of the area. It would therefore be contrary to Policy QD14 of the Brighton and Hove City Plan 2005 and the Council's Supplementary Planning Document – design guide for extensions and alterations, in that it would not be well designed in relation to the property to be extended or to adjoining properties, and the roof form would not complement the main building. Accordingly the appeal should be dismissed.

*Kim Bennett*

INSPECTOR

## Appeal Decision

Site visit made on 27 January 2016

**by Lesley Coffey BA(Hons) BTP MRTPI**

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

**Decision date: 13 February 2016**

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**Appeal Ref: APP/Q1445/D/15/3138711**

**43 Chester Terrace, Brighton, East Sussex BN1 6GB**

- 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 Michael Fielding against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/02654, dated 20 July 2015, was refused by notice dated 25 September 2015.
  - The development proposed is a single storey side extension to the rear.
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### Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension to the rear, at 43 Chester Terrace, Brighton, East Sussex BN1 6GB in accordance with the terms of the application, Ref BH2015/02654, dated 20 July 2015, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: L-10, L-101 & L-102.

### Main Issue

2. I consider the main issue to be the effect of the proposal on the character and appearance of the surrounding area, with particular reference to the Preston Park Conservation Area.

### Reasons

3. The appeal property is a two storey terraced dwelling that lies within the Preston Park Conservation Area. The conservation area is predominantly residential in character. The southern part, where the appeal property is located, comprises several parallel roads of terraced houses which step down the hill reflecting the local topography. Although there is some variation in the style and appearance of the dwellings, the uniformity of the individual terraces makes a positive contribution towards the character of the conservation area.
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4. S72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 requires that that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
5. The proposed extension would infill the area between the original two storey addition and the boundary with the neighbouring property. It would be similar in depth to the existing rear extension which it would replace. The proposed pitched roof to the side extension would accord with the design guidance within *SPD 12: Design Guide for Extensions and Alterations* (adopted June 2013). The rear extension would extend beyond the original rear elevation by a little over 1 metre and would be finished with a flat roof.
6. SPD12 advises that in order to preserve the original plan of the building and avoid excessive amenity harm to adjacent residents, infill extensions should not normally extend beyond the rear wall of the outrigger, or wrap around the rear elevation. The proposed extension would extend beyond the original building by a similar depth to the existing rear extension. The appeal property is situated on lower ground than the neighbouring dwelling at 45 Chester Terrace. Therefore the proposed extension would not harm the living conditions of the occupants of that property. The proposed flat roof would be subservient to the existing building, as a consequence, the original plan of the building would be readily distinguishable. Therefore the proposal would comply with the intent of SPD12.
7. Views of the proposed extension from other dwellings within the conservation area would be extremely limited. Due to its small size and position there would be limited views from the neighbouring dwelling at 45 Chester Terrace. It would be screened from the dwellings at the rear by the existing vegetation. It would therefore have no significant effect on the character or appearance of the conservation area.
8. I therefore conclude that the proposal would preserve the character and appearance of the Preston Park Conservation Area in accordance with policy HE6 of the Brighton and Hove Local Plan, and policy QD14 which aims to ensure that extensions are well designed, sited and detailed in relation to the property to be extended.

#### *Conditions*

9. I have considered the suggested conditions in the light of the advice at paragraphs 203 and 206 of the NPPF and the PPG. In the interests of visual amenity, the proposed extension should match the materials of the existing dwelling. For the avoidance of doubt and in the interests of proper planning the proposal should be carried out in accordance with the approved plans.

#### **Conclusion**

10. For the reasons given above I conclude that the appeal should be allowed.

*Lesley Coffey*

INSPECTOR



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## Appeal Decision

Site visit made on 27 January 2016

**by Lesley Coffey BA(Hons) BTP MRTPI**

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

**Decision date: 13 February 2016**

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**Appeal Ref: APP/Q1445/D/15/3138974**

**60 Wanderdown Road, Brighton, East Sussex BN2 7BT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr David Harding against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/02967, dated 12 August 2015, was refused by notice dated 15 October 2015.
  - The development proposed is an extension to existing garage and new landscaping.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. I consider the main issue to be the effect of the extension on the character and appearance of Wanderdown Road.

### Reasons

3. The appeal property is a detached dwelling set back from the road and situated at a slightly lower level than the adjacent footpath. The existing garage projects forward of the dwelling and is about 2.3 metres in width. The appellant states that due to its narrow width the existing garage is unable to accommodate a typical family car.
  4. The proposal includes the re-modelling and landscaping of the front garden. The existing parking area would be replaced with a pathway and steps leading to the front door, whilst a ramp would provide access to the garage.
  5. The proposal would increase the width and length of the garage. The resultant garage would be about 6 metres in width and would extend across about two thirds of the front elevation. It would be cuboid in form. Due to its width and bulk it would dominate the appearance of the dwelling contrary to the guidance within *Supplementary Planning Document 12 (Design Guide For Extensions and Alterations)* which states that extensions to detached properties should normally be subservient in scale and not dominate the existing building.
  6. Views of the garage from the north would be screened to some extent by the boundary hedge to no 58. However, in views from the south the full extent of the proposed garage would be apparent. In these views the proposed garage would be an incongruous and prominent feature within the street scene and
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would fail to comply with the guidance within the SPD which advises that extensions to the front of a property should not detract from the character of the property or the general street character.

7. I accept that there is some variation in the building line within the part of Wanderdown Road where the appeal property is located, and that garages projecting forward of the dwellings are a common design feature. Moreover, the proposed extension would not extend forward of the neighbouring properties. Nevertheless, due to its form and width, the proposed extension would be an obtrusive feature and would dominate the appearance of the dwelling contrary to Policy QD14 of the Brighton and Hove Local Plan (adopted 2005) which requires extensions to be well designed and sited in relation to the existing property.
8. I acknowledge that there are other garages within Wanderdown Road similar in width to that proposed. The garages at 48 and 50 Wanderdown Road, comprise two single, but adjoining garages. Although taken together they are similar in size to the appeal proposal, both are subservient to the appearance of the associated dwellings. The double garage at 54 Wanderdown Road is similar in width to that proposed, however, one of the garages extends to the side of the property and the proportions of the original front elevation remain unchanged. Therefore, notwithstanding their visual dominance, these other garages are subservient and proportionate in scale to the front elevation of the properties concerned.
9. I have also taken account of the other garages in Wanderdown Road referred to by the appellant, but unlike the appeal proposal, they do not dominate the appearance of the dwellings they serve. Therefore I do not consider that these other garages justify the harm arising from the appeal proposal.
10. I am aware that the appeal proposal seeks to address the Council's reasons for refusal in respect of a previous scheme and I appreciate that the existing garage may be inadequate to accommodate many modern family cars due to its width. However, the proposal would more than double the width of the garage, and for the reasons given above, would unacceptably harm the character and appearance of Wanderdown Road.

### **Conclusion**

11. For the reasons given above I conclude that the appeal should be dismissed.

*Lesley Coffey*

INSPECTOR

## Appeal Decisions

Site visit made on 26 January 2016

**by Anne Jordan BA (Hons) MRTPI**

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

Decision date: 15<sup>th</sup> February 2016

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### Appeal A

**Appeal Ref: APP/Q1445/W/15/3136949**

**Flat 3 41 Sussex Square, Brighton, East Sussex, BN2 1GE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Ms Phillipa Allam against Brighton & Hove City Council.
  - The application Ref BH2015/02655, is dated 20 July 2015.
  - The development proposed is rear single storey extension and internal alterations to flat.
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### Appeal B

**Appeal Ref: APP/Q1445/Y/15/3136942**

**Flat 3 41 Sussex Square, Brighton, East Sussex, BN2 1GE**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
  - The appeal is made by Ms Phillipa Allam against Brighton & Hove City Council.
  - The application Ref BH2015/02656 is dated 20 July 2015.
  - The works proposed are rear single storey extension and internal alterations to flat.
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### Decisions

1. The appeals are dismissed.

### Procedural Matter

2. The appeals relate to the failure of the Council to determine the proposals within the prescribed period. Although the Council subsequently issued decision notices refusing the applications, these were issued after the appeal was lodged.

### Main Issues

3. The main issues for both appeals is the impact of the proposals on the special architectural and historic interest of the Grade I listed building, known as 41 Sussex Square and the impact of the proposal on the character and appearance of the Kemp Town Conservation Area.

### Reasons

4. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic
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interest which it possesses. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character or appearance of that area. Saved Policy HE1 of the *Brighton and Hove Local Plan 2005* seeks to resist development which would have an adverse effect on the architectural and historic character or appearance of the interior or exterior of an historic building, or its setting. This policy reflects the statutory duties defined in the Act. The Council's Supplementary Planning Guidance Notes 11 and 13 also provide detailed guidance on the care and adaptation of listed buildings.

5. 41 Sussex Square is a Grade I listed building. The listing describes it as an early 19th Century terraced house and it is listed as part of Nos 41-50 Sussex Square. Along with Arundel Terrace, Chichester Terrace, Lewes Crescent and The Esplanade, the terrace forms part of an important group of buildings developed by Thomas Read Kemp in the early 19th century and which make up Kemp Town. The property also lies within the Kemp Town Conservation Area. No 41 sits at the end of the terrace. It is constructed in brick in Flemish bond with three storeys and a basement. The front façade of the terrace is almost uniform, and retains much of its original symmetrical appearance. The side elevation, which is clearly visible from Eastern Road, carries through some of the elements of the frontage but is in part unpainted. It has scattered fenestration and steps down to a low service range. The significance of the heritage asset is largely derived from the elegant and intact frontage, and from its position as part of a unified group, which is an important and well preserved example of an attractive Georgian townscape.
6. The property has been converted into flats and some internal alterations to the original fabric of the building have been undertaken over time. In the case of No 3 these include the erection of a partition wall to create a bedroom, and alterations to the range to the rear to include a small flat roofed addition with rear facing patio doors which occupy a large proportion of its rear façade. The proposal comprises an enlargement to the existing second floor addition with the inclusion of a parapet roof and alterations to the fenestration, and various internal remodelling works.
7. The internal works comprise the provision of a new opening to the wall between the living room and the existing bedroom and the blocking up of the existing doorway between these rooms. I have been provided with very limited information in relation to the historic floorplan for the building. However, it is clear from the cornicing and position of windows that the front and rear of the first floor would have comprised distinct and separate spaces with the room to the front providing a more separate formal area with views over the square. The proposals include the removal of a large section of the dividing wall between the front and rear rooms resulting in the loss of some historic fabric. Although the original wall would still be evident, the creation of a large opening would result in a more open plan arrangement between the former spaces. This loss of the original cellular plan form would result in less of a formal distinction between the function and character of each separate room and this would erode some of the remaining historic character of the building.
8. The proposals also include the removal of a partition wall to the bedroom to facilitate its change to a kitchen. This appears to be a reinstatement of part of the original plan-form and would allow the existing cornicing to be viewed in its entirety. I note that the Council have no objection to this element of the works and I concur that the removal of this wall would not, in itself, harm the historic

character of the building. Nevertheless, I am concerned that the proposal provides limited information in relation to how the servicing for the kitchen is to be incorporated within the existing fabric of the building. Based on the information before me I cannot therefore be assured that the resulting space could adequately accommodate a kitchen without an unacceptable impact on the fabric of the building. With this in mind, I cannot accept that the proposed works to facilitate it, which would include the provision of double doors from the hall, as well as the removal of the partition wall, can be considered acceptable in principle.

9. The existing rear addition has large patio doors, which dominate the rear elevation of the structure, and appear incongruous when viewed beside the smaller windows on the original building. The extension proposed would replace the doors with a smaller window and would result in a significant enlargement of this rear addition, the width of which would reflect the width of the closet wing behind. However, the increase in depth would distort the stepped appearance of the side profile and the increase in the bulk of the addition would result in it forming an overly prominent feature which would further detract from the original composition of the rear elevation and thereby cause harm to architectural interest of the Listed Building. This harm would extend to the terrace as a whole given that the appeal property is listed for its group value.
10. The side of the property is clearly visible from Eastern Road and from the rear from Arundel Place. From these public vantage points the impact of various additions on the composition of the original rear elevation is clearly apparent. Extensions of varying sizes now project from the original rear façade, some of which are two storey in height. The rear elevation of the terrace therefore has a less formally composed appearance than the front façade and this forms part of the established character of this part of the Conservation Area. The existing flat roofed addition to Flat 3 at second floor level is prominently visible within these views, due to its position adjoining Eastern Road. Nevertheless, despite the existence of other larger extensions nearby, the bulkier form of the proposed extension would form an overly prominent and uncomplimentary feature when viewed in its elevated position in long range views along Eastern Road and as a result would also fail to enhance the character of the Conservation Area.
11. I therefore conclude that the proposal would fail to preserve the special architectural interest of the listed building and would also fail to preserve or enhance the character or appearance of the Kemp Town Conservation Area. The harm identified would affect only relatively small parts of the listed building and only a limited part of the Conservation Area when considered as a whole. The harm caused to these heritage assets would thus be less than substantial. The *National Planning Policy Framework* (the Framework) directs that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. I therefore attribute considerable importance and weight to this harm, which the Framework also indicates should be weighed against the public benefits of the scheme.
12. The proposal would provide enhanced, more usable accommodation for the appellant as a family home. This is primarily a private benefit, although,

insofar as it represents an improvement to the general housing stock it also represents a limited public benefit. The proposal would also remove the existing extension, but as the replacement proposed is itself unacceptable, this is a matter to which I attribute no weight. Consequently I conclude that the limited benefits that would arise would be insufficient to outweigh the harm the proposal would cause to the special architectural and historic interest of the Grade I listed building, or to its significance as a heritage asset, or to outweigh the harm that would arise to the appearance of the Conservation Area. I therefore conclude the proposal would fail to comply with national policy outlined in the Framework and with Policy HE1 of the Local Plan which seeks to resist development which would have an adverse effect on the architectural and historic character or appearance of the interior or exterior of an historic building.

13. Therefore, for the reasons outlined above, and having regard to all other matters raised, I conclude that the appeals be dismissed.

*A Jordan*

INSPECTOR

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## Appeal Decision

Site visit made on 5 January 2016

**by Mr N P Freeman BA(Hons) DipTP MRTPI DMS**

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

**Decision date: 17 February 2016**

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**Appeal Ref: APP/Q1445/C/15/3128723**

**2 Forest Road, Brighton, BN1 9GP**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 by Mr Daniel Nugent against an enforcement notice issued by Brighton & Hove City Council.
  - The Council's reference is 2014/0222.
  - The notice was issued on 4 June 2015.
  - The breach of planning control as alleged in the notice is "Without planning permission development of the land by the permanent placement of a secure storage container".
  - The requirement of the notice is to remove the secure storage container from the land.
  - The period for compliance with the requirements is 4 weeks after the notice takes effect.
  - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 as amended.
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### Decision

1. The appeal is dismissed and the enforcement notice is upheld.

### Reasons

2. The appeal is proceeding on ground (f) only and there is no ground (a) or deemed planning application to consider. The basis of ground (f) is that the steps required to comply with the notice are excessive and that lesser steps would remedy the breach of planning control or, as the case may be, the injury to amenity that has been caused by the breach.
  3. The land in question (described by the appellant as being 2a Forest Road) was formerly part of the garden of No.2 but has been separated from it and sold off. The background described by the appellant is that he wishes to build a dwelling on the land for himself and his son, who has special needs, to occupy. When he purchased the land it already had planning permission for a dwelling but this expired in April 2014. He has sought to negotiate with the Council over alternative designs to the one previously permitted but without success. On 26 July 2012 he placed the shipping container across the front of the site to act as a fence during the excavation and also to provide storage space for materials and tools. He says it is not his intention that it remain on the land permanently.
  4. In terms of an alternative requirement to the removal of the container from the land, he is offering to move it from the frontage to a position adjacent to the western boundary with No.2 and to reduce the ground levels so that the top of the container is lower than the top of the boundary fence. He also offers to
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- erect a new wooden fence on the opposite side of the plot similar to those that exist on the other three boundaries.
5. The container as presently sited, which is painted white, is a large highly visible and intrusive feature in the street scene and totally out-of-keeping with its residential surroundings. Due to the slope of the land from south to north it has been propped up on blockwork piers and a timber supports and this exacerbates its dominating influence especially when approaching from Coldean Lane. I agree with the Council and neighbouring objectors that it is an alien feature and an eyesore.
  6. Before addressing the alternative requirements advanced by the appellant it is necessary to consider what purpose it serves and whether this provides reasonable grounds for its retention anyway should the lesser steps be accepted. From what is before me it is not clear what relationship it has with the land and whether it is simply required until, as is hoped for, a new dwelling is constructed. It has been asserted by one objector that the container is being lived in but the appellant denies this arguing that he has a separate apartment elsewhere where he resides. I noted a camper van parked on the driveway when I inspected and there appeared to be an electric cable running from this into the container. I appreciate that this does not mean that the container is being used for residential purposes as the power connection could be for other purposes and I was unable to see inside to draw conclusions on its use.
  7. Nevertheless, even if the container is only used for the storage of materials and tools as claimed by the appellant it is unclear whether this use has any connection with the intended residential development. No such development is taking place and, in the absence of any extant planning permission to construct a dwelling following the expiry of an earlier permission in April 2014, there is no permitted development right for the stationing of moveable structures on the land connected with construction works. From what is before me I am therefore unconvinced of any genuine need to retain the container on the land to serve a legitimate use or purpose. I have noted the particular needs of his son which are explained in detail. Whilst I have no reason to doubt his dependency on appropriate care and housing and the support of his father this is not provided for by the retention of the container on the land. This being the case it is reasonable and not excessive for the Council to require the removal of the container from the land to remedy the breach.
  8. Notwithstanding this conclusion, I have gone on to consider whether the lesser steps described by the appellant would remedy any injury to amenity that has been caused. I accept that moving the container away from the frontage would lessen its visual impact but, given its size and the sharply sloping nature of the ground, I am not convinced that it would overcome the harm caused. In the absence of detailed sections showing the existing and proposed ground levels it is not possible to accurately gauge the impact but I would expect it to still be significant. It could also have a harmful effect on the garden of the No.2 leading to possible instability if the degree of excavation was considerable as would seem likely if the container was to be cut in to the ground so as to be below the top of the boundary fence. For these reasons I do not consider that the alternative steps advocated would remedy the injury to amenity that has been caused by the breach.



9. Drawing these findings together, I consider that it is not excessive for Council to require the removal of the container from the land to remedy the breach given its unacceptable visual impact on the residential area and in the absence of any clear justification for it being there. I also conclude that the lesser steps put forward by the appellant would not overcome the injury to amenity that has arisen. Accordingly, for these reasons I consider that the appeal should not succeed.

*N P Freeman*

INSPECTOR

