





**Brighton & Hove  
City Council**

# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>24 February 2010</b>
Time:	<b>2.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<p><b>Councillors:</b>Hyde (Chairman), Wells (Deputy Chairman), Carden (Opposition Spokesperson), Caulfield, Cobb, Davey, Hamilton, Kennedy, McCaffery, Smart, Steedman, C Theobald.</p> <p><b>Co-opted Members:</b> Mr J Small (CAG Representative)</p>
Contact:	<p><b>Penny Jennings</b> Senior Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk</p>

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## AGENDA

### 214. PROCEDURAL BUSINESS

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

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

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

### 215. MINUTES OF THE PREVIOUS MEETING

1 - 20

Minutes of the meeting held on 3 February 2010 (copy attached).

### 216. CHAIRMAN'S COMMUNICATIONS

### 217. PETITIONS

No petitions had been received by the date of publication of the agenda.

### 218. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 17 February 2010)

No public questions received by date of publication.

### 219. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 17 February 2010)

No deputations received by date of publication.

## **PLANNING COMMITTEE**

### **220. WRITTEN QUESTIONS FROM COUNCILLORS**

No written questions have been received.

### **221. LETTERS FROM COUNCILLORS**

No letters have been received.

### **222. NOTICES OF MOTION REFERRED FROM COUNCIL**

No Notices of Motion have been referred.

### **223. APPEAL DECISIONS**

**21 - 52**

(copy attached).

### **224. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

**53 - 56**

(copy attached).

### **225. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

**57 - 58**

(copy attached).

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

### **227. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST : 24 FEBRUARY 2010:**

(copy circulated separately).

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

### **229. TO CONSIDER AND NOTE THE CONTENT OF THE REPORT DETAILING DECISIONS DETERMINED BY OFFICERS UNDER DELEGATED AUTHORITY**

**Members are asked to note that officers will be available in the Council Chamber 30 minutes prior to the meeting if Members wish to consult the plans for any applications included in the Plans List.**

## PLANNING COMMITTEE

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

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

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

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

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For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065), email [penny.jennings@brighton-hove.gov.uk](mailto:penny.jennings@brighton-hove.gov.uk) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk).

Date of Publication - Tuesday, 16 February 2010



**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 3 FEBRUARY 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Hyde (Chairman), Wells (Deputy Chairman), Allen, Carden (Opposition Spokesperson), Caulfield, Cobb, Davey, Hamilton, Kennedy, Smart, Steedman and C Theobald

**Co-opted Members** Mr J Small (CAG Representative)

**Officers in attendance:** Jeanette Walsh (Development Control Manager), Hamish Walke (Area Planning Manager (East)), Zachary Ellwood (Interim Area Planning Manager (West)), Steve Reeves (Principal Transport Planning Officer), Hilary Woodward (Senior Lawyer) and Penny Jennings (Senior Democratic Services Officer)

**PART ONE**

**198. PROCEDURAL BUSINESS**

**198A. Declaration of Substitutes**

198.1. Councillor Allen was in attendance as substitute Member for Councillor McCaffery.

**198B. Declarations of Interest**

198.2 Councillor Allen declared a prejudicial interest in Applications BH2009/02615, Windlesham School, 190 Dyke Road and BH2009/02797, 106 Waldegrave Road on which he would be speaking in his capacity as a Local Ward Councillor. Having spoken on each of these applications he would withdraw from the meeting and take no part in the discussion or voting thereon.

198.3 Councillor Caulfield sought advice in relation to Application BH2004/02185, 4-7 & 15-20 Kensington Street enquiring whether as Chairman of the Housing Management Committee she had a prejudicial interest in this application for affordable housing. She confirmed in answer to questions by the Solicitor to the Committee that she remained

of a neutral mind and had not predetermined the application; she would therefore remain present at the meeting and would take part in the decision making process and voting thereon.

- 198.4 Councillor Steedman declared a personal and prejudicial interest in Application BH2009/02970, Community Base, 113 Queen's Road. His employer had recently hired space within the building, although he remained of a neutral mind he it was appropriate in his view for him to withdraw from the meeting during consideration of the application and to take no part in the debate or decision making process.
- 198.5 Councillor Wells also referred to Application BH2004/02185, 4-7 & 15-20 Kensington Street enquiring whether as Deputy Chairman of the Housing Management Committee he had a deemed prejudicial interest in this application for a development comprising affordable housing. In answer to questions by the Solicitor to the Committee he confirmed that he remained of a neutral mind and had not predetermined the application, he would therefore remain present during its consideration and would take part in the debate and decision making process.
- 198.6 The Solicitor to the Committee, Mrs Woodward declared a personal but not prejudicial interest in Application BH2004/02185, 4-7 and 15-20 Kensington Street. Her husband was employed by the applicant's agent.

#### **198C. Exclusion of Press and Public**

- 198.7 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").
- 198.8 **RESOLVED** - That the Press and Public be not excluded during consideration of any item on the agenda.

#### **199. MINUTES OF THE PREVIOUS MEETING**

- 199.1 Councillor Cobb referred to paragraph (11) of the minute relating to Application BH2009/02071, R/o 183 Ditchling Road, Brighton. She had also raised a further question which she would like recorded relating to the distance from the properties refuse bins would need to be carried in order for them to be collected, she had been informed that would be a distance of some 35 metres.
- 199.2 **RESOLVED** – That subject to the amendment set out above the Chairman be authorised to sign the minutes of the meeting held on 13 January 2010 as a correct record.



**200. CHAIRMAN'S COMMUNICATIONS**

**Web casting**

200.1 The Chairman explained that afternoon's meeting of the Planning Committee was being web cast. Members were reminded to speak directly into the microphones and to switch them off when they had finished speaking in order to ensure that they could be heard clearly.

**201. PETITIONS**

201.1 There were none.

**202. PUBLIC QUESTIONS**

202.1 There were none.

**203. DEPUTATIONS**

203.1 There were none.

**204. WRITTEN QUESTIONS FROM COUNCILLORS**

204.1 There were none.

**205. LETTERS FROM COUNCILLORS**

205.1 There were none.

**206. NOTICES OF MOTION REFERRED FROM COUNCIL**

206.1 There were none.

**207. APPEAL DECISIONS**

207.1 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.

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

208.1 The Committee noted the list of planning appeals which had been lodged as set out in the agenda.

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

209.1 The Committee noted the information set out in the agenda relating to Informal Hearings and Public Inquiries.

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

210.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determining applications:

<b>Application:</b>	<b>Site Visit Requested by :</b>
BH2009/02941, Arts D & E Buildings, University of Sussex, Falmer	Development Control Manager
BH2009/02911, Roedale, Burstead Close, Brighton	Development Control Manager
BH2009/02797, 106 Waldegrave Road, Brighton	Councillor Kennedy

**211. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST: 3 FEBRUARY 2010**

**(i) TREES**

211.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 6 of the report and resolves to refuse consent to fell the tree referred to in the report as follows:

BH2009/02768, 25 Highview Avenue North, Tree Preservation Order (No10) 1996.

**(ii) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM POLICY**

**A. Application BH2009/02331, Land East of West Pier, Lower Esplanade, King’s Road, Brighton** – Temporary use of land for the stationing of a 60 metre high spokeless wheel (the Brighton O) including a dedicated area for the secure storage of boats.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Development Control Manager explained that the application had been withdrawn by the applicants that morning and would not now be considered by the Committee.

211.2 **RESOLVED** – That it be noted that the application has been formally withdrawn by the applicant.

**B. Application BH2009/01722, Cardinal Newman Catholic School, The Upper Drive, Hove** – Erection of a new detached two storey Design and Technology Building with a small café bar attached.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Interim Area Planning Manager (West), Mr Ellwood gave a presentation detailing the scheme by reference to site plans and elevational drawings showing the orientation of the proposed building and indicating the materials intended to be used. A planting scheme was proposed which would include for replacement of one tree for every tree removed. Although some of the existing parking would be displaced this could be replaced (should the school wish) by using other hard surfacing nearby.
- (3) The Area Planning Manager (West), also explained that the building would not be visible from and would be located at some distance from the nearest residential properties. The building would improve teaching accommodation in context with the neighbouring school buildings without impacting on residential amenity or traffic generation.

#### **Questions/Matters on Which Clarification was Sought**

- (4) Councillors Cobb and C Theobald referred to the parking arrangements and sought confirmation regarding the location of an alternative parking area. It was explained that spaces could be marked out on a hard surfaced area nearby if the school so required.
- (5) Councillor C Theobald also sought confirmation regarding the provision of and level of contribution towards public art. It was explained that the scheme was not visually prominent and was not of sufficient scale to warrant a contribution, this had not therefore been sought.

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

- (6) A vote was taken and Members voted unanimously that planning permission be granted.

211.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.

**C. Application BH2009/02423, Varndean College, Surrenden Road** - Provision of 7 temporary classroom blocks for a five year period (Retrospective).

- (1) A vote was taken and Members voted unanimously that planning permission be granted.

211.4 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.

**D. Application BH2004/ 02185, 4-7 & 15-20 Kensington Street, Brighton** - Construction of 10 affordable residential units consisting of 4 houses at 4 to 7

Kensington Street and 6 flats at 15-20 Kensington Street (Resubmission of withdrawn application BH2004/00530/FP).

- (1) The Area Planning Manager (East), Mr Walke, gave a presentation detailing the scheme by reference to elevational drawings. He explained the differences between the earlier (approved) and current schemes. He explained that the original scheme had been delayed due to ownership and legal matters which meant the Section 106 Obligation had not been completed. Since that time there had been a change in the material planning considerations, and the application was therefore back before the Committee for determination.

#### **Questions/Matters on Which Clarification was Sought**

- (2) Councillor Steedman enquired whether the wording of proposed conditions 9 and 10 was a standard wording and it was confirmed that it was.
- (3) Councillor Cobb sought confirmation regarding how the sum of £7,000 requested towards sustainable transport infrastructure was likely to be spent in the vicinity of the site. The Principal Transport Planning Officer, Mr Reeves explained that a number of improvements were proposed in the area including the provision of tactile paving and improved facilities for cyclists along the length of Church Street. It was likely that the sustainable transport contribution would be used towards one of those schemes.

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

- (4) A vote was taken and on a vote of 10 with 2 abstentions planning permission was granted.

211.5 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves that it is minded to grant planning permission subject to a Section 106 Agreement and to the conditions and informatives set out in the report.

**Note:** Councillors Caulfield and Cobb abstained from voting in respect of the above application.

#### **(iii) MINOR APPLICATIONS**

**E. Application BH2009/02228, 28 Marine Drive, Rottingdean** – Erection of a block of 6 flats and two town houses (8 units in total) together with associated parking and bin store.

- (1) The Area Planning Manager (East), Mr Walke gave a presentation detailing the proposed scheme. He explained that the same application drawings had been submitted as those which had formed part of the previously approved application (BH2006/01879), save for additional information relating to sustainability and sought to renew that permission. Five car parking spaces were proposed within the site and it should be noted that that number would meet the Council's approved parking standards. The comments of the Sustainable Transport Team regarding the access

road were noted were noted. However, a number of vehicles were already using the existing access road to approach their dwellings.

- (2) Mr Shanahan spoke on behalf of neighbouring objectors stating that they considered the development would be an eyesore and over development which would not provide any positive contribution to the area. The existing development at Highcliff Court would be overshadowed and the amenities of those living there would be compromised. The existing access and utility arrangements were at capacity and could not sustain additional vehicular activity, the existing access way was in a very poor state of repair. Additionally, account had not been taken of the close proximity of the proposed development to the cliff face. There were regular rock falls during the winter months, the recent extreme weather conditions were likely to accelerate that, it was possible that building works associated with the development could have a further impact.
- (3) Mr Kitcherside spoke on behalf of the applicant in support of their application. The principle of the development had been established by the earlier permission which the applicant was now seeking to renew. He also cited the earlier decision of the Planning Inspector in relation to site. He explained that arrangements relating to allocation of spaces in the adjacent car park and arrangements for its resurfacing etc beneficial to all users would form the subject of a separate agreement with the Transport Team. It was the intention of the applicant to complete that following grant of planning permission.

#### **Questions/ Matters on Which Clarification was Sought**

- (4) The Chairman Councillor Hyde referred to the earlier decision stating that at that time Members had understood that as a condition of the approval there would be a benefit for residents and visitors to Rottingdean, by virtue of the proposed improvements to the car park. She was disappointed to learn that this was not the case and that a condition to that effect had not been included. It was explained that improvements to the car park had not formed a condition of the earlier permission nor been included in the decision notice. It had always been the case this would form part of a separate agreement and was not a matter for the planning authority.
- (5) The Principal Transport Planning Officer, Mr Reeves confirmed that a separate legal agreement had been reached between the highway authority and the applicant in relation to re-surfacing and re-lining of the car park.
- (6) Councillor Cobb referred to the length of the access road into the site and requested details regarding siting of storage bins for refuse/recycling bins and arrangements for their collection. It was explained that the development would have the same collection arrangements as the existing development.
- (7) Councillors Cobb and C Theobald referred to the narrow width of the access way to the site, to the poor road surface and to the fact that there was insufficient parking for each of the proposed units on the development itself. Councillor C Theobald enquired whether the applicant could be required by condition, or as part of a Section 106 Obligation to resurface the access road and to carry out works to the car park. The Solicitor to the Committee confirmed that this was not supported by planning policy and

that arrangements relating to the car park were separate from the Council's role as a planning authority.

- (8) Councillor Smart asked whether the scheme would be unable proceed if all of the units did not have an on-site parking space. Members were informed that was not the case. The Development Control Manager stated that Members needed to determine the application before them re-iterating that this application was the same as that which had received approval in 2006, it would not be appropriate to seek parking in the adjacent car park by condition.

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

- (9) Councillor Smart referred to the close proximity of the development to the cliff face seeking confirmation whether additional underpinning/protection measures were proposed. It was confirmed that the engineer's report was considered acceptable in consequence no additional measures were proposed. Councillor Smart stated that he remained concerned about potential chalk falls from the cliffs.
- (10) Councillor Cobb stated that she was very concerned regarding potential impact of the development, the cliff formed part of the SSSI she considered that the danger of more rapid erosion/cliff falls arising from the development could be significant. Following the recent exceptionally harsh winter this process had accelerated and the potential impact was likely to be different from when the scheme had originally been agreed.
- (11) Councillor Cobb also expressed grave concerns regarding access/ egress arrangements. In her view the scheme would result in an increase in the flow of traffic onto the A259 from a road which was too narrow and in too poor condition to sustain it. By virtue of its out of town location it was unacceptable to provide insufficient parking for all of the flats on site. She considered the scheme represented an overdevelopment in view of its scale, height and massing and would be detrimental to the amenity of neighbouring residents of Highcliff Court.
- (12) Councillor C Theobald stated that she had previously had concerns that the proposal represented overdevelopment and had grave concerns regarding the level of parking proposed if the applicant could not be compelled to affect improvements to the nearby car park.
- (13) Councillor Wells echoed those comments and was concerned about the potential increase in vehicle movements which could arise from the development.
- (14) Councillor Steedman stated that in his view a number of the comments made were not relevant to consideration of this application given the terms of the earlier approval and appeal decision. Councillor Davey concurred in that view.
- (15) A vote was taken and on a vote to 4 to 4 with 4 abstentions, planning permission was refused on the Chairman's casting vote.

211.6 **RESOLVED** – That the Committee resolves to refuse planning permission on the grounds that

- (1) The proposed scheme is considered to be over development by way of the massing, size, height and scale of the building, and the density of the proposed units and, as such, the proposal is contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan;
- (2) The proposed development, by reason of its height and proximity to Highcliff Court, would cause an unacceptable loss of light and have an adverse impact on the amenities enjoyed by residents of Highcliff Court and, as such, is contrary to policy QD27 of the Brighton & Hove Local Plan;
- (3) The proposed development, by reason of its close proximity to the cliff, would be vulnerable to coastal erosion and would have an adverse impact on the Brighton to Newhaven Cliffs Site of Special Scientific Interest. The proposal is therefore contrary to policies SU7, SU8 and NC2 of the Brighton & Hove Local Plan;
- (4) The proposed development, due to its relatively inaccessible location away from the city centre, contains insufficient car parking for residents and visitors and, as such is contrary to policy TR19 of the Brighton & Hove Local Plan and Supplementary Planning Guidance BH4-Parking Standards;
- (5) The un-adopted access road by reason of its width, is considered to be inadequate and likely to cause increased danger to vehicle users and pedestrians and the proposal is therefore contrary to policy TR7 of the Brighton & Hove Local Plan; and
- (6) The proposed development does not blend into the surrounding area by reason of its design and materials and, as such, is contrary to policies QD1, QD2 and QD4 of the Brighton & Hove Local Plan.

**Note 1:** A vote was taken and on a vote of 4 to 4 with 4 abstentions planning permission was refused on the Chairman's casting vote.

**Note 2:** Councillor Caulfield proposed that planning permission be refused on the grounds set out above, this was seconded by Councillor Cobb. A recorded vote was then taken. Councillors Carden, Hamilton, Kennedy and Steedman voted that planning permission be granted. Councillors Allen, Davey, Smart and Wells abstained. Councillors Caulfield, Cobb Hyde (Chairman) and C Theobald voted that planning permission be refused. The Chairman exercised her casting vote and planning permission was therefore refused.

**F. Application BH2009/02231, 21/22 Queen's Road, Brighton -** Erection of 2 three storey semi detached dwellings with new ironwork entrance gates (Part Retrospective).

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager (East), Mr Walke gave a presentation detailing the scheme. He referred to the earlier planning permission granted in 2004 explaining that the principle of development had already been established. Photographs were shown indicating the changes in level across the site. The main changes between the current and previous schemes were shown including that proposed to the frontage to Crown

Gardens, where there would be a central access to the building. The current proposals were considered to represent an improvement to the extant scheme and approval was therefore recommended.

- (3) Mr Beresford spoke on behalf of neighbouring objectors setting out his objections to the scheme. He explained that in his view the proposed form of development would be overly dominant and would result in overlooking, loss of privacy, overshadowing and loss of light. The development would not enhance or preserve the character of the conservation area, walls had been demolished in breach of the earlier permission.
- (4) Mr Turner spoke on behalf of the applicant in support of their application. He stated that since grant of the earlier permission the applicant had been successful in acquiring an adjacent plot of land enabling them to improve on the original scheme. Frontages had been realigned to be more in keeping with the prevailing building line. Where possible the development had been set back and further away from the neighbouring dwellings. Day lighting and sun lighting studies had been commissioned and although it was recognised that there would be a degree of mutual overlooking this would be from bedrooms and would not worsen the existing situation. There was already a degree of mutual overlooking due to the close proximity of the existing dwellings.
- (5) Councillor West spoke in his capacity as a Local Ward Councillor setting out his objections and in support of the points made by the earlier speaker. Accommodation was now proposed within the roof space which would represent increased levels of overlooking. Whilst some elements of the scheme would be scaled back the current scheme would have a more detrimental impact on the properties located opposite it at in 3 and 4 Crown Gardens. As the site had good access to the City centre and to public transport, his preference would be for the development to be designated car free if planning permission were to be granted.

#### **Questions/Matters on Which Clarification was Sought**

- (6) Councillor Cobb referred to the lack of on-site parking and requested to know why it was not proposed for the development to be car free. It was explained that the applicant had indicated a willingness to provide a contribution towards transport infrastructure requirements and that designation of the development as car free could compromise its viability. It was not possible for off-street parking to be provided and as a requirement for the development to be car free had not been placed on the original permission and the current proposals represented a significant improvement to that earlier scheme it was considered that it would serve no material planning purpose to preclude future occupiers from applying for parking permits.
- (7) Councillor Davey sought confirmation that any future occupiers wishing to apply for parking permits would need to apply and be added to any waiting list as appropriate and it was confirmed that would be the case.
- (8) Councillor C Theobald referred to the land to the rear of the proposed development expressing concern regarding potential overlooking from the rear balconies or as a result of accommodation to be located in the roof space. It was explained in answer to further questions that the area of land referred to was in the ownership of the applicant.



**Debate and Decision Making Process**

(9) A vote was taken and on a vote of 11 with 1 abstention planning permission was granted.

211.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the recommendation set out in paragraph 8 of the report and resolves that it is minded to grant planning permission subject to the applicant entering in to a Section 106 Obligation and to the conditions and informatives also set out in the report.

**Note:** Councillor C Theobald abstained from voting in respect of the above application.

**G. Application BH2009/01746, Land at R/o 43-45 Norway Street, Portslade –**  
Construction of a new three storey building comprising 4 self-contained flats, with roof lights and rear dormers. Provision of bin and cycle stores.

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

(2) The Interim Area Planning Manager (West), Mr Ellwood gave a presentation referring to photographs, plans and elevational drawings. He showed those elements of the neighbouring site which had already been developed. The earlier approved application related to a mixed use of the site for conversion of the front building into 2 houses and development of the rear into 4 office units, the two houses had been built. The applicant had subsequently advised that this latter (office) element was not viable and was seeking permission to erect flats instead. As the earlier permission had not sought to secure the office development either by a condition or Section 106 Obligation it was considered it would be difficult to sustain insistence that this part of the site be retained as commercial/industrial land.

(3) Mr Bartha spoke on behalf of neighbouring objectors. He showed photographs indicating the close proximity of the proposed development and seeking to illustrate the degree of overlooking which in his view would result from the proposed form of development as residential rather than office accommodation. The area was characterised by terraced houses of a modest size and scale with modest sized back gardens, this scheme was completely at variance with that and would be overdevelopment; the applicant was seeking to squeeze too much onto a small site.

(4) Mr Theobald spoke on behalf of the applicant in support of their application. He explained that the original light industrial user had re-located elsewhere within the area and that the applicant had been unsuccessful in finding an office user for the site. The proposed flats had been carefully designed in order to minimise any potential for overlooking and the rendered fenestration and timber detailing had been chosen to reflect details which could be seen elsewhere in the locality.

(5) Councillor Harmer-Strange spoke in his capacity as a Local Ward Councillor setting out his objections and reiterating those of the earlier speaker. He considered the scheme was completely out of keeping with the area, was overdevelopment, would be far too close to neighbouring dwellings and in consequence would have a significantly

detrimental impact on their amenity resulting in loss of light, overshadowing and loss of privacy.

- (6) Councillor Davey requested to see drawings showing the extent of site coverage of the proposed development.

#### **Questions/Matters on Which Clarification was Sought**

- (7) Mr Small (CAG) referred to the proposed cladding materials and enquired regarding the finish proposed. Untreated Cedar had been used on some other developments elsewhere in the city and Members had observed that this did not appear to weather well, whereas locally coppiced chestnut (to which a finish did not need to be applied) appeared to weather better. He was advised that if Members were so minded in addition to the proposed condition requiring details of materials to be submitted an informative to that effect could also be added.
- (8) Councillor Caulfield sought further details regarding the scheme as previously approved and also enquired regarding the reference to there being contaminated land on the site, asking what type of contamination was being referred to. It was confirmed that this was unknown but that Environmental Health had advised that this could be overcome by condition.
- (9) Councillor Cobb made reference to the same point considering that if there was a possibility that land was contaminated Members should be aware as to what that contamination might be and it should be the subject of a desk top study which should be referred to in any report put before them.
- (10) Councillor Smart enquired regarding whether the units would meet life time homes standards and as to the level of sustainability which could be achieved. It was confirmed that these were two separate things and in answer to further questions it was explained that white render would be used with the timber cladding. Raised planters would be erected at sufficient height to ameliorate overlooking of the neighbouring site.

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

- (11) Councillor Hamilton stated that he considered it very regrettable that a condition had not been applied to the earlier permission seeking to ensure its use as office space. There was a requirement for office space elsewhere within the vicinity and he considered it unfortunate that the earlier permission had enabled the applicant to play the system and come back with the current application. He considered that there was a significant difference between an office use which would be occupied during the day and a residential one which would result in properties in use throughout the day/night 7 days a week in very close proximity to other residential properties. He considered this use would result in significant overlooking and loss of privacy and that neither its scale nor design was in keeping with the area.
- (12) Councillor Smart stated that he considered that the proposed balcony screening would be insufficient and that an unacceptable level of overlooking and loss of amenity would

still occur, the height of the development would also block out light from neighbouring dwellings.

(13) Councillor Cobb stated that she considered that the lack of on site parking/details regarding the neighbouring CPZ was an omission, on-street parking was already at a premium and the size/ scale of the development was too large.

(14) A vote was taken and on a vote of 8 to 1 with 3 abstentions planning permission was refused.

211.7 **RESOLVED** - That the Committee resolves to refuse planning permission on the grounds that:

(1) The introduction of 4 residential units into a site of restricted size is an overdevelopment by reason of its bulk, size and intensity of use. The proposal is thereby contrary to the provisions of policies QD1, QD2 and QD4 of the Brighton & Hove Local Plan; and

(2) The introduction of external balconies at first floor level extending across the entire width of the building would result in an increased level of actual and perceived overlooking to neighbouring gardens to the south and would thereby be materially detrimental to the amenities of the occupants of these properties contrary to the provisions of policies QD3 and QD27 of the Brighton & Hove Local Plan.

**Note 1:** A vote was taken and on a vote of 8 to 1 with 3 abstentions planning permission was refused.

**Note 2:** Councillor Hamilton proposed that planning permission be refused on the grounds set out above, this was seconded by Councillor Smart. A recorded vote was then taken. Councillors Allen, Carden, Caulfield, Cobb, Hamilton, Hyde (Chairman), Smart and C Theobald voted that planning permission be refused. Councillor Davey voted that planning permission be granted. Councillors Kennedy, Steedman and Wells abstained. Therefore on a vote of 8 to 1 with 3 abstentions planning permission was refused.

**H. Application BH2009/02915, Windlesham School, 190 Dyke Road, Brighton –** Alterations to existing classroom including removal of 1 roof light and lowering of the east section of the building with new mono-pitched roof (part retrospective).

(1) The Area Planning Manager (East), Mr Walke gave a presentation showing the location of the temporary classroom as erected. He explained that an amendment was being sought as it had not been built in accordance with the approved scheme and was sited closer to the eastern and southern boundaries of neighbouring residential properties. Three domed roof lights had also been installed rather than ones which were flush within the roof slope. The current application sought to reduce the bulk of the building where it abutted the eastern boundary by introducing a sloping roof including a section of the roof overhang to the front of the structure. Removal of one of the roof lights was also proposed.

- (2) Ms Barry spoke on behalf of neighbouring objectors and showed photographs taken showing the appearance of the building as built when viewed from the neighbouring properties to the rear. They considered that the 35sqm building erected was incapable of being located within the space available on site without encroaching unacceptably close to neighbouring residential dwellings. It was understood that it was not planned to build the replacement permanent buildings at present. The height of the building was at its greatest where the neighbouring garden wall was at its lowest, which compounded the close proximity of the building to the wall and the lack of planting.
- (3) Mrs Bennett-Odlum spoke on behalf of the applicants in support of their application. She explained that she was aware of concerns relating to the existing temporary classroom and was happy to address those concerns, including the provision of blinds to the roof lights to shut out any extraneous light. The classroom was not in use outside the agreed hours although it was acknowledged that cleaners had access to the buildings at a later hour. Sympathetic materials had been used (locally sourced chestnut) and the school was happy to agree the planted screening to be provided in consultation with neighbouring residents.
- (4) Councillor Allen spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme reiterating the concerns of neighbours. The structure as built towered over and completely dominated neighbouring properties and he considered that it would be appropriate for a site visit to be held prior to determining the application. In answer to queries from Councillor Cobb as to why he had not requested a site visit under Item 210 on the agenda, he responded that he had considered it inappropriate as he was intending to speak in his capacity as a Local Ward Councillor. Having spoken Councillor Allen then withdrew from the meeting during the debate and decision making process.

#### **Questions/Matters on Which Clarification was Sought**

- (5) Councillor Smart enquired whether the timescale by which the building would cease to be used as a temporary classroom remained the same as agreed in connection with the earlier permission and it was agreed that it did.
- (6) Councillor C Theobald asked when the works had been completed. It was explained that they had been carried out during the summer holidays and that the use had commenced at the start of the autumn term. It was confirmed that planted screening had yet to be put into place.
- (7) Councillor Smart enquired when the photographs showing lights on the building had been taken, he was mindful that it became dark earlier during the winter months. The hours during which the building could be used as a classroom were confirmed and Ms Barry confirmed that the photograph had been taken at 6.00pm (outside those hours).
- (8) Councillor Kennedy sought confirmation regarding the frequency with which the condition relating to hours of use had been breached. Ms Barry explained that this had occurred less frequently recently but that there had been a number of instances during the Autumn Term. There had been light spillage from the existing roof lights and the lights had been left on for a protracted period.

- (9) Councillor Caulfield enquired regarding when the school intended that the current temporary use would cease and whether longer term use was anticipated beyond 2012. Mrs Bennett-Odlum, the applicant stated that it was anticipated that the building would revert to use for storage by 2012.
- (10) Councillor Caulfield referred to the application and that considered earlier in relation to Application BH2009/01746, Land R/o 43-45 Norway Street asking why amended applications had been brought back to Committee and enforcement action had not been sought. The Development Control Manager explained that applicants were permitted to submit revised applications for developments which could then be determined by the Committee. In appropriate instances the Committee could also be asked to consider authorising Officers to take enforcement action in instances where it was considered appropriate and serious breaches of planning conditions/regulations had occurred.
- (11) Councillor Kennedy stated that on the basis of the information provided she wished to propose that a site visit take place.

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

- (12) A vote was taken and on a vote of 8 to 3 Members voted to carry out a site visit prior to determining the application.
- (13) Councillor Hyde, the Chairman explained that as it had been decided that a site visit take place following public speaking no further public speaking would be permitted on this application by any of the parties including the Local Ward Councillor.
- 211.8 **RESOLVED** – That consideration of the above application be deferred for consideration at the next scheduled meeting of the Committee.

**Note:** Having spoken in his capacity as a Local Ward Councillor, Councillor Allen withdrew from the meeting and took no part in the subsequent discussion.

#### **I. Application BH209/02797, 106 Waldegrave Road, Brighton – Erection of bicycle shelter to front of the property.**

- (1) Members agreed that it would be beneficial to carry out a site visit prior to determining the application.

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

#### **J. Application BH2009/02715, The Studio, 4 Dean Court Road, Rottingdean - Erection of a single storey to South elevation.**

- (1) The Area Planning Manager (East), Mr Walke gave a presentation detailing the scheme by reference to plans and photographs showing the development permitted by the extant permission and the scheme as currently proposed.

### Questions/Matters on Which Clarification was Sought

- (2) The Chairman, Councillor Hyde referred to the fact that a number of applications relating to various proposals had been made in respect of the application site. She sought clarification regarding whether their potential cumulative impact had been assessed. The Chairman also referred to the comments received from the Planning Inspector in 2006 relating to the removal of permitted development rights following the outcome of a planning appeal lodged at that time. Mr Walke confirmed that permitted development rights had been removed so that any extensions to the property could be considered by the local planning authority. The removal of the permitted development rights did not mean the property could not be extended merely that any extension should be assessed.
- (3) Councillor Smart requested to see photographs/plans detailing the previously approved scheme and that currently proposed. The Area Planning Manager confirmed that the previous application had sought permission for a much larger dwelling.
- (4) Councillor Cobb enquired whether there was a precise definition for a “studio” unit. The Area Planning Manager explained that the “studio” was the name of the property and confirmed that the residential property was a self contained unit in planning terms.

### Debate and Decision Making Process

- (5) A vote was taken and on a vote of 7 to 5 planning permission was granted.

211.10 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.

**Note:** Councillors Caulfield, Cobb, Hyde (Chairman), Smart and C Theobald voted that planning permission be refused.

### **K. Application BH2009/02970, Community Base, 113 Queen’s Road, Brighton – Display of externally illuminated mesh type banner to North elevation.**

- (1) The Area Planning Manager (East), Mr Walke referred to additional letters of support which had been received following closure of the “Late Representations List” and referred to the planning history of the site. He explained that the Council would not normally approve permanent advertisement hoardings on listed buildings or within conservation areas or their immediate settings. The site had high prominence when walking from the train station to the sea front and, it was considered that such a large advertisement feature would not be in keeping with the visual appearance that the city was seeking to portray to visitors. For those reasons it was recommended that advertisement consent should be refused.
- (2) Mr Chalmers the applicant spoke in support of his application and showed photographs of the area where it was proposed advertisements would be displayed and of a similar hoarding located nearby. The Community Base building housed 27 charitable and voluntary groups which provided a valuable local resource. The income from

advertising would provide a significant funding stream. The building itself located within a conservation area was not attractive, particularly the stark blank wall proposed for advertising. The wall would not be in constant use and the type of advertising displayed would be vetted. The Council obtained income itself from advertisements placed along the side elevation of the building.

- (3) Councillor West spoke in his capacity as a Local Ward Councillor in support of the application. He considered that the building provided a valuable community resource and that account needed to be taken of that. In his view given that the Council obtained income from advertising material displayed along the side elevations of the building approval to this application would represent a consistent approach.

#### **Questions/matters on Which Clarification was Sought**

- (4) Councillor Kennedy sought confirmation regarding the standard conditions applied to advertising consents and asked whether the impact to a charitable organisation of loss of income from advertising material could be considered a material planning consideration.
- (5) Councillor Wells referred to the large advertisement hoarding located nearby and it was explained that this location which had been used for advertisements for some years was outside the conservation area.
- (6) Councillors Smart and C Theobald enquired whether it would be possible to add a condition to any permission granted, controlling the type of advertisement displayed. The Development Control Manager explained that the content of advertisement material was not a material planning consideration. Refusal was recommended on the basis of the impact on visual amenity as it was in a very prominent position. In answer to further questions, the Solicitor to the Committee advised that the appropriate material considerations relate to amenity (visual and aural) and highway safety as set out in the report. The planning considerations that could be taken into account in relation to an advertisement application were more restricted than for a planning application.

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

- (7) Councillor Allen referred to the statement that the advertisement sign was not in keeping with the image that the city wished to portray to visitors, he considered this was an ambiguous statement. The Community Base building itself was not in keeping with the character of the conservation area. He considered advertising material displayed on this large blank wall would add colour and visual interest and would actually represent an improvement.
- (8) Councillor Davey considered that there were a number of other advertisements displayed in the vicinity and elsewhere on the building. The building was itself unremarkable and was surrounded by other unremarkable buildings. No objections had been received from the North Laine Community Association (the local amenity society). Advertisements would add interest to a dull elevation and if considered appropriate a permission could be granted allowing advertisements to be displayed for no more than

six months at a time. Personally, however he did not consider any restrictions should be placed on advertising at that location.

- (9) Councillor Kennedy stated that she supported the application considering that clemency should be shown in this instance. She was conscious that there were 27 voluntary and community groups sited in the building, many of whom worked in tandem with the Council's own services. The end of the building was in her view ugly and block like, the placement of advertisements there would not be detrimental.
- (10) Councillor Cobb stated that the building was in a highly visible location, the area was heavily used by pedestrians and vehicular traffic and advertisements could provide a dangerous distraction. She was unable to support the application.
- (11) A vote was taken and on a vote of 6 to 5 (1 Member of the Committee being absent when the vote was taken), planning permission was refused.

211.11 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to refuse Advertisement Consent for the informative set out in report.

**Note1:** Having declared a personal and prejudicial interest in respect of the above application, Councillor Steedman left the meeting during its consideration and took no part in the discussion or voting thereon.

**Note2:** Councillors Allen, Carden, Davey, Hamilton, and Kennedy voted that the application be granted.

**L. Application BH2009/01873, 14 Cranbourne Street, Brighton** – Change of use of ground and basement floors from retail (A1) to restaurant/café (A3) and hot food take away (A5) including installation of rear extract duct.

- (1) The Interim Area Manager (West), Mr Ellwood explained that in addition to the objections set out in the Late Representations List 2 further letters of objection had been received. Diagrams detailing the proposed internal layout and floor plans were shown and it was explained that the applicant had sought to reduce the visual impact of the extract duct by setting it back.
- (2) There were a number of properties in the vicinity including a separate maisonette above the premises which could be affected by the proposal, however, Environmental Health had been consulted and had raised no objection subject to the conditions proposed and it was therefore considered the development would not result in material detriment to neighbouring properties provided suitable safeguards were put into place.

#### **Questions/Matters on Which Clarification was Sought**

- (3) Councillor Hyde, the Chairman referred to the issues raised by objectors citing their concerns regarding the potential impact if home deliveries were to be made from the premises using what was potentially a pedestrian street and sought clarification as to how that could be controlled. It was confirmed that the applicant had indicated that they had no intention of operating a home delivery service at the present time.



- (4) Councillor Davey echoed the Chairman's concerns enquiring regarding any measures that could be taken to limit any nuisance which could arise should the applicant decide to provide this service in future.
- (5) Councillor C Theobald enquired whether it would be possible to add a condition to any permission granted to curtail such use.
- (6) The Principal Transport Planning Officer, Mr Reeves explained that a "Prohibition of Waiting Order" applied to Cranbourne Street itself, any vehicle parking there would be subject to a parking fine (ticket) and any vehicle wishing to load/unload would need to use the loading bays in Farm Road.
- (7) Councillor Smart enquired whether any restrictions applied to use of the bay in Farm Road and it was explained that loading/unloading was only permitted between specified times. The Development Control Manager advised that a condition would be inappropriate to any permission granted which would prevent home deliveries from taking place, The loading bays located in Farm Road were available for use by any business/residents within the area.

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

- (8) Councillor Steedman enquired regarding the hours of operation of the business and was informed that it would be permitted to stay open until midnight. He considered that such long opening hours were inappropriate in view of the close proximity of residential properties including the self-contained maisonette located directly above the premises.
- (9) Councillor Carden considered the proposed hours of operation to be appropriate given the premises city centre location.
- (10) Councillor Kennedy stated that she felt unable to support the loss of the current retail use as this would add to the proliferation of fast food outlets which already existed in the area.
- (11) A vote was taken and on a vote of 4 to 4 with 4 abstentions planning permission was granted on the Chairman's casting vote.

211.12 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.

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

212.1 **RESOLVED** – that the following site visits be undertaken by the Committee prior to determining the applications:

Application:	Site Visit Requested by:
BH2009/02941, Arts D & E Buildings, University of Sussex, Falmer	Development Control Manager
BH2009/02911, Roedale, Burstead Close	Development Control Manager
BH2009/02979, 106 Waldegrave Road, Brighton	Councillor Kennedy
BH2009/02615, Windlesham School, 190 Dyke Road, Brighton	Councillor Kennedy

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

213.1 **RESOLVED** – That those details of applications determined by the Director of Environment under delegated powers be noted.

**Note 1:** All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Director of Environment. 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 by Members on the Friday preceding the meeting (for copy see minute book). 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 these should in exceptional cases be reported to the Committee. This is in accordance with resolution 147.2 of the then Sub Committee on 23 February 2006.

The meeting concluded at 7.10pm

Signed

Chairman

Dated this

day of

**APPEAL DECISIONS**

	<b>Page</b>
<b>A. NORTH PORTSLADE WARD</b>	
Application BH2008/03981, 9 Southon Close, Portslade. Appeal against enforcement refusal to grant planning permission for excavations to rear garden and erection of raised decking. (Delegated Decision) <b>APPEAL ALLOWED</b> (copy of the letter from the Planning Inspectorate attached).	<b>23</b>
<b>B. HANGLETON &amp; KNOLL WARD</b>	
Application BH2009/00078, Land Adjacent to 16 Robins Court, Clarke Avenue, Hove. Appeal against refusal to grant planning permission for proposed construction of a new 2 bed detached house with amenity space and off-street parking. (Committee Decision) <b>APPEAL DISMISSED</b> (copy of the letter from the Planning Inspectorate attached).	<b>27</b>
<b>C. CENTRAL HOVE WARD</b>	
Application BH2008/02561, 43 Osborne Villas, Hove. Appeal against refusal to grant planning permission to replace and extend an existing wooden balcony to create a wooden platform with a storage room underneath. (Delegated Decision) <b>APPEAL DISMISSED</b> (copy of the letter from the Planning Inspectorate attached).	<b>31</b>
<b>D. BRUNSWICK &amp; ADELAIDE WARD</b>	
Applications BH2009/00415 & BH2009/02015, 11a Upper Market Street, Hove. Appeal against refusal to grant planning permission and listed building consent to provide two new penthouse apartments on the roof of the Old Market Arts Centre combined with a new meeting room facility for the Old Market. The existing stair/lift well to the South would be extended for access to the new apartments. (Committee Decision) <b>APPEAL DISMISSED</b> (copy of the letter from the Planning Inspectorate attached).	<b>33</b>

## **E. ST PETER'S & NORTH LAINE WARD**

Application BH2009/00647, 3 Camden Terrace, Brighton. Appeal against refusal to grant planning permission for removal of UPVC cladding to upper floor to front elevation and render area to match remainder of front elevation. (Committee Decision) **APPEAL DISMISSED** (copy of the letter from the Planning Inspectorate attached). **41**

## **F. STANFORD WARD**

Application BH2009/00587, 7 Orchard Road, Hove. Appeal against refusal to grant planning permission for a two storey side extension incorporating existing garage. Enlargement of existing first floor side extension to form a shower room. (Committee Decision) **APPEAL DISMISSED** (copy of the letter from the Planning Inspectorate attached). **43**

## **G. WITHDEAN WARD**

Application BH2008/03961, 24 Redhill Drive, Brighton. Appeal against non-determination. Proposal to construct a retaining wall not exceeding 2m in height above ground, construction of a wooden deck and handrail and the construction of a raised soil bed containing large shrubs and mature trees. **APPEAL DISMISSED** (copy of the letter from the Planning Inspectorate attached). **45**

## **H. HOLLINGDEAN & STANMER WARD**

Application BH2009/01569, 120 Hawkhurst Road, Brighton. Appeal against refusal to grant planning permission for construction of hard stand for car parking. (Delegated Decision) **APPEAL DISMISSED** (copy of the letter from the Planning Inspectorate attached). **47**

## **I. EAST BRIGHTON WARD**

Application BH2009/00521, 12 Princes Terrace, Brighton. Appeal against refusal to grant planning permission for demolition of existing garage. Erection of two storey side extension. (Delegated Decision) **APPEAL DISMISSED** (copy of the letter from the Planning Inspectorate attached). **49**

## **J. WOODINGDEAN WARD**

Application BH2008/02746, 48 Cowley Drive, Woodingdean. Appeal against refusal to grant planning permission for front elevation and loft conversion to include gable ends, velux window and increase in ridge height. (Committee Decision) **APPEAL ALLOWED** (copy of the letter from the Planning Inspectorate attached). **51**



# Appeal Decision

Site visit made on 2 February 2010

by **E C Grace** DipTP FRTPi FBEng PPIAAS

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**9 February 2010**

## Appeal Ref: APP/Q1445/D/09/2118494

### 9 Southon Close, Portslade, East Sussex BN41 2RX

- 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 Mrs D Metcalfe against the decision of Brighton & Hove City Council.
- The application Ref BH2008/03981, dated 14/4/09, was refused by notice dated 16/6/09.
- The development proposed is excavations to rear garden and erection of raised decking.

### Procedural Matters

1. The application was originally submitted on 23 December 2008, but in view of a decision by the appellant to modify the proposal and change agent, involving the submission of a revised application form (14/4/09) and plan it was not validated until 27 April 2009. Both the application and appeal forms describe the development as being engineering operation excavation more than 1m. Although the two plans accompanying the application were submitted separately with a four month interval and show different proposals, I see from the decision notice that the Council considered both of them when making their decision and redefining the development as excavations to rear garden and erection of raised decking (retrospective). The agent objected to the altered description indicating that the lower decking was undertaken as Permitted Development prior to 1 October 2008. However, the Council did not respond until after they had determined the application and stated they regarded the excavation and decking as one engineering works and that the excavation was essential to facilitate the decking.
2. At the time of my visit, there was timber decking at the ground floor level of the house, with a further decking area (Level 1) about 1m higher extending between that and a timber retaining wall across the width of the garden. A flight of steps is positioned alongside the northern flank boundary fence before turning at right angles across the face of the retaining wall. The steps proceed to the centre of the garden then turn through another right angle and continue to ascend into Level 2 area within a pathway incised into the natural ground slope. Although the earlier plan shows a further area of decking and flower beds at this level neither were in place as work has been suspended awaiting the outcome of this appeal. Moreover the rearmost part of the garden depicted as Level 3 with a further area of decking and flower bed is largely in its original state of sloping grass. Because of the dichotomy between the submitted plans I propose to regard the latter (Dwg No 9063/1) omitting further excavations or decking at Levels 2 and 3, as superseding the earlier plan and deal with this case as being for the retention of engineering works and decking.

## **Decision**

3. I allow the appeal, and grant planning permission for retention of engineering works and decking at 9 Southon Close, Portslade in accordance with the terms of the application, Ref BH2008/03981, dated 14/4/09, and the plan (Dwg No 9063/1) submitted with it, subject to the following conditions:
  - 1) No decking shall be constructed other than between the house and the timber retaining wall marked A on the plan. Wall A shall be reduced to a height not exceeding 1.8m within 2 months of this decision and retained at such height thereafter.
  - 2) The remainder of the garden beyond that retaining wall shall be laid out in accordance with details that shall be submitted to the Local Planning Authority within 2 months of this decision and thereafter implemented as approved by them in writing during the first available planting season. Details of these landscape works shall include any proposed changes to finished levels or contours, positions and species of any trees and heights of all boundary fencing.

## **Main Issue**

4. The main issue in this case is whether the works result in unacceptable harm to the living conditions of occupiers in neighbouring dwellings.

## **Reasons**

5. The appeal property is an end of terrace house situated on a plot that slopes steeply up from the road to the rear boundary and more gently from north to south across its width. This steep slope gives rise to a degree of overlooking and also difficulty in utilising the garden effectively. I consider the ground level decking as being wholly satisfactory. The excavation already undertaken at the next level has enabled the decking here to be incised into the slope and thus provides a level area for sitting out while at the same time lessening potential overlooking and enhancing privacy, or rather it will do when the fence along the boundary with No 10 is replaced.
  6. Although I regard these parts of the development as entirely acceptable, I consider the extent of garden already covered by decking represents the maximum that is reasonably tolerable to enable sufficient area to be retained for laying out with grass, shrubs, or trees and possibly vegetables. Hence, for the avoidance of doubt I shall impose a condition preventing installation of further decking on the upper levels of the garden, as originally envisaged.
  7. Despite my acceptance of the excavation work and decking already carried out, I find the timber retaining wall marked A on the plan, measuring about 2.3m high, is unduly tall and overbearing in appearance. Also, it would provide for the ground height behind it to exceed the original garden level and thus increase the propensity for overlooking. I consider that the combination of the loss of privacy and overbearing appearance causes harm to the living conditions of neighbouring occupiers. Nevertheless, I am content that I could address this matter by the imposition of a condition restricting the height of that timber retaining wall to 1.8m, which would more closely reflect the natural ground contours at this point and equate to a measurement for walls and fences that is commonly accepted as being reasonable.
-

8. Moreover, as it appears that further ground modelling may be necessary and that there is an intention to introduce some planting to enhance the visual appearance of the garden, I shall require submission of details for the laying out of that area for the avoidance of doubt and in the interest of residential amenity.
9. For the above reasons I conclude that subject to the imposition of conditions in respect of the aspects I have mentioned, in order to provide certainty and safeguard residential amenity, the development would not contravene Local Plan Policy QD27 and that the appeal should be allowed.

*Edward Grace*

Inspector







# Appeal Decision

Site visit made on 24 November 2009

by **Elaine Benson BA (Hons) Dip TP MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**15 January 2010**

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## Appeal Ref: APP/Q1445/A/09/2108911

### Land adjacent to 16 Robins Court, Clarke Avenue, Hove, East Sussex BN3 8GA

- 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 Mrs Annalisa Saxby against the decision of Brighton & Hove City Council.
- The application Ref BH2009/00078, dated 13 January 2009, was refused by notice dated 30 March 2009.
- The development proposed is construction of new 2 bed detached dwellinghouse with amenity space and off street car parking.

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### Procedural matter

1. The Council's 4th refusal reason relates to highway safety issues arising from the proposed parking of three vehicles on the appeal site. Further information on this matter was provided by the appellant on drawing 2.02, which shows a revised layout of two parking spaces and a turning area. The Council has subsequently withdrawn its objection on this basis. I am satisfied that the revised parking arrangements would not increase danger to highway users and pedestrians and that there would be no conflict with saved policy TR7 of the Brighton and Hove Local Plan (Local Plan). I have therefore focussed on the other main issues in my decision.

### Decision

2. I dismiss the appeal.

### Main issues

3. The main issues in this case are: i) the effect of the proposed development on the character and appearance of the surrounding area; ii) whether it would provide adequate garden space for future occupiers; and iii) its effect on the living conditions of neighbouring occupiers.

### Reasons

4. The appeal site is land located between the adjoining gardens of maisonettes at the junction of Clarke Avenue with Downland Drive and those on the corner of Downland Drive and Poynings Drive. It includes a grassed area which extends to the edge of the pavement, with an incomplete low boundary wall enclosing it. Although the Council describes this as communal land, it appears to be the former side garden of 16 Robins Court and the front garden of 2 Downland Drive; this is confirmed by the appellant. Part of the site has been used for car parking. On the opposite side of the road is a similar grassed area which forms

- the front gardens of 3 properties. The proposed chalet bungalow would face onto Downland Drive and would incorporate the area to the front of the house as its amenity space and a parking and turning area for the new property and No 16.
5. Within the locality homes are generally set within spacious plots and have front and rear gardens. Although the size of the appeal plot might be similar to others in the area, from what I saw none of these rely on the frontage area in the same way as indicated in this appeal proposal. The side and rear walls of the proposed bungalow would extend to within about 1m of the boundaries. Its overhanging eaves would extend to the rear boundary line and beyond the line of the front wall of 2 Downland Drive and the wall dividing its front and rear gardens. This would result in the almost total coverage of the site area behind the existing building line.
  6. I conclude that the proposed site coverage would be excessive and out of character with its surroundings, also restricting the outlook from the side and rear ground floor windows. Moreover, the need to incorporate the garden space to the front of the site to provide the only usable amenity space also demonstrates that the proposal would result in a cramped form amounting to an overdevelopment of the site. Given the limitations I have set out, I do not consider that the scheme could be described as exhibiting a high standard of design which could justify a density higher than those found in the locality, as is exceptionally permitted by saved policy HO4 of the Local Plan.
  7. The area surrounding the appeal site is of mixed character and comprises maisonettes, houses and bungalows of varied design and scale. Therefore in general terms I consider that a development which does not reflect the scale or design of its immediate neighbours would not necessarily be out of keeping. However, structures in garden areas similar to the appeal site are small in scale and single storey. I find that the height and mass of the proposed development in this location and its upper level projection beyond the walls of No 2 Downland Drive would appear incongruous and out of character in this locality. It would not integrate with the street scene. Furthermore, although I accept the appellant's argument that a hedge could be planted on the frontage whether or not the proposed bungalow is constructed, I consider it unlikely. In my view the loss of the longstanding undeveloped and open appearance of this frontage area, which is reflected on the opposite side of the road, would further harm the character and appearance of the locality.
  8. Turning to the second main issue, the size of garden areas is to some extent a matter for the developer and the future occupier. However, the proposed development is for a house and having regard to its size and layout I consider it to be suitable for occupation by a family. The appellant would have no control over future residents or their family circumstances, including whether they might spend a large part of the day in their home environment. It is important to achieve appropriate living conditions for future occupiers and in this case I consider that a reasonable area of usable private amenity space is necessary, as required by saved policy HO5 of the Local Plan. There would be insufficient space between the house and its rear and side boundaries to constitute usable private garden space and the only garden area proposed would be at the front of the dwelling. I consider that a garden in this location

- would be unacceptable sited so close to the road frontage and would be insufficiently private to comply with the Council's policy.
9. On the final issue, in my view the height and siting of the bungalow would not result in a loss of light to neighbouring homes or gardens. However, it would be clearly visible above the height of the garden boundaries and when combined with its proximity to the rear gardens would be visually obtrusive and have an overbearing effect on the occupiers of the properties to both sides and the rear. As a result, the quality of their gardens would be reduced. The appellant suggests that an amendment to the height of the rear rooflights would prevent the overlooking of neighbouring gardens which would be significant because of the absence of a rear garden for the bungalow. Whilst I agree that amendments could be undertaken and controlled by a suitably worded condition to improve the relationship with neighbouring properties, this approach would not be acceptable as it would also result in an unsatisfactory change to the lighting of the bedroom concerned and there would be no outlook from the window.
  10. Although the proposal would represent a more efficient use of the land for housing purposes, this would be outweighed by the harm that the bungalow would cause to the visual quality of the environment in conflict with saved policies QD1, QD2 and QD3 of the Local Plan and the living conditions of neighbouring properties in conflict with saved policy QD27.
  11. The appellant has referred to a number of properties in the area, including on Clarke Avenue and Sunninghill Avenue which she considers are similar to the appeal proposal. From what I saw, the bungalows and other developments identified are within larger plots, do not have the same constraints as the appeal before me and are therefore not directly comparable this scheme. Furthermore, I do not have the full details of their planning background.
  12. I have also considered the appeal decisions referred to by both parties. The appeal reference APP/Q1445/A/08/2060826 at land adjacent to 148 Valley Drive, Brighton relates to an outline application for a house with most matters reserved and is therefore fundamentally different from the appeal proposal. Furthermore, the site context and relationship with neighbouring properties is significantly dissimilar to the proposal before me and I have given it little weight. Although referred to, the appellant did not provide a copy of the appeal decision reference APP/D3830/A/07/2043634 and the Council therefore did not have the opportunity to comment on this case. Nevertheless, I note that the site in East Grinstead falls under the control of a different local planning authority and would be subject to local policies. In the absence of the full details of the case I have also given this appeal little weight.
  13. I have reached my conclusions based on the site specific considerations set out above and have had regard to all other matters raised. However, they do not outweigh the considerations I have set out. For the reasons given above I conclude that the appeal should be dismissed.

*Elaine Benson*

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INSPECTOR



# Appeal Decision

Site visit made on 4 January 2010

by **Michael Evans BA MA MPhil DipTP MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**12 January 2010**

## **Appeal Ref: APP/Q1445/A/09/2108868** **43 Osborne Villas, Hove BN3 2RA**

- 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 Neil Bloomfield against the decision of Brighton and Hove City Council.
- The application Ref: BH2008/02561, dated 2 November 2008, was refused by notice dated 19 January 2009.
- The development proposed is to replace and extend an existing wooden balcony to create a wooden platform with a storage room beneath.

### **Decision**

1. I dismiss the appeal.

### **Main issues**

2. I consider that the main issues in this appeal are:
  - The effect on the living conditions of the occupiers of the adjacent dwellings.
  - The effect on the character and appearance of the Cliftonville Conservation Area.

### **Reasons**

3. The proposed platform has already been constructed in the rear garden of the mid terrace dwelling at no. 43, which is located within the Cliftonville Conservation Area. The submitted plans show that the proposed feature is appreciably larger than the relatively modest balcony that it has replaced, resulting in a more useable outside area with a significantly greater potential for overlooking. There are windows facing towards the appeal site in the side of the rear projection at no. 41, where the Council indicates that the building is subdivided into basement and upper floor dwellings.
4. Because of its elevation and proximity the balcony has resulted in unacceptable overlooking of these windows as well as the adjacent rear garden. Even taking into account the relatively densely developed urban environment the proposal has therefore resulted in an undue loss of privacy and consequent harm to the living conditions of the occupiers of the neighbouring dwellings. This is contrary to Brighton and Hove Local Plan 2005 policies QD14 and QD27, which seek to prevent such adverse effects.
5. The proposed alteration extends the full depth of the rear garden. Because of this factor and the elevated nature of the platform it is an overly dominant and incongruous feature that unacceptably detracts from the traditional character of

the rear garden environment of the Conservation Area. Despite not being visible from public viewpoints this can be appreciated from surrounding properties. As a result the proposal has failed to preserve or enhance the character or appearance of the Conservation Area, contrary to this aim of Local Plan policy HE6.

6. The Appellant explains that the proposal was believed to be permitted development and that there was no guidance concerning platforms on the Council's website. Letters from the owners of the adjoining dwellings indicating that there are no objections to the proposal have been submitted. Nevertheless, factors such as these do not, in themselves, confer acceptability and this appeal must be considered strictly on its planning merits. I acknowledge the desire of the Appellant for a rear platform at kitchen level. However, this provision is at the undue expense of the living conditions of the occupiers of adjacent dwellings and the character and appearance of the Conservation Area. I conclude that none of these factors, or any other matter raised, are sufficient to outweigh the adverse effects that have resulted.
7. For all the above reasons and taking account of all other matters raised, the appeal is dismissed.

*M Evans*

INSPECTOR



# Appeal Decisions

Site visit made on 20 January 2010

by **Mr K L Williams BA MA MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**1 February 2010**

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## **Scheme 1. (Appeals: APP/Q1445/E/09/2109243 and APP/Q1445/A/09/2107607)**

### **11a Upper Market Street, Hove, BN3 1AS**

- These appeals are made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent and under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeals are made by Mr Stephen Neiman against the decisions of Brighton & Hove City Council.
- The applications, Ref.BH2009/00415 and BH2009/00414, were dated 20 February 2009 and were refused by notices dated 18 May 2009.
- In both appeals the proposal is described as being "to provide two new penthouse apartments on the roof of the Old Market combined with a new meeting room facility for the Old Market. The existing stair/lift well to the South will be extended for access to the new apartments."

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## **Scheme 2. (Appeals: APP/Q1445/E/09/2115260 and APP/Q1445/A/09/2115259)**

### **11a Upper Market Street, Hove, BN3 1AS**

- The appeals are made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent and under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeals are made by The Old Market Trust against the decisions of Brighton & Hove City Council.
- The applications, Ref.BH2009/02015 and BH2009/02014, dated 19 August 2009, were refused by notice dated 19 October 2009.
- In both appeals the proposal is described as being "To provide two new apartments on the roof of the Old Market Building. The existing stair/lift core to the south block will be extended for access to the new apartments. A new maintenance terrace will be provided at roof level above the existing east entrance lobby; a new glazed entrance canopy is proposed to the north elevation above the existing entrance and it is proposed to reinstate three windows to the north elevation."

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### **Decisions:**

#### **Scheme 1. (APP/Q1445/E/09/2109243 and APP/Q1445/A/09/2107607)**

1. I dismiss the appeals.

#### **Scheme 2. (APP/Q1445/E/09/2115260 and APP/Q1445/A/09/2115259)**

2. I dismiss the appeals.
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## **Background and main issues**

3. The Old Market is a listed building (grade II) and is in the Brunswick Town Conservation Area. The appeals concern the refusal of planning permission and listed building consent for two alternative schemes to extend and alter the building, primarily at second and third storey and roof levels. The first scheme would provide two apartments and a meeting room. The second scheme is a scaled down version of the first. It further amends the design and omits the meeting room. Both schemes would involve extending the lift/stair well in the building's south block to provide access to the proposed apartments. They also contain other elements, of a more minor nature, including the provision of a canopy on the north elevation and alterations to windows.
4. The main issues are:
  - i) The effect of the proposed extension and alterations on the Old Market and its special architectural or historic interest;
  - ii) The effect of the proposed extension and alterations on the setting of listed buildings in the surrounding area;
  - iii) Whether the proposed extension and alterations would preserve or enhance the character or appearance of the Brunswick Town Conservation Area; and,
  - iv) The effect on neighbours with regard to overlooking and light.

### *The effect on the Old Market and its special architectural and historic interest*

5. The original Old Market building was erected in the mid-1820's as part of the first development of the planned urban extension of Brunswick Town. Brunswick Square, to the west of the Old Market, was central to the plan for Brunswick Town. It was framed by the terraces of Landsdowne Place and Waterloo Street, the latter being immediately east of the Old Market. The market, together with a church, hotel and baths, were intended to give a degree of self-sufficiency to the new community. The site is within a grid pattern of streets. Brunswick Street East is immediately west of the Old Market and contains former mews houses to Brunswick Square. The north and south elevations of the building face Old Market Street North and South. The building is now used as a centre for performing arts, for conferences and as offices.
  6. The Old Market has undergone extensive change since it was first erected. The market function was succeeded in 1828 by a riding school. Extensions during the 1870's, for a riding academy, resulted in three parallel elements to the building and in the erection of the nearby Waterloo Street Arch, itself a listed building (grade II). Extensions in 1998 raised the roof of the south and central elements of the building. It is now almost square in plan, with walls faced in cream coloured stucco and a varied roofscape, including slate roofs and leaded flat roofs behind parapets. In my opinion, important aspects of the architectural and historic interest of the Old Market include the survival of elements of the original market, the architectural evidence of its evolution, its materials, the ornate and idiosyncratic northern elevation and its role in the wider landscape of Brunswick Town.
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7. In Scheme 1 the two apartments would be centrally positioned above the performance area. The proposed structure would be rectangular. It would have a flat roof of sedum and would have fully glazed reflective glass cladding panels to all elevations. The glazed wall panels would be about 3½ metres in height and the structure would extend well above the building's current maximum roof height. It would be supported by steel posts attached to the central roof of the building. Each apartment would have a south facing terrace to provided private amenity space. The meeting room, which would be on the east side, at second floor level, would also have glazed elevations. The west elevation would include a rectangular panel which would be covered in greenery and is described as a "green wall". I have taken into account the changes referred to in an addendum to the Design and Access Statement, including changes to the proposed east elevation, a reduction in the extent of the roof terraces and in the height of the lift/stair well.
8. Policy HE1 of the Brighton and Hove Local Plan, 2005 (LP) protects listed buildings from harm to their architectural and historic character or to their setting. While new development affecting a historic building requires careful consideration, it is consistent with *Planning Policy Guidance Note 15: Planning and the Historic Environment* that new building need not copy what already exists. Guidance from CABE<sup>1</sup> in *Building in Context: New Development in Historic Areas* refers to the importance of achieving high quality design, adding to the quality of what exists. It advises that successful architecture may follow historic precedents closely by adapting them or by contrasting with them. I have taken into account the other examples of development in sensitive locations and affecting listed buildings to which the appellant refers, although my decisions reflect the circumstances of these particular appeals.
9. The Old Market building has changed radically since its inception. I see no reason why it should not continue to evolve if the architectural and historic interest of the building and of its surroundings is not harmed. The central section of the building has been affected by a previous extension which has resulted in bland, shallow pitched, gable ends facing east and west. Both schemes would remove this central roofscape. It is appropriate to focus any remodelling on that part of the building and I regard that as a benefit of both schemes.
10. Notwithstanding the potential benefits, I have some serious concerns about the effect of the proposal, which would appear as a striking and bold addition to the listed building. I appreciate that the choice of materials is intended to give a lightweight quality to the extension in deference to the listed building. The extension would be set well back from the north and south elevations of the building and there would be a degree of setback on the east and west elevations. However, it would project well above the existing prevailing roof height and, having regard to its scale and box like shape, I consider that it would appear as an unduly dominant imposition on the listed building rather than being successfully related and visually subordinate to it.
11. This effect would be apparent from a number of vantage points. Viewed from Western Road, the Old Market is a dominant feature, acting as the terminal

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<sup>1</sup> Commission for the Built Environment

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feature in views to the south. It is framed by the properties along Upper Market Street and by the open sky above the parapet of the north elevation. Views of the extension from here would be accentuated by the upward slope of Upper Market Street to the north. The extension would be a prominent feature and its scale, form and height when viewed from this perspective, in combination with the contrasting materials, would compete with and detract from the building's most interesting façade rather than complement it. The box like form of the extension would also be apparent from near the junction of Brunswick Street East and Western Road, from where it would appear as an incongruous addition, giving the building an unacceptable, top-heavy appearance.

12. Views from Market Street South would be reduced by the setback of the apartments from the south elevation. I appreciate that the existing south elevation has a composite appearance. However, the emergence of the lift/stair well from the roofslope would appear as an awkward design feature. The glazed east elevation of the apartments and meeting room would also be excessively dominant elements when seen through the Waterloo Street Arch from the east. Although the green wall on the west elevation would mask part of the undistinguished mid-1990's extension, it would appear as an added element which is not well related to the design as a whole.
13. In Scheme 2 the meeting room and green wall would be replaced by a remodelling of the central east and west elevations of the mid-1990's extension. This would give the appearance of a rendered podium, which would be topped by the glazed element of the scheme. On the east elevation the proposed extension would be drawn back to the line of the mid-1990's extension and there are some more modest changes to the design of the glazed element, including a small reduction in height and a reduction in the front face of the apartments on the east and west elevations. A roof level maintenance terrace above the east entrance would be provided.
14. These changes go some way to reducing the harmful effect of the extension. The revised scheme integrates the extension into the existing building to a greater extent. It would appear as a somewhat less dominant element when viewed from the east, through the Waterloo Street Arch. The revised east elevation also respects the remaining element of the original market to a greater extent, allowing it to remain a focus within that elevation. However, the changes introduced in Scheme 2 do not allay the concerns I set out above about the effect of the development in longer distance views to a sufficient extent for me to find the proposal acceptable.
15. I conclude that both Scheme 1 and Scheme 2 would not preserve the architectural and historic interest of the Old Market. They would conflict with LP policy HE1.

*The effect on the setting of listed buildings in the surrounding area*

16. The area immediately surrounding the Old Market contains a number of other grade II listed buildings. They include Nos.2-9 Upper Market Street, Nos.6-10 Lower Market Street and the Waterloo Street Arch. Having regard to their proximity to the Old Market, the proposed extension in both schemes would fall within the settings of these buildings. In the light of the harm to views from

Western Road towards the Old Market, to which I refer above, I consider that the settings of Nos.2-9 Upper Market Street would not be preserved by either scheme. The south elevation of the Old Market is an important component in the setting of Nos.6-10 Lower Market Street. In view of the harm to the roofscape in that elevation from the extended stairs/lift well, neither scheme would preserve the settings of Nos.6-10.

17. In Scheme 1, the extension would appear as an over-dominant element when seen from the Waterloo Street Arch, so that its setting would not be preserved. I consider that the reduction of this effect in Scheme 2, primarily from the omission of the meeting room, would be sufficient to avoid harm to the setting of the arch in that scheme. Nevertheless, I find that both schemes would conflict with LP policy HE3, which protects the settings of listed buildings.

*The effect on the Conservation Area*

18. The Brunswick Town Conservation Area extends either side of Western Road and contains a fine assembly of Regency and early Victorian architecture. It retains much of the character and appearance of a planned 19<sup>th</sup> century estate, with carefully controlled architecture of a formal and ordered character. Many of the former mews houses in Brunswick Street East are now in various commercial uses, adding to the diversity of the area, whereas Waterloo Street, Lower and Upper Market Street generally comprise Regency terraces.
19. I appreciate that the Old Market is not typical of the buildings which predominate in the Conservation Area. I have referred above to its original role in Brunswick Town and to its evolution, which has resulted in a variety of roof forms. The Conservation Area as a whole is characterised by slate roofs, many of which are concealed behind parapets. While roofs are often not dominant elements of individual buildings, there are extensive views across roofscapes as a result of changing levels within the Conservation Area.
20. Both schemes comprise the addition of a substantial and striking roof extension, which would extend well above existing roof level and would be of markedly different form and materials from their surroundings. I appreciate that there are existing incongruous elements in some views, for example a 1930's block of flats to the south. However, in the above context and having regard to the effect on views to which I refer above, I consider that both schemes would be harmful to the roofscape of this part of the Conservation Area. The harm to the Old Market building and to the settings of other listed buildings, to which I refer above, would also cause to harm to the Conservation Area. I conclude that both schemes would fail to preserve the character or the appearance of the Conservation Area. They would conflict with LP policy HE6 which requires that development should preserve or enhance the character or appearance of Conservation Areas.

*The effect on neighbours*

21. As a result of the set back from the north and south facing walls of the main building, both schemes would avoid undue overlooking of properties on Upper and Lower Market Streets. Although the proposed roof terraces would face south, they would be behind an existing pitched roof, which would also help to avoid overlooking to the south. In both schemes the extension would also be
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set back from the west facing wall of the Old Market. In view of the limited height of buildings on Brunswick Street East, they would not be overlooked and there would be sufficient separation from the rear of buildings on Brunswick Square to avoid unacceptable harm to privacy.

22. The rear walls of some properties on Waterloo Street are close to the Old Market. Unacceptable harm to privacy would be avoided in both schemes subject to the provision of obscure glazing on the east facing elevations and to a privacy screen on the east side of one of the proposed terraces. Having regard to the proposed siting of the extension, I am satisfied that there would not be material harm with regard to light reaching neighbouring properties or the Waterloo Street Arch gardens. I find that both Scheme 1 and Scheme 2 would be acceptable with regard to their effect on neighbours.

#### *Other Matters*

23. In respect of both schemes the appellants contend that the development is essential to ensure the continued use of the building as a cultural venue. The venue is run by the Old Market Trust. The Trust has accrued considerable debt, which is said to result from borrowing to fund the restoration of the building in the 1990's. Financial details have been submitted with regard to the extent of that debt. The appellants say that the development should be regarded as a "quasi form of enabling development". In the absence of planning approval, they consider that the Trust will go into receivership and the venue will shut down. A condition is suggested preventing the development until the Local Planning Authority approves details of the use of the proceeds from selling the apartments for the payment of creditors. A second condition would require a Management Plan for future maintenance of the building.
24. The Council does not dispute the value of the Old Market as a cultural facility and I see no reason to take a different view. However, I approach this matter primarily with regard to the effect on the historic building rather than the perpetuation of the Trust. It seems to me that, if development was to proceed, there would be a greater likelihood of the present cultural use of the building continuing. On the other hand, I am not convinced that, if that use ceased, other uses would not emerge which could facilitate the maintenance and care of the building. Offices have recently been introduced into part of the building and other new uses could also replace the jobs which the appellants fear would be lost if development does not proceed.
25. Guidance on enabling development is contained in the English Heritage document *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment, 2008*. Having regard to my conclusions above, neither scheme meets the criterion set out in that document that they would avoid harm to heritage values. Moreover, the building is acknowledged by the appellants to be in good condition. It is not at risk. I appreciate that the Trust's debt is related to previous renovation works to the building. Nevertheless, it seems to me that the need for funding arises more from the circumstances of the present owner than the needs of the heritage asset. In this context, I am not convinced that the public benefit of securing the future of the Trust, with the resulting benefits for the building of continued use as a cultural venue, would outweigh the harm which I have set out above.

In addition, it is not clear to me that the objectives the appellant is seeking to meet by way of condition, which in effect require payments from one party to others, could be addressed other than by means of an obligation under section 106 of the Town and Country Planning 1990. The suggested condition concerning a Management Plan is vague with regard to the often complex arrangements needed to control the future maintenance of a listed building.

26. Both schemes would amount to an efficient use of land. They would provide two new dwellings in a sustainable location and would incorporate aspects of sustainable design. Subject to the provisions of the submitted Unilateral Undertaking regarding parking permits, there would be no harm to parking provision in the area. Subject to the submission of further details the provision of a canopy on the north elevation and the proposed changes to windows would be acceptable. However, these other matters do not outweigh my conclusions on the harm which would result from the proposals.

### **Overall Conclusions**

27. I have concluded, with regard to both Scheme 1 and Scheme 2, that they would not preserve the architectural and historic interest of the Old Market or the settings of nearby listed buildings. I have also concluded that the character and the appearance of the Brunswick Town Conservation Area would not be preserved. These conclusions outweigh my favourable conclusion with regard to the effect on neighbours. In the light of the above and having regard to all other matters raised I conclude that the appeals should be dismissed.

*K Williams*

INSPECTOR





# Appeal Decision

Site visit made on 25 November 2009

by **Elaine Benson BA (Hons) Dip TP MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**23 December 2009**

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## Appeal Ref: APP/Q1445/A/09/2108478

### 3 Camden Terrace, Brighton BN1 3LR

- 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 Nicola Stevenson against the decision of Brighton & Hove City Council.
- The application Ref BH2009/00647, dated 17 March 2009, was refused by notice dated 9 June 2009.
- The development proposed is remove UPVc cladding to upper floor to front elevation and render area to match remainder of front elevation.

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## Decision

1. I dismiss the appeal.

## Main issues

2. The effect of the proposed development on the character and appearance of the appeal property and the pair of semi-detached properties of which it forms part and whether it would preserve or enhance the character or appearance of the West Hill Conservation Area.

## Reasons

3. The appeal property is a semi-detached cottage forming part of a long row of houses which front onto a pedestrian route. It lies within the West Hill Conservation Area and is subject to an Article 4 Direction which precludes alterations to the front of the property without planning permission. Camden Terrace is described within the Council's Character Statement for this area as a narrow twitten, dating from around the 19<sup>th</sup> Century. The cottages in Camden Terrace have some variety in their design and style and some are detached. However, they share a similar appearance, with many being white rendered. I found that there are long views of the cottages in the terrace, albeit oblique and note that it is a well used route.
4. The pair of semi-detached cottages originally had timber lap boarding on the upper part of their front elevations, as does the larger neighbouring house. The front of the appeal cottage has been altered by the installation of UPVc windows and the timber lap boarding was removed and replaced with UPVc cladding. The retention of this cladding was dismissed on appeal (APP/Q1445/C/08/2071381) as it did not match the timber used next door. It is now proposed to remove the cladding and render the area to match the remainder of the elevation.

5. Although I appreciate that many of the cottages in the terrace do not have lap boarding on their front elevation, the appeal property and its neighbour are viewed as a pair. I note that the window material of the appeal property has been changed and consequently its appearance is now slightly different to its neighbour. However, in my opinion whilst the removal of the UPVc cladding is to be welcomed, the absence of timber lap boarding and the proposed rendering of the area would amount to a significant alteration to the balanced appearance of the pair which would harm its appearance. Furthermore it would harm the special architectural interest and appearance of the terrace as a whole which has been formally recognised as important by the Article 4 Direction.
6. I conclude that the proposed development would harm the character and appearance of the appeal cottage and the unified appearance of the pair of semi-detached properties of which it forms part. It therefore conflicts with saved policy QD2 of the Brighton and Hove Local Plan (LP) as it would not enhance the positive qualities of the neighbourhood by taking into account local characteristics, and saved LP policy QD14 which requires alterations to be well detailed in relation to the property to take account of the character of the area and to use sympathetic materials. Furthermore, the proposed development would fail to preserve or enhance the character or appearance of the West Hill Conservation Area as required by saved LP policy HE6 which among other things seeks to prevent the loss of original features which contribute to an area's special character.
7. I have had regard to the appeal decision and photograph relating to an appeal at Lindfield (APP/D3830/A/06/2007549) submitted by the appellant. As this appeal relates to an extension to a cottage described by the Inspector as forming part of an informal group of dwellings in the countryside which already exhibits considerable variety in form and appearance; and noting that a side extension would not necessarily affect the appearance of the main elevation, on the basis of the limited information before me, I consider that the criteria relevant to that appeal site, which also lies within the control of a different local planning authority, are significantly different to those before me. I have therefore given it little weight.
8. In reaching these conclusions I have had regard to all other matters raised, but none is sufficient to outweigh the considerations noted above. For the reasons given, I conclude that the appeal should be dismissed.

*Elaine Benson*

INSPECTOR





# Appeal Decision

Site visit made on 24 November 2009

by **Elaine Benson BA (Hons) Dip TP MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**23 December 2009**

## Appeal Ref: **APP/Q1445/A/09/2108751**

### **7 Orchard Road, Hove, Sussex BN3 7BG**

- 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 Ivan Camps-Linney against the decision of Brighton & Hove City Council.
- The application Ref BH2009/00587, dated 9 March 2009, was refused by notice dated 14 May 2009.
- The development proposed is a two storey side extension incorporating existing garage. Enlargement of existing first-floor side extension to form a shower room.

### **Decision**

1. I dismiss the appeal.

### **Main issues**

2. The effect of the proposed development on the character and appearance of the existing house and the surrounding area and its effect on the living conditions of occupiers of neighbouring properties to the east.

### **Reasons**

3. The appeal site is a detached house which lies adjacent to a pair of semi-detached properties of similar design. They are the only properties on this side of Orchard Rd in the block between Orchard Avenue and Neville Rd. A garage at the side of the property runs along part of the side boundary which separates the site from the gardens of houses fronting onto Orchard Avenue. The plot is a triangular shape, being wider at the front and tapering towards the rear. The appeal site side of the road has an open appearance, despite a number of houses around the site being altered significantly by two storey side and roof extensions.
4. The proposed extension would reach the side boundary at two storey height and would incorporate the garage area. In my view this would erode the visual spaciousness of the site. I also find that the mass of the extension would not appear subservient to the existing house but overly large within its context. In reaching this conclusion I have considered the scale and massing of the adjacent pair of semi-detached houses, but find that the resulting development would be wider, have a greater upper level massing and would not reflect the character or appearance of its neighbours. I conclude that the development would conflict with saved policies QD1, QD2 criterion 'a' and QD14 criterion 'a' of the Brighton and Hove Local Plan (LP) which among other things require

high quality development which respects the character and appearance of the property to be extended and its surroundings.

5. Turning to the effect of the development on the living conditions of the occupiers of Orchard Avenue, I find that the extension would be a sufficient distance from the houses to prevent any overshadowing or loss of light to the houses. The extension would result in the removal of side-facing windows which I consider currently give a perception of being overlooked, particularly from No 24. Notwithstanding these comments, the scale of the two-storey side extension sited so close to the boundary would in my opinion be overbearing in the outlook from the rear windows of the nearest houses, Nos 26, 28 and from their gardens and that of No 24. The development would therefore be contrary to saved policies D14 criterion 'b' and QD27 of the LP which seek to protect the amenities of adjacent occupiers.
6. In reaching these conclusions I have had regard to all other matters raised, including the other sites mentioned, but none is sufficient to outweigh the considerations noted above. For the reasons given above I conclude that the appeal should be dismissed.

*Elaine Benson*

INSPECTOR



# Appeal Decision

Site visit made on 4 January 2010

by **Michael Evans BA MA MPhil DipTP MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**20 January 2010**

## **Appeal Ref: APP/Q1445/A/09/2109402 24 Redhill Drive, Brighton BN1 5FH**

- 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 Mr Peter Hodgson and Miss Nicola Ball against Brighton and Hove City Council.
- The application Ref: BH2008/03961 is dated 16 December 2008.
- The development proposed is to construct a retaining wall not exceeding 2m in height above ground, the construction of a wooden deck and handrail and the construction of a raised soil bed containing large shrubs and mature trees.

### **Decision**

1. I dismiss the appeal.

### **Main issue**

2. I consider that the main issue in this appeal is the effect on the living conditions of the occupiers of the adjacent dwelling at 26 Redhill Drive.

### **Reasons**

3. A decked platform has been erected in the rear garden of no. 24 Redhill Drive creating a terrace in a relatively steeply sloping garden. The height above ground level increases significantly towards the south, allowing views into the adjacent garden at no. 26. The terrace has been the subject of an appeal that was dismissed and in response the scheme has been modified so that a broadly triangular area of the decking would be removed to allow the planting of several conifers. The removed area would be insufficiently extensive, in itself, to significantly limit views into the neighbouring garden. The Appellants argue that existing and proposed planting would overcome the concerns regarding overlooking.
4. However, this is unsatisfactory as the decked structure is likely to be a longer lasting feature than the existing and proposed vegetation, which may die or be removed. Furthermore, in Circular 11/95 *The Use of Conditions in Planning Permission* it is indicated that the long term protection of trees cannot be secured by conditions and that a requirement for maintenance would only apply to the first few years.
5. As a consequence, I consider that the combination of existing and proposed planting could not be relied on to protect the privacy of adjacent occupiers. The Appellants have also suggested that a six foot boundary fence could be constructed. If erected at ground level this would not prevent overlooking given the elevated nature of the decked structure. If placed on top it would be likely to result in an unacceptably overbearing effect due to the overall height

and size of the resulting structure. In any case no plans showing the proposed boundary fencing have been provided.

6. It is therefore considered that because of the proximity and raised elevation of the decking the proposal would be likely to result in unacceptable overlooking of the garden at 26 Redhill Drive. Despite being some distance from the rear of the neighbouring dwelling this would occur in a useable and reasonably secluded area where a higher standard of privacy may reasonably be expected. It is therefore concluded that the living conditions of the occupiers of the neighbouring house would be harmed. This is contrary to the intentions of Brighton and Hove Local Plan 2005 policy QD27, which seeks to prevent such adverse effects.
7. The Appellants have expressed concerns about the Council's handling of the planning application. Nevertheless, I must consider this appeal strictly on its planning merits. Because of the above conclusions it is therefore determined, taking account of all other matters raised, that the appeal fails.

*M Evans*

INSPECTOR



# Appeal Decision

Site visit made on 26 January 2010

by **Michael Say BA DipTP MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**29 January 2010**

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## Appeal Ref: APP/Q1445/D/09/2117941

### 120 Hawkhurst Road, Coldean, Brighton, East Sussex BN1 9EA

- 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 Lee McDavitt against the decision of Brighton & Hove City Council.
- The application Ref BH2009/01569, dated 13 June 2009, was refused by notice dated 12 October 2009.
- The development proposed is the construction of a hard stand for car parking.

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## Decision

1. I dismiss the appeal.

## Main issues

2. The main issues in this case are the effect of the hard stand and its use for vehicle parking on the appearance of the street scene, and the impact on the outlook from the neighbouring residential property.

## Reasons

3. The appeal property is a semi detached house located close to the junction of Hawkhurst Road and Beatty Avenue. With the other half of the pair, 115 Beatty Avenue, it sits substantially below the level of Hawkhurst Road, the front gardens sloping down steeply towards the houses. As a result, the proposed hard stand, which has been largely constructed, sits just below the eaves level of the houses, around 10 metres from their front facades.
4. Along the back edge of the public footway there is a fence around a metre high on the boundary of the appeal property, with gates of similar height in front of the hard stand. This boundary treatment provides an effective screen to the hard stand from the public domain, supplemented by established vegetation in and around front gardens either side of the appeal property. Whilst the upper part of a vehicle parked on the hard stand would be visible above the fence, this would not, to my mind, appear incongruous when viewed from the highway. I conclude that the proposal would not have a harmful effect on the street scene, and would not, in this respect, conflict with development plan objectives.
5. Viewed from 115 Beatty Avenue, the hard stand sits in a very elevated position, adjacent to the common boundary. Fence panels have been erected along part of this boundary, which reduce its visual impact. However, with a vehicle parked on it, it would appear dominant and somewhat incongruous in

views from the neighbour's property, and would impinge to a harmful degree on the outlook from that property. Policy QD 27 of the Brighton & Hove Local Plan, adopted in 2005, seeks to protect the living conditions of neighbouring residents from the effects of development and I conclude that the proposal would have an unacceptably harmful impact on the outlook from the neighbouring property, contrary to the requirements of the policy.

6. In support of the appeal, the appellant has emphasised the traffic danger he considers exists at the road junction, contending that there would be a safety benefit in getting a car off the road. However, the creation of a new access close to the junction, with vehicles forced to reverse into or out of the site with limited visibility would, in my judgement, negate any benefit which might accrue from the reduction in on street parking demand.
7. I note that the appellant would consider the possibility of reducing the height of the structure or changing its use to a bin stand and flower garden/rockery. However, these are not matters which are before me for consideration and they have not, therefore, affected my decision.

### **Conclusions**

8. I consider that the harm I have identified in respect of the impact on the outlook from the neighbouring property is a compelling reason to refuse planning permission which outweighs my finding regarding the acceptability of the effect on the street scene.
9. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

*M.A.Say*

INSPECTOR



# Appeal Decision

Site visit made on 5 January 2010

by **Philip Willmer BSc Dip Arch RIBA**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**28 January 2010**

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**Appeal Ref: APP/Q1445/A/09/2110647**  
**12 Princes Terrace, Brighton, East Sussex, BN2 5JS.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Keith Winsper against the decision of Brighton and Hove City Council.
- The application Ref BH2009/00521, dated 2 March 2009, was refused by notice dated 7 July 2009.
- The development proposed is described as "demolition of existing garage. Erection of two storey side extension."

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## Decision

1. I dismiss the appeal.

## Main Issue

2. I consider that there is one main issue and that is the effect of the proposed extension on the host building and thereby the character and appearance of the area.

## Reasons

3. Princes Terrace is characterised by single fronted terraced houses, mainly two storeys but some with basements. However, in direct contrast, number 12 is a detached cottage style property, which previously had a detached garage that although now removed has been recorded on record photographs provided.
4. The house, although very different in its form and appearance from its neighbours is nevertheless of a high quality well mannered design which makes a positive, interesting and valuable contribution to the streetscene. The appellant, having demolished the garage, which from the photographs appeared also as an interesting and equally well designed adjunct, proposes the erection of a two storey side extension incorporating an integral garage.
5. In respect of the front façade, the design proposes a further gable projection with a short section of linking roof. The composition, because of the second gable and the design and proportions of the new front bedroom window, suggests that the designer sought a symmetrical design solution. However, from the drawings I see that the width of the gable projection would be narrower than the existing and the ridge and eaves higher. Further, the ridge of the small linking roof would be lower than that of the host property. Even if the design approach adopted were appropriate here, which I do not consider that it is, the differences that I have identified would result in a visually jarring,

inappropriate and incompatible extension, detrimental to the architectural integrity of the host building.

6. The addition would extend through to the rear as a further gable thereby creating a relentless, bland and un-modulated side elevation. The designer has abandoned the attractive and well proportioned windows of the existing house in favour of an unrelated assortment of openings, semi-circular arch headed, semi-circular and porthole, which rather than ameliorate the visual manifestation of the side elevation would serve to reinforce its utilitarian and unattractive nature.
7. The three dimensional form of the rear elevation would appear generally appropriate, save for the higher eaves line chosen for the extension and the uncharacteristic assortment of window types and proportions proposed. Nevertheless, an extension of the size proposed would deprive the original property of its distinctive form and appearance.
8. I conclude in respect of the main issue that the proposed addition would be an incongruous feature detrimental to the attractive design and form of the host property, and would appear as an unwelcome addition in the Princes Terrace streetscene.
9. Policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan, in line with Government advice, require all proposals for new development, including extensions and alterations, not only to be of a high standard of design but also to make a positive contribution to the visual quality of the environment. In my judgement the proposed extension, by reason of its design, would not achieve these objectives.

### **Other considerations**

10. The proposed extension is intended to accommodate an aged relative. Whilst I am sympathetic to the personal circumstances of the appellant, the extension and its continuing impact on the architectural integrity of the host building, as well as the character and appearance of the surrounding area, would remain long after the personal circumstances referred to have ceased to be material.
11. The appellant has drawn my attention to concerns relating to difficulties encountered in contacting the Council during what he also found to be an extended planning application phase. These considerations are not, however, relevant to my consideration of the planning merits of this appeal.

### **Conclusions**

12. For the reasons given above and having regard to all other matters raised, including local support for the proposal, I conclude that the appeal should be dismissed.

*Philip Willmer*  
INSPECTOR





# Appeal Decision

Site visit made on 25 November 2009

by **Elaine Benson BA (Hons) Dip TP MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**18 January 2010**

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## Appeal Ref: APP/Q1445/A/09/2109104 48 Cowley Drive, Brighton, East Sussex BN2 6WB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Paul Lawes against the decision of Brighton & Hove City Council.
- The application Ref BH2008/02746, dated 12 August 2008, was refused by notice dated 12 June 2009.
- The development proposed is front extension and loft conversion to include gable ends, velux windows and increase in ridge height.

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### Decision

1. I allow the appeal, and grant planning permission for front extension and loft conversion to include gable ends, velux windows and increase in ridge height at 48 Cowley Drive, Brighton, East Sussex in accordance with the terms of the application, Ref BH2008/02746, dated 12 August 2008, 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 materials to be used in the construction of the external surfaces of the extensions 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: north east elevation, north west elevation, south east elevation, south west elevation, ground floor plan and first floor plan all dated April 2008; building as existing (plans, elevations, block plan, site location plan) and site location plan both undated.

### Main issue

2. The effect of the proposed development on the character and appearance of the appeal property and the surrounding area.

### Reasons

3. It is proposed to significantly increase the height and the mass of the appeal bungalow, incorporating a number of changes to its design. The Council raises no objection to the increase in height or many of the proposed alterations in principle. I see no reason to disagree. The areas of contention are the

proposed alterations to the front elevation which include converting the hipped roof to a gable and increasing its height by between 1.1m and 2.2m.

4. These alterations would undoubtedly change the character and appearance of the existing bungalow significantly. As a result I do not consider that it is necessary to consider whether the proposed alterations would reflect the design of the existing bungalow and assess it against the Council's Supplementary Planning Guidance on Roof Alterations and Extensions, but rather to consider whether the resulting building would fit in with the surrounding area.
5. In my opinion the extensions and alterations would produce a coherent and well-designed property. Its surroundings comprise houses and bungalows of diverse height and design with little uniformity. In this context I consider that the unique design of the proposal would not lead to an over-dominant elevation, but would enhance the character and appearance of the street scene.
6. I conclude that the proposal complies with saved policies QD1 and QD2 of the Brighton and Hove Local Plan which seek to achieve high-quality design and saved policy QD14 which sets out specific requirements for extensions and alterations. For the reasons given above I conclude that the appeal should be allowed.

#### Conditions

7. I have imposed a condition requiring the use of matching materials in the interest of the visual amenity of the area. I have amended the Council's suggested text to more closely reflect the wording of the model condition in Circular 11/95. I have also specified which plans this decision is based on for the avoidance of doubt and in the interests of proper planning.
8. The Council suggested a condition withdrawing permitted development rights for any extension, enlargement or other alteration to the dwellinghouse. Planning permission would be required for further extensions to the property in any event. Furthermore, such conditions are normally considered unreasonable unless there is clear evidence that the works excluded would have serious adverse effects on amenity. Little justification for this condition has been provided and no evidence to demonstrate that there would be serious adverse effects on amenity. I have therefore not imposed the suggested condition.

*Elaine Benson*

INSPECTOR

# PLANNING COMMITTEE

## Agenda Item 224 Brighton & Hove City Council

### NEW APPEALS

#### WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

#### **QUEEN'S PARK**

BH2009/02385

21 St James's Avenue Brighton

Conversion of first and second floor House in Multiple Occupation (SG) to form 2 no. self-contained units (C3). External alterations to rear basement and first floor.

APPEAL LODGED

19/01/2010

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#### WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

#### **WOODINGDEAN**

BH2009/02593

7 Newells Close Brighton

Reconstruction of raised hardstanding with the addition of safety railings.

APPEAL LODGED

20/01/2010

Delegated

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#### WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

#### **QUEEN'S PARK**

BH2009/00969

Adj 51 St Lukes Terrace Brighton

Extension and alteration of existing garage to form a two-storey, one bedroom house with 3no rooflights and 1no solar panel.

APPEAL LODGED

27/01/2010

Delegated

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#### WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

#### **WESTBOURNE**

BH2009/02590

81 Pembroke Crescent Hove

Roof extensions over existing flat roof sections, including new dormer window to West elevation and obscure glazed conservation style roof-light to East elevation.

APPEAL LODGED

25/01/2010

Delegated

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

BH2009/02653

7 Whitethorn Drive Brighton

Erection of two storey front/side extension, loft conversion including 2no dormers and associated works.

APPEAL LODGED

25/01/2010

Delegated

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

BH2009/01258

Flat 3 7 Adelaide Crescent Hove

Erection of a first floor balcony to rear of property.

APPEAL LODGED

27/01/2010

Delegated

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

BH2009/00818

Flat 3 7 Adelaide Crescent Hove

Erection of a first floor balcony to rear of property.

APPEAL LODGED

27/01/2010

Delegated

**WARD****APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2009/00980

2A Wykeham Terrace Brighton

Installation of galvanised wall ladder and railing for fire escape access (Retrospective).

APPEAL LODGED

25/01/2010

Delegated

**WARD****APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2009/00979

2A Wykeham Terrace Brighton

Installation of galvanised wall ladder and railing for fire escape access (Retrospective).

APPEAL LODGED

25/01/2010

Delegated

<b><u>WARD</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>APPLICATION NUMBER</u></b>	BH2009/02424
<b><u>ADDRESS</u></b>	7 Greenways Corner Brighton
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Erection of two storey rear extension.
<b><u>APPEAL STATUS</u></b>	APPEAL LODGED
<b><u>APPEAL RECEIVED DATE</u></b>	27/01/2010
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>APPLICATION NUMBER</u></b>	BH2009/01951
<b><u>ADDRESS</u></b>	2-3 Camden Terrace Brighton
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Removal of existing UPVC & timber boarding from front elevation of No. 2 & 3 Camden Terrace.
<b><u>APPEAL STATUS</u></b>	APPEAL LODGED
<b><u>APPEAL RECEIVED DATE</u></b>	28/01/2010
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>QUEEN'S PARK</b>
<b><u>APPLICATION NUMBER</u></b>	BH2009/01344
<b><u>ADDRESS</u></b>	53 Windmill Street Brighton
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Loft conversion incorporating rear dormer (Retrospective)
<b><u>APPEAL STATUS</u></b>	APPEAL LODGED
<b><u>APPEAL RECEIVED DATE</u></b>	03/02/2010
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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**INFORMATION ON HEARINGS / PUBLIC INQUIRIES**  
**24<sup>th</sup> February 2010**

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**This is a note of the current position regarding Planning Inquiries and Hearings**  
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**Park House, Old Shoreham Road, Hove**

Planning application nos:       • BH2008/03640  
  • BH2009/01464  
Description:                   • Demolition of former residential language school and erection of 5 storey block of 72 flats.  
  • Demolition of former residential language school and erection of part 4 storey and part 5 storey block of 72 flats.  
Decision:                      Committee  
Type of appeal:               Public Inquiry  
Date:                            2<sup>nd</sup> – 4<sup>th</sup> March 2010  
Location:                       Hove Town Hall

**ENFORCEMENT HEARING: 18 Hampton Place**

Enforcement nos:           • 2003/0319  
  • 2006/0428  
Description:                 • Metal Flue Erected at the rear of the property without listed building consent.  
  • Various unauthorised works to a listed building.  
Decision:                     N/A  
Type of appeal:             Informal Hearing  
Date:                          21<sup>st</sup> April 2010  
Location:                     Council Chamber, Brighton Town Hall

**PLANNING & ENFORCEMENT INQUIRY: The Hyde, Rowan Avenue, Hove**

Planning application no:   • BH2009/01249  
Enforcement no:            • BH2009/0450  
Description:                • Proposed construction of two blocks of 2 and 3 storeys to provide a total of 27 new sheltered housing units with associated caretaker's flat, support and recreation areas including private landscaped gardens and car and cycle parking facilities.  
  • Unauthorised land use and loss of amenity.  
Decision:                    Committee  
Type of appeal:             Public Inquiry  
Date:                         25<sup>th</sup> – 27<sup>th</sup> May 2010  
Location:                    Hove Town Hall

**Covers Yard, Melbourne Street, Brighton**

Planning application no: BH2009/00655

Description: Demolition of existing yard buildings and erection of 3 storey terrace along eastern boundary of site, and 4 and 7 storey apartment building along northern boundary of the site, providing a total of 39 residential units, cycle and car parking to rear.

Decision: Committee

Type of appeal: Public Inquiry

Date: TBC

Location: TBC