





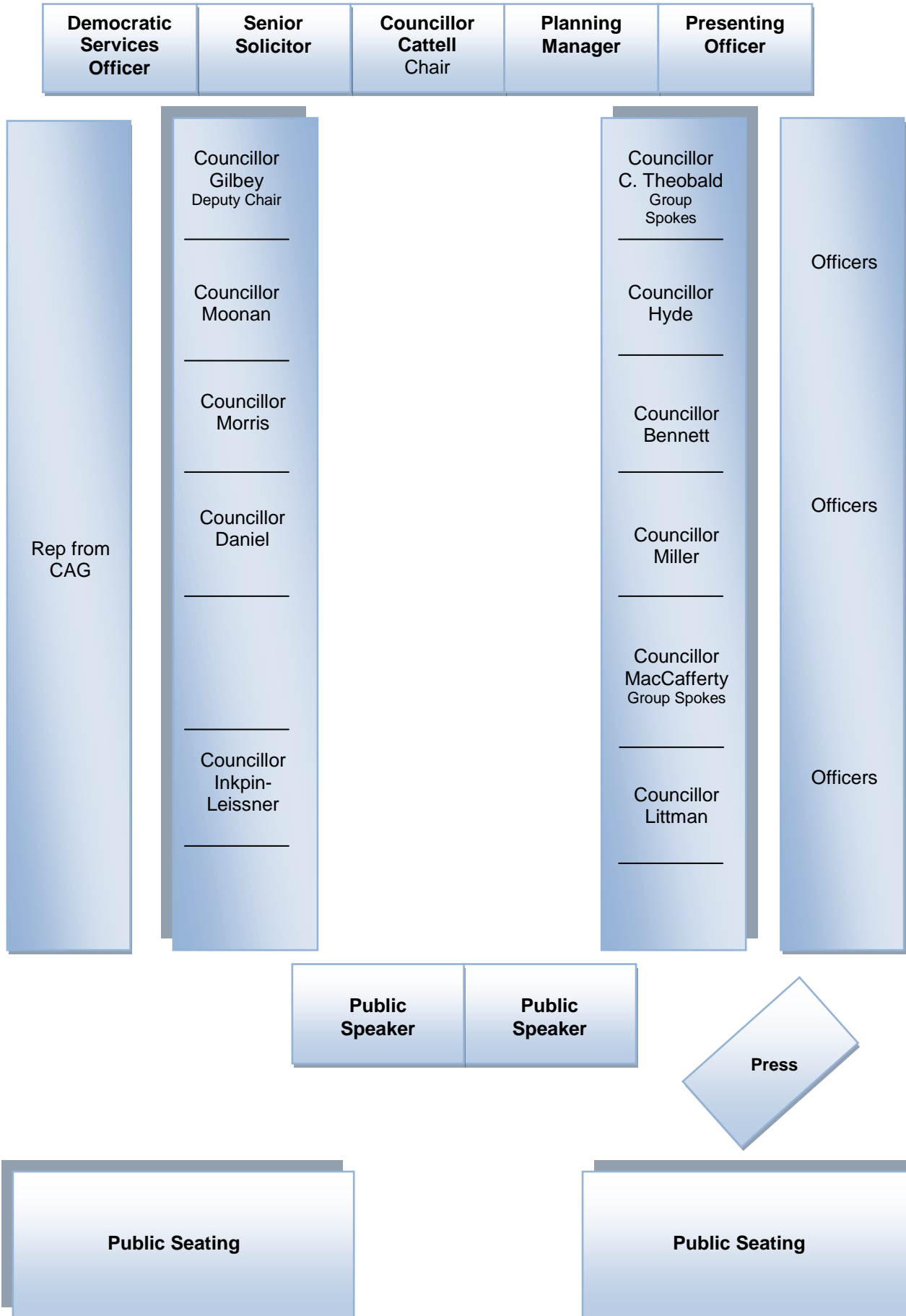
**Brighton & Hove
City Council**

Planning Committee

Title:	Planning Committee
Date:	7 February 2018
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	<p>Councillors: Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Daniel, Hyde, Inkpin-Leissner, Littman, Miller, Moonan and Morris</p> <p>Co-opted Members: Conservation Advisory Group Representative</p>
Contact:	<p>Penny Jennings Democratic Services Officer 01273 29-1065/29-1354 planning.committee@brighton-hove.gov.uk</p>

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

Democratic Services: Planning Committee



AGENDA

92 PROCEDURAL BUSINESS

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

(b) Declarations of Interest or Lobbying

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

In each case, you need to declare

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

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

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

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

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

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

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

PLANNING COMMITTEE

93 MINUTES OF THE PREVIOUS MEETING 1 - 18

Minutes of the meeting held on 13 December 2017 (copy attached).

94 CHAIR'S COMMUNICATIONS

95 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 1 February 2018.

96 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

97 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

MAJOR APPLICATIONS

A BH2017/02333, 113-115 Trafalgar Road, Portslade - Outline Application - All Matters Reserved 19 - 36

Outline application with some matters reserved for the demolition of existing bungalows and erection of 8no one bedroom flats and 4no studio flats (C3) with associated landscaping.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: South Portslade

MINOR APPLICATIONS

B BH2017/03751, 83 Beaconsfield Villas, Brighton - Full Planning 37 - 46

Installation of a single storey outbuilding to the rear garden (C2). Installation of guarding and roof canopy to south elevation external staircase. Installation of additional fence panels and gates to front garden. Erection of new fencing with security roll barriers to rear garden.

RECOMMENDATION – GRANT

Ward Affected: Moulsecoomb & Bevendean

C BH2017/03684, 50 Chailey Road, Brighton - Full Planning 47 - 58

Change of use from 3 bedroom single dwelling (C3) to a 5 bedroom House in Multiple Occupation (C4).

RECOMMENDATION – GRANT

Ward Affected: Moulsecoomb & Bevendean

PLANNING COMMITTEE

- D BH2017/03683, 8 Willingdon Road, Brighton - Full Planning 59 - 70**
Change of use from 3 bedroom single dwelling (C3) to a 5 bedroom House in Multiple Occupation (C4).
RECOMMENDATION – GRANT
Hanover & Elm Grove

- E BH2017/02986, 19 Arnold Street, Brighton - Full Planning 71 - 84**
Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4).
RECOMMENDATION – GRANT
Ward Affected: Hanover & Elm Grove

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

INFORMATION ITEMS

- 99 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 85 - 86**
(copy attached).
- 100 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 87 - 98**
(copy attached).
- 101 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 99 - 100**
(copy attached).
- 102 APPEAL DECISIONS 101 - 156**
(copy attached).
- 103 PART TWO**
- A Land South of Ovingdean Road :public inquiry - EXEMPT CATEGORY 5**
Report of the Executive Lead for Strategy, Governance and Law (circulated separately)
- Please Note** - The report and appendices previously circulated and considered by Committee on 10 May 2017, remain in the public domain and are appended as a supplement to these

PLANNING COMMITTEE

papers. The report for consideration by the Committee is exempt - Category 5 and the Committee will go into closed session in order to consider it.

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

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

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

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

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Electronic agendas can also be accessed through our meetings app available through www.moderngov.co.uk

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

WEBCASTING NOTICE

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

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this web cast will be retained in accordance with the Council's published policy (Guidance for Employees' on the BHCC website).

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

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

For further details and general enquiries about this meeting contact Penny Jennings, (01273 29-1065/29-1354, email planning.committee@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Tuesday, 30 January 2018

PLANNING COMMITTEE

--

PLANNING COMMITTEE	Agenda Item 93 Brighton & Hove City Council
---------------------------	-----------------------------------------------------------

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 13 DECEMBER 2017

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ

MINUTES

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hill, Hyde, Inkpin-Leissner, Littman, Miller, Moonan and Morris

Officers in attendance: Paul Vidler, Planning Manager, Major Applications; Debra May, Principal Planning Officer (Section 106); Jonathan Puplett; Principal Planning Officer; Chris Swain, Principal Planning Officer; Colm McKee, Principal Planning Officer; Andrew Renault, Head of Transport Policy and Strategy; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

PART ONE

80 PROCEDURAL BUSINESS

80a Declarations of substitutes

80.1 Councillor Hill was in attendance in substitution for Councillor Russell-Moyle.

80b Declarations of interests

80.2 Councillor Hyde referred to Application G, BH2017/00306, Store Rear of 51 Sackville Road (Brooker Place), Hove stating that she was aware this application had been submitted by Councillor Nemeth a fellow Conservative Group Councillor. However, she remained of a neutral mind, had not predetermined the application and would remain present during the discussion and voting thereon. The other Members of the Committee confirmed that they were also of a neutral mind and would remain present at the meeting during consideration of and voting on the application.

80.3 Councillor Hill referred to Application B, BH2017/02863, University of Sussex, Refectory Road, Brighton stating that she had been approached in her capacity as a Ward Councillor in respect of the earlier scheme. She had expressed no view in respect of that scheme or this “Reserved Matters” application, remained of a neutral mind and would therefore remain present during its consideration and determination.

80c Exclusion of the press and public

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

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

80d Use of mobile phones and tablets

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

81 MINUTES OF THE PREVIOUS MEETING

81.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 8 November 2017 as a correct record.

82 CHAIR'S COMMUNICATIONS

82.1 There were none.

83 PUBLIC QUESTIONS

83.1 There were none.

84 SECTION 106 - 2016/17 CONTRIBUTIONS FINANCIAL REPORT

84.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture which provided information and updates on the type and value of financial contributions made under Section 106 of the Town and Country Planning Act 1990 in 2016/17.

84.2 The Principal Planning Officer (Section 106), Debra May presented the report explaining that these payments were secured through planning agreements or undertakings (“planning obligations”) as part of the planning application process and were determined by Planning Committee. This information was published in response to the recommendations in the Planning Advisory Group (PAS) Planning Peer Review, as it provided further information on measures to mitigate the impact of new

development; and was more open and transparent. The report set out the type and value of contributions and the process for the allocation of contributions. The report also identified the need to meet policy objectives and the tests which needed to be applied including the need to be mindful of community infrastructure requirements and where sums of money received needed to be applied. This latter process formed part of the application process and was very specific.

- 84.3 Councillor Moonan asked for confirmation that all existing commitments were on target to be met and it was confirmed that they were.
- 84.4 Councillor Mac Cafferty welcomed the report stating that he looked forward to receiving further future updates. In noting the position relating to the procedure for securing CIL monies in future he understood that this fell outside the planning process and requested clarification regarding how the local plan would be amended to reflect such changes. It was explained that in future a more strategic approach would be adopted and officers would ensure that no breaches of any new restrictions occurred.
- 84.5 Councillor Morris welcomed the information which had been provided in relation to the “artistic” components, and was pleased to note how some schemes were moving forward. He cited Saltdean Lido also enquiring regarding progress on the Kensington Street scheme, noting that this latter matter was in hand.
- 84.6 Councillor C Theobald welcomed the report but noted that it appeared that in some instances it appeared that significant sums remained to be spent and sought clarification of the implications if sums committed remained unspent. It was explained that it was very rare for monies to be returned to the developer having been unspent. In answer to questions regarding where monies were spent, Councillor Theobald expressed disappointment that in some instances she considered that monies allocated, particularly for open space improvements could have been allocated for wider community benefit. It was explained that the formula used was site specific and the criteria regarding how/where monies could be spent was very narrowly drawn.
- 84.7 Councillor Miller welcomed the report and the details which provided as to how monies had been allocated and spent.
- 84.8 **RESOLVED** – (1) That the Committee notes the content of the report detailing the s.106 financial contributions held and those sums secured, received and spent within the last financial year (2016/17); and

(2) That Committee agrees that updates are to be reported at the end of each financial year.

85 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

- 85.1 There were none.

86 TO CONSIDER PLANNING APPLICATIONS

MAJOR APPLICATIONS

A Application BH2017/02156 - 2, 3, 4, 5 and 6 Pelham Terrace, Brighton-Full Planning

Demolition of existing buildings and erection of a part 1,6, 8 and 9 storey building to form 189 student rooms (sui generis) 1no one bedroom and 4no 2 bedroom residential dwellings (C3), shared community facilities, landscaped roof terraces, plant room, cycle storage, recycling/refuse facilities and associated works

Officers Introduction

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, photographs elevational drawings and floor plans.
- (3) It was explained that the considerations in the determination of this application related to the principle of development, including the loss of the former Public House and garden, dwellings, retail unit and car sales unit, the proposed Community Hub/café, student accommodation and residential units, design, impact on street scene and wider views, heritage assets and the South Downs National Park, standard of accommodation, neighbouring amenity, environmental health issues, transport, sustainability, landscaping, and ecology/biodiversity including impact upon protected species (bats).
- (4) It was considered that the proposed building was of a high quality design which would have a positive impact on the Lewes Road street scene and that it was acceptable in transport, sustainability and ecological terms and that the proposed S106 requirements would address all other matters. It was recognised that the scheme would result in the loss of a former public house and garden which was valued by the community and had been registered as an Asset of Community Value. A number of trees to the rear of the Public House would also be lost. The proposed building would be of a considerable scale and would have an adverse impact upon the amenity of some neighbouring occupiers due to a loss of daylight to a number of windows, although these impacts had been fully assessed and it was considered that the loss of daylight would only be at a harmful level in a small number of cases.
- (5) Overall, whilst the scheme would cause harm in some respects, these concerns had been fully assessed, and overall it was considered that the scheme would deliver substantial benefits and that the concerns identified did not warrant refusal in this case. Approval was therefore recommended subject to the proposed conditions and s106 requirements set out in sections 1 and 10 of the report.

Questions for Officers

- (6) Councillor Inkpin-Leissner referred to the traffic management arrangements to be put into place and whether it would be possible to adapt/amend the travel plan to reflect any changes in demand.
- (7) Councillor Mac Cafferty enquired regarding arrangements to be provided in mitigation for use by the local community. He sought clarification regarding whether monies towards open space provision could be used in Saunders Park. Councillor Mac

Cafferty also requested that serious thought be given to how access to community space/use could be provided. Also, how bats/other animals identified on site would be protected and in order to seek to ensure that loss of daylight/overlooking of adjacent properties to the rear was minimised. Councillor Mac Cafferty also requested that an informative be added requesting that bee friendly planting be provided.

- (8) Councillor Miller asked for further details of the floor plans and access arrangements to the blocks the dimensions of the units and details of those which could have a detrimental impact on daylight to properties to the rear and the number of properties which would be affected; and regarding mitigation measures proposed. Also, the net gain in units of accommodation and details of measures to ensure that Local Ward Councillors were fully involved in any on-going consultation.
- (9) Councillor Hyde enquired regarding the distance between the proposed development and the neighbouring Deco building and the lighting quality to neighbouring properties which were likely to receive less daylight than was currently the case and the percentage below the average where this was anticipated. Also, regarding access arrangements, future management of the building and who would be responsible for maintenance of the planting scheme.
- (10) Councillor Hill enquired regarding the number of letters in support of the scheme received from students, enquiring whether they had been received on time. It was confirmed that they had been in the form of a standard letter forwarded by the applicants. Councillor Hill also enquired regarding the anticipated rental cost of the units.
- (11) Councillor Moonan also enquired regarding this matter, noting that these units would be expensive and beyond the means of most students which might do little to alleviate the number of HMO's in the area which were in use as student accommodation.
- (12) Councillor Morris enquired regarding the arrangements to be put into place to ensure that transport needs generated by the scheme would be monitored and incorporated into the travel plan.
- (13) Councillor Littman referred to the proposed planting arrangements requesting what evidence was available which indicated whether the planting measures proposed would mitigate the loss of trees on site with regard to the impact on air quality. Whilst recognising the student housing provision which would arise he was concerned regarding this issue. In response to requests for details of the trees which would be lost, it was explained that it would not be possible to retain all of them in situ; however, the proposed conditions were intended to address that in so far as it was practicable to do so.
- (14) Councillor Gilbey enquired whether the hours for community use were limited and it was confirmed that there was sufficient flexibility in the proposed conditions which would allow for additional use outside those hours and at weekends.

Debate and Decision Making Process

- (15) Councillor Moonan stated that overall she considered the proposed development to be a good one which would fit into the existing street scene. Whilst she was disappointed that the accommodation to be provided would be towards the higher priced end of student accommodation and at the number of trees that would be lost she nonetheless accepted that it would address an identified need. On balance she supported the scheme and would be voting in support of it.
- (16) Councillor Littman stated that in his view whilst elements of the scheme were good he remained to be convinced that there would not be a detrimental impact on air quality in this heavily trafficked part of the city where this was already an issue. He did not consider that sufficient evidence had been provided that the replacement trees and green roofs would be sufficient to mitigate that and in consequence he would be voting against the officer recommendation on this occasion.
- (17) Councillor Miller expressed disappointment that only minor amendments had been made as a result of the pre-application process. He considered it was crucial that the conditions designed to protect neighbouring amenity and seeking to provide community use/ facilities were sufficiently robust. Overall though he considered the scheme was of an appropriate scale and design.
- (18) Councillor Hill echoed Councillor Moonan's concerns regarding the fact that the accommodation to be provided would undoubtedly be towards the high end of the student rental market considering that this would only have a small impact on the number of student HMO's in the vicinity. She would however be voting in support of the application.
- (19) Councillor C Theobald regretted the loss of the public house, noting however that it had been boarded up for some time also the loss of some of the trees. She liked the frontage of the scheme, whilst not perfect she considered it was acceptable and would be voting in support.
- (20) Councillor Inkpin-Leissner considered the scheme was acceptable whilst also considering that any issues arising in relation to additional traffic movements and air quality in the vicinity of the Vogue G yratory would need to be addressed.
- (21) Councillor Hyde stated that whilst considering there were imperfections with the proposed scheme overall it was acceptable and she would support it. It was important however, to ensure that suitably robust measures were in place to mitigate any potential harm to neighbouring residential properties including loss of light/outlook.
- (22) Councillor Gilbey, supported the officer recommendation but stated that she hoped that the proposed "green" roof would be properly maintained. She had observed a number of developments across the city where planting (particularly to roofs) had not been adequately maintained and impacted on their appearance.
- (23) Councillor Mac Cafferty stated that he hoped that whilst he had some concerns regarding the appearance of the scheme, particularly to the rear on balance, given the identified need for student accommodation he would support the officer recommendation. He hoped that materials would be agreed in consultation with the Chair, Deputy Chair and Opposition Spokespersons' and considered that the

conditions relating to provision of improvements to Saunders Park and in relation to community use needed to be robust and to be applied rigorously.

- (24) Councillor Morris stated that he welcomed the clarification that had been given regarding planting and provision of trees on site and although he had some concerns about the height of the scheme and considered that it was important to provide suitable public art on site he liked the design. On balance he was prepared to support it.
- (25) The Chair, Councillor Cattell, stated that she supported the officer recommendation considering that the proposed scheme would provide for an identified need for student housing and would be voting in support.
- (26) A vote was then taken and on a vote of 11 to 1 minded to grant planning permission was agreed.

86.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the Conditions and Informatives also as set out in the report, with the s106 open space and indoor sport contribution to include tree planting in Saunders Park; also subject to the additional Condition and Informative set out below:

Additional Condition 34:

No development above ground floor slab level of any part of the development shall take place until full details of the proposed heating system and any required emission mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure that the proposed heating system is of an appropriate nature and does not cause significant harm to air quality, and to comply with policy SU9 of the Brighton and Hove Local Plan and Policy CP8 of the Brighton and Hove City Plan Part One.

Additional Informative 6:

The applicant is advised that the scheme to enhance the nature conservation interest of the site required by Condition 26 should include planting or other measures to encourage bee activity.

B BH2017/02863 - University of Sussex, Refectory Road, Brighton - Reserved Matters

Reserved matters application pursuant to outline permission BH2013/04337 for approval of appearance, landscaping and layout relating to new access road between Boiler House Hill and Science Park Road.

Officer Presentation

- (1) The Principal Planning Officer, Chris Swain, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. It was explained that this proposal related specifically to the new access road between Boiler

House Hill and Science Park Road. The scale and means of access had been approved under the outline application BH2013/04337 for the wider university masterplan, which had been allowed at appeal in 2015. This application sought approval of reserved matters in respect of the appearance, layout and landscaping of the access road. It was noted that the majority of the access road lay outside the local planning area of Brighton and Hove and fell within the jurisdiction of Lewes District Council.

- (2) The main considerations in determining this application related to the design, appearance, ecology and sustainable transport. The siting and scale of the proposed shared space access road remained unchanged from the road layout approved under the earlier outline application. Details had been provided showing the layout/construction materials of the road and landscaping. The layout of the road and associated landscaping followed a consistent approach which had been used throughout the campus. Overall, the proposal was considered acceptable with regard to its design and appearance and approval was therefore recommended.

Questions for Officers

- (3) Councillor Mac Cafferty noted that outline permission had been granted and sought confirmation regarding the number of grade A and B specimens of tree to be replaced and whether this remained the same as that included in the original permission. It was confirmed that 3 different new species would be provided and that all conditions would be carried forward from that original consent.
- (4) Councillor C Theobald asked whether any Elm trees would be removed and it was confirmed that figure also remained consistent with the original permission.

Debate and Decision Making Process

- (5) Members then moved straight to the vote. A vote was taken and the 11 Members who were present when the vote was taken voted unanimously that planning permission be granted.

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

Note: Councillor Littman was not present at the meeting when the vote was taken.

MINOR APPLICATIONS

C BH2017/02745- 28 Braybon Avenue, Brighton-Householder Planning Consent

Erection of single storey rear extension. Demolition of existing detached garage at rear and erection of new garage to front. Erection of single storey studio in rear garden.

Officer Presentation

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Colm McKee, gave a presentation by reference to photographs, elevational drawings and plans. It was noted that the application site related to a detached dwelling located to the south side of Braybon Avenue. The rear of the site backed onto Woodbourne Avenue and was situated on land which sloped steeply down to the north. There was an existing single storey garage located to the rear of the site with a subterranean garden room below which cut into the existing land slope. The existing structure faced onto Woodbourne Avenue and was set back from the boundary with a driveway.
- (3) A number of objections had been received regarding inconsistencies and a lack of clarity between the plans submitted and the existing arrangement at the application site. Amendments had been received throughout the course of the application addressing concerns. Following amendments which had been made the drawings now submitted were considered to accurately represent the existing application site and what was proposed. The drawings also clearly detailed that the proposed outbuilding would in fact be lower than the existing garage structure and approval was therefore recommended.

Questions for Officers

- (4) Councillor C Theobald requested to see further photographs elevational and sectional drawings of the existing and proposed structures on site, including the existing rear extension, and the proposed studio. Councillor Theobald sought clarification regarding objectors to the scheme.
- (5) Councillor Morris sought clarification regarding the location of the access point.
- (6) Councillor Moonan referred to comments received from objectors regarding the accuracy of the submitted plans seeking confirmation that officers were satisfied that these were now accurate and it was confirmed that they were.
- (7) Councillor Gilbey sought clarification regarding the proposed siting of the new garage structure.

Debate and Decision Making Process

- (8) Members then proceeded to the vote. A vote was taken and the 9 Members of the Committee who were present when the vote was taken voted unanimously that planning permission be granted.

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

Note: Councillors Bennett, Hill and Littman were not present at the meeting when the vote was taken.

D BH2017/02113- 33 Upper North Street, Brighton- Full Planning

Change of use of tattoo studio (Sui Generis) to leisure use as escape rooms (D2).

Officer Presentation

- (1) The Principal Planning Officer, Colm McKee, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings and explained that permission was sought for change of use from the current use as a tattoo studio (sui generis) to leisure use as escape rooms (D2). It was explained that "Escape Rooms" are a form of leisure use, whereby teams of friends or colleagues had to work together to overcome a series of puzzles using clues, hints and strategy to provide a key to exit the room and to move onto the next puzzle. Each game would last 60 minutes and teams would be made up of 2 to 6 people. Reference was also made to a letter in support of the proposal, received from Councillor DrUITT, one of the Local Ward Councillors.
- (2) The main considerations in determining the application were the principle of the change of use together with the impact of the proposed activities on the neighbouring properties and traffic implications. No external alterations were proposed therefore the development was not considered to have an impact on the street scene or the wider Montpelier and Clifton Hill Conservation Area. Although there was a likelihood that the proposal would result in some increased noise and disturbance from the comings and goings of small groups of people, taking into account the information within the submitted Noise Management Report, the now significantly reduced proposed opening hours and the suggested conditions, it was considered that on balance the proposal would not result in significant noise and disturbance to neighbouring properties. Whilst the proposed change of use might generate a small increase in trips to the site it was not sufficient to warrant refusal and approval was therefore recommended subject to amending Condition 4 as proposed.

Questions for Officers

- (3) Councillor Moonan enquired regarding proposed parking arrangements for visitors and it was explained and it was considered that as most customers would arrive on foot or be dropped off/picked up this would not result in a significant increase in the number of vehicular trips to the site. Any other vehicle trips were likely to be and could be accommodated at nearby public car parks.
- (4) Councillor Mac Cafferty enquired regarding noise mitigation measures to be put into place, seeking confirmation that they were considered to be sufficiently robust. Also regarding numbers using the premises at any given time. Given that the area was heavily used by pedestrian traffic as a result of the concentration of pubs, clubs and bars in the vicinity he wished to receive assurance that there would not be large numbers of additional pedestrians spilling out onto the narrow pavements adjoining the premises. It was confirmed that subject to the conditions proposed to prevent groups from congregating outside and soundproofing inside, Environmental Health were satisfied with the proposals. Use of the premises by groups using it would also be staggered.

- (5) Councillor Morris asked regarding the proposed change of use and it was explained that the proposed amendments to Condition 4 were intended to reflect the intended use and to ensure that the local authority retained control over any future change of use. It was confirmed that day to day control of the premises once converted would fall within Environmental Health Legislation.

Debate and Decision Making

- (6) Members then moved to the vote. A vote was taken and the 9 Members present voted unanimously that planning permission be granted.

- 86.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject the Conditions and Informatives set out in the report and to the amendment of Condition 4 as set out below:

Amend **Condition 4** to read:

The premises shall only be used as an escape room as defined in the applicants Planning Statement received 22 June 2017 (Use Class D2) and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

Note: Councillors Bennett, Hill and Littman were not present at the meeting when the vote was taken.

E BH2016/05672 - St Christopher School Sports Ground Glebe Villas, Hove- Removal or Variation of Condition

Variation of condition 3 of application BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) to extend hours of use.

Officer Presentation

- (1) The Principal Planning Officer, Colm McKee, introduced the application and gave a presentation by reference to plans photographs and elevational drawings. It was explained that the current application related to a pavilion (granted under BH2012/00248), located in the north west corner of the school playing fields which was used by the school as a changing and teaching facility. Permission was being sought to change the hours of use of the pavilion to 08:00 to 21:00 Monday to Friday and 10:00 to 19:00 on Saturday. The use on Saturdays was proposed for a maximum of 10

days throughout the year and would include use of the changing rooms and kitchen facilities.

- (2) The main considerations in determining the application related to whether the proposed variation of condition was appropriate in terms of any potential impact on the amenity of adjacent residential properties and transport issues. The Highway Authority had no objection to the increase in hours of opening times as it was considered that this was unlikely to have significant impact on the surrounding highway network. Use of the pavilion between 8am-9pm during weekdays was considered appropriate as it would allow for more flexible use for open evenings, for example, and it was proposed that use of the outside enclosed areas attached to it should be limited to between 8am-6pm to prevent noise impact to adjacent residential properties. Use of the pavilion on Saturdays provided that it was limited for changing and kitchen facilities only was considered appropriate and approval of the application subject to the conditions and informatives set out in the report was therefore recommended.

Debate and Decision Making Process

- (3) The Committee moved directly to the vote. A vote was taken and the 9 Members present when the vote was taken voted unanimously that planning permission be granted.

- 86.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report and subject to deletion of the last line and amendment of the description to read:

Variation of condition 3 of application BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) to extend hours of use.

Note: Councillors Bennett, Hill and Littman were not present at the meeting when the vote was taken.

F BH2017/02057- 43 Clarendon Villas, Hove -Full Planning

Demolition of existing garages and erection of 2no two storey office buildings (B1) to the rear of 43 & 45 Clarendon Villas, Hove incorporating parking and associated works.

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

Officer Presentation

- (2) The Principal Planning Officer, Colm McKee, gave a presentation by reference to plans, photographs and elevational drawings. The application related to a backland plot of land located between residential properties to the north fronting onto Goldstone Road and the residential properties to the south onto Clarendon Villas, in between nos. 43 and 45. The garages were used for vehicle parking (Sui Generis). Planning

permission was being sought for the demolition of existing garages and erection of two, two storey office buildings incorporating associated works.

- (3) It was explained that despite the increase in height compared to the existing garage buildings, it would be of sufficient distance away from the windows of the flats located in Clarendon Villas so as not to result in significant loss of sunlight or daylight or to be of an overbearing nature. The proposal would also have the potential to create new views towards the neighbouring properties by way of overlooking from the south elevation. However, it should be noted that the rear windows of the flats within nos. 43 and 45 Clarendon Villas were already fully visible to any user of the existing garages.
- (4) The proposed development included a 2m high screen from ground floor level, and slatted screens on the windows, which would limit the views from the ground floor to within the office forecourts. The proposed south elevation roof lights were proposed to be at a height and angle which would not result in imposing views when closed and a condition was proposed which would require that they remain fixed shut. No windows were proposed to the north elevation. Provided that the privacy screens were implemented (this could be controlled by condition), it was not considered that the proposed development would result in significant levels of overlooking or loss of privacy; grant was therefore recommended.

Public Speakers

- (5) Mr Pollard spoke on behalf of neighbouring residents setting out their objections to the proposed scheme. He stated that the proposals would in his view result in a greater degree of overlooking that was currently experienced by virtue of the greater intensification of the existing use which would be for a greater period of time each day. The existing garage use was intermittent and sporadic. Increased use of the site would result in detriment to neighbouring residents, some of whom worked from home. The turning head at the end of the road was far narrower that would be the case nowadays and in consequence would be problematic resulting in greater nuisance and potential hazard.
- (6) Mr Stern, the applicant, spoke in support of the scheme and addressed the points put forward by objectors. He explained that until some 18 months ago the garage area had in effect been in operation as a car pound, permitted under the existing permission and a use which as it stood could re-commence at any time. The proposed development would have a smaller footprint than the existing garage and had been screened and carefully designed so that it was angled away from the properties to the rear, so in his view would result in less overlooking and nuisance than was potentially the case currently. The proposed office would be in use Monday-Friday, so again, would in his view result in less nuisance.

Questions for Officers

- (7) Councillor C Theobald enquired whether it was intended that the existing forecourt area which appeared in a very poor state of repair would be resurfaced. Mr Stern, the applicant confirmed that it would and that porous materials and planting would be used which would improve both its existing appearance and drainage.

- (8) Councillor Morris enquired regarding ownership of the access way to the garages and it was confirmed that shared right of way arrangements were in place.
- (9) Councillor Miller asked for details of where those who had objected to the application lived in relation to the site and whether/what kitchen arrangements it was intended would be provided.
- (10) Councillor Hyde referred to the points raised in the letter received from the Local Ward Councillor asking what arrangements would be put into place to mitigate any possible overlooking from the sky lights. It was explained that frosted glass would be used and they would be required to be fixed shut.
- (11) Councillor Mac Cafferty referred to the concerns of neighbours enquiring whether it would be possible to add a condition or informative to any permission granted to seek to control the hours during which the premises were in use. The Planning Manager, Major Applications, Paul Vidler stated that in view of the other existing adjacent garages and the fact that the proposed scheme would operate for fewer hours that would not be reasonable/practicable.

Debate and Decision Making Process

- (12) Councillor Morris referred to the shared access arrangements enquiring whether an informative could be added requesting that notices be provided reminding those accessing the site that there were residential properties in close proximity to the site and reminding them of the need to behave in a neighbourly way. The Chair, Councillor Cattell, concurred in that view and the Planning Manager, Paul Vidler confirmed that could be done.
- (13) Councillor Miller stated that notwithstanding all that had been said he considered that the proposed use would result in increased nuisance and overlooking and was therefore unable to support the application and would be voting against it.
- (14) A vote was taken and the 11 Members present when the vote was taken voted on a vote of 10 to 1 that planning permission be granted.

86.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report and to an additional informative as set out below:

Additional Informative 2:

The applicant is requested to display notices which request employees and visitors to the offices to respect the amenities of the residents of the adjoining residential properties.

Note: Councillor Littman was not present at the meeting when the vote was taken.

G BH2017/00306 -Store Rear of 51 Sackville Road (Brooker Place), Hove - Full Planning

Demolition of existing store and garage (B8) and erection of new store/garage (B8).

Officer Presentation

- (1) The Principal Planning Officer, Colm Mc Kee, gave a presentation by reference to plans, elevational drawings and photographs outlining the scheme. It was noted that the main considerations in determining the application related to the principle of the proposed development, the proposed design and its impact on the conservation area in which the site lay. Also, the impact on residential amenity for neighbouring properties and to any traffic implications which would result.
- (2) Notwithstanding the small increase in floor space it was considered that the proposed development was unlikely to generate any significant additional noise over and above that generated by the previous structure of the same use. Whilst the proposed replacement garage would have a larger depth than the existing, in view of its location at the end of the rear garden, set beside other commercial garages and away from the residential flats on Sackville Gardens, it was considered that there would not be any significant impact on the amenity of neighbouring properties, nor that there would be significant additional highways and transport implications in this instance. The proposal would result in the loss of one tree within the rear garden of the site. This tree had little amenity value and its removal was considered acceptable in this instance and it was therefore recommended that planning permission be granted.

Debate and Decision Making Process

- (3) The Committee moved directly to the vote. A vote was taken and the 9 Members present at the meeting when the vote was taken voted unanimously that planning permission be granted.

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

Note: Councillors Bennett, Hill and Littman were not present at the meeting when the vote was taken.

H BH2017/02482-Bowen Court, 31-35 The Drive, Hove- Full Planning

Installation of safety railings to roof.

Officer Presentation

- (1) The Principal Planning Officer, Colm McKee, introduced the application and gave a presentation by reference to plans elevational drawings and photographs. The main considerations in determining the application related to the impact of the proposed railings on the appearance and character of the existing building, the wider Willett Estate Conservation Area and the amenities of the adjacent occupiers. It was noted that the existing railings could be seen within the streetscene, including railings to the roof of Grove Lodge which formed the adjacent purpose-built block to the north.

- (2) The railings would be situated on the roof top and would not therefore result in a harmful impact on the amenity of the flats of Bowen Court. Whilst it might result in some loss of view for the penthouse flats located to the rooftop, this was not a material consideration to this application and had not therefore been given any weight. Concerns had also been raised regarding noise disturbance from the railings in strong winds, but it had not been identified as a potential impact. An objection had raised concerns about disputes between the leaseholder and boards of directors, this was a civil matter and was also not a consideration in determining the application; approval was therefore recommended.

Questions for Officers

- (3) Councillor Moonan sought confirmation that the replacement railings were being installed purely for safety purposes and would not enable the roof to be used as an outside garden/terrace area and it was confirmed that was the case.
- (4) Councillor Miller asked for clarification that the area relating to the two penthouse flats could also not be extended and used as a sitting out area. It was confirmed that the proposed railings would replace the existing railings in situ around the perimeter of the roof and would not enable it to be used as an outside amenity space.

Debate and Decision Making Process

- (5) The Committee moved directly to the vote. A vote was taken and the 9 Members present when the vote was taken voted unanimously that planning permission be granted.

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

Note: Councillors Bennett, Hill and Littman were not present at the meeting when the vote was taken.

I BH2017/03214- 33 Baker Street, Brighton- Full Planning

Change of Use from residential dwelling (C3) to 4no bedroom Small House in Multiple Occupation (C4). (Part Retrospective)

Presentation by Officers

- (1) The Principal Planning Officer, Colm McKee, introduced the application and gave a presentation by reference to plans, elevational drawings and photographs outlining the scheme. It was noted that the main considerations in determining this application related to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation to be provided, transport issues and the impact on the appearance and character of the property itself and the surrounding area.
- (2) It was noted that additional comments had been received from Councillor West in his capacity as a Local Ward Councillor indicating that notwithstanding that the previous

retrospective application for a five bedroom HMO had been refused yet this retrospective for four bedrooms was deemed acceptable. Whilst he appreciated that the HMO density threshold had not been met, there were however, a lot of single people living close by in the various student halls who he presumed had not been considered in any calculation made. In his view the reality was that there was very high density of multiple occupation in this neighbourhood set against the backdrop of a desperate need for family housing.

- (3) It was not considered that change of use of the flat would increase any existing impacts to the adjoining occupiers with regard to noise and disturbance and therefore would not warrant refusal of planning permission on those grounds. The pre-existing use of the unit was as a two bedroom flat and the proposed reduction in the number of occupiers could therefore result in the same level of occupancy as the pre-existing use. It was therefore considered that use of the rear terrace would not intensify use of that area. The increase of communal space internally would allow occupiers to spread out throughout the unit which could on some occasions minimise the need to use the terrace and minimise any potential noise as a result. The proposal was not therefore considered to have an adverse impact on the amenity of adjoining occupiers and although no parking would be provided on site if any additional parking demand arose it would be managed by the surrounding Controlled Parking Zone and no objections were therefore raised on that basis. Overall the scheme was considered to be acceptable and it was recommended that planning permission be granted.

Questions for Officers

- (4) Councillor Miller sought and confirmation that this proposal was in line with agreed policy and it was explained that was the case.
- (5) Councillor Morris requested to see floor plans showing the layout of the unit and sought details of the size of any communal areas.

Debate and Decision Making Process

- (6) Councillor Inkpin-Leissner stated that he did not consider the proposed use to be acceptable and was in agreement with the Local Ward councillors that given the shortage of family housing in the city and the density of HMO's in the ward which had led to its article 4 designation this retrospective application ran contrary to that. He could not support the officer recommendation.
- (7) A vote was taken and of the 9 Members present when the vote was taken on a vote of 8 to 1 planning permission was granted.

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

Note: Councillors Bennett, Hill and Littman were not present at the meeting when the vote was taken.

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

87.1 There were none.

88 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

89 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

90 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

91 APPEAL DECISIONS

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

The meeting concluded at 5.50pm

Signed

Chair

Dated this

day of

ITEM A

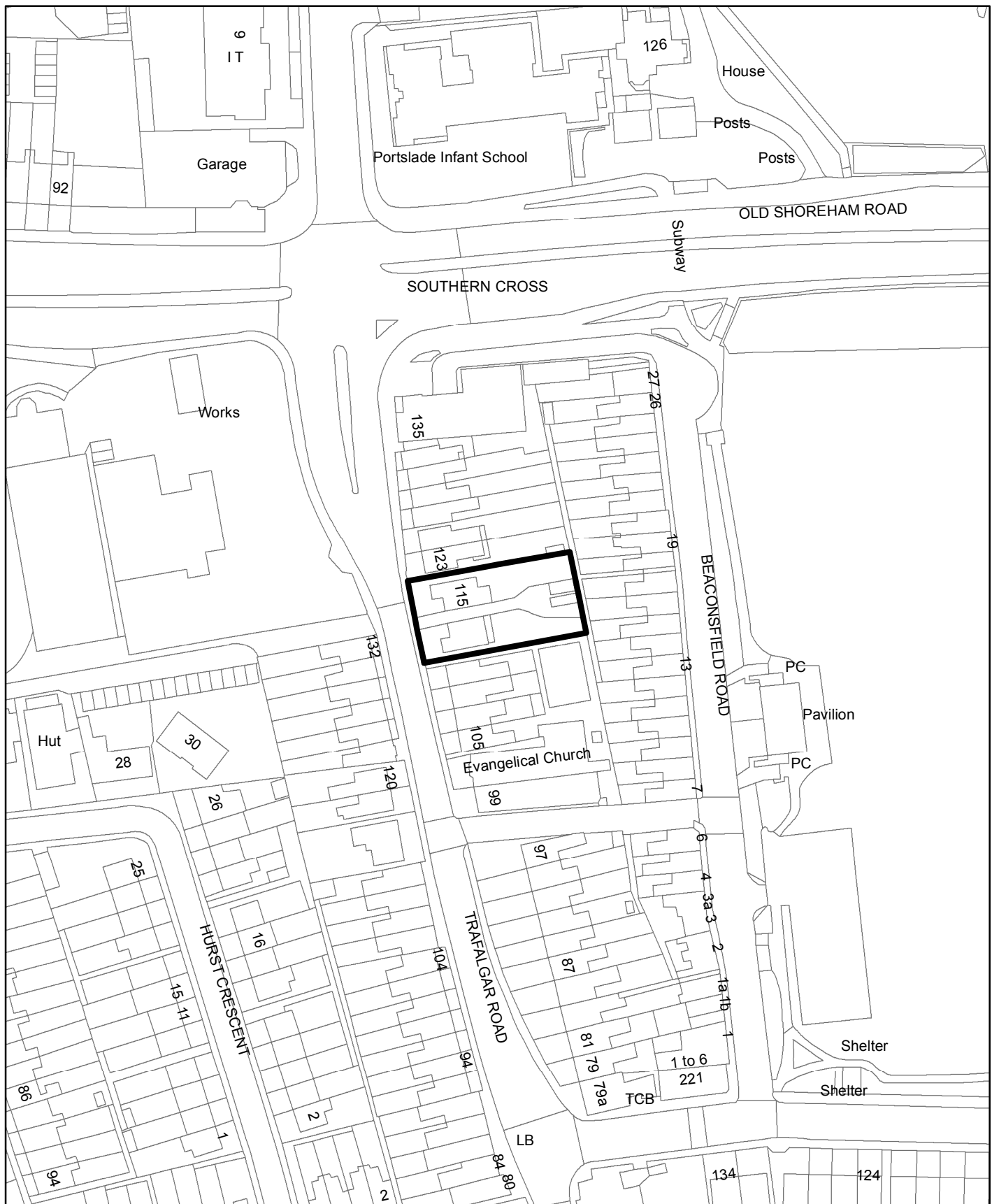
113-115 Trafalgar Road, Portslade

BH2017/02693

Outline Application Some Matter Reserved

DATE OF COMMITTEE: 7th February 2018

BH2017/02333 113-115 Trafalgar Road, Portslade



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/02333	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Outline Application All Matters Reserved		
<u>Address:</u>	113-115 Trafalgar Road Portslade BN41 1GU		
<u>Proposal:</u>	Outline application with all matters reserved for the demolition of existing bungalows and erection of 8no one bedroom flats and 4no studio flats (C3) with associated landscaping.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	10.07.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09.10.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	28.02.2018
<u>Agent:</u>	Mr Paul Gosling 78 Potters Lane Burgess Hill RH15 9JS		
<u>Applicant:</u>	Mr H Cooper 115 Trafalgar Road Portslade BN41 1GU		

1. RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the Conditions and Informatives as set out below:

S106 Heads of Terms

- Affordable Housing: On-site provision of 2 no. 1-bedroom units, and 2 no. studio units, of which all 4 will be affordable rent.
- A contribution of **£19,635** towards open space and indoor sport provision.
- A contribution of **£10,800** towards sustainable transport infrastructure improvements within the vicinity of the application site.
- A contribution of **£2,200** towards the Council's Local Employment Scheme,
- A **Construction Training and Employment Strategy** including a commitment to using 20% local employment during the demolition and construction phases of the development,

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan only	340.12.03a		10 July 2017

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 3 below, whichever is the later.

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

3. a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - i) layout;
 - ii) scale;
 - iii) appearance;
 - iv) access; and
 - v) landscaping.
- b) The reserved matters shall be carried out as approved.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

4. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - i) The phases of the Proposed Development including the forecasted completion date(s)
 - ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - v) Details of hours of construction including all associated vehicular movements
 - vi) Details of the construction compound
 - vii) A plan showing construction traffic routes
 - viii) An audit of all waste generated during construction works

The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton and Hove Local Plan, policy CP8 of the Brighton and Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

5. (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice; And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
 - b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013; And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
 - c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) The development permitted shall not be occupied or brought into use until a written verification report by a competent person required and approved under the provisions of condition (1)c that any remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). If not otherwise agreed in writing by the local planning authority the verification report shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

6. No development shall take place until full details of site levels of the proposed development relative to surrounding properties have been submitted to and approved in writing by the Local Planning Authority. All levels shall be in metric units and related to Ordnance Survey Datum. The development shall be constructed in accordance with the agreed details.

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

7. No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for the soundproofing of the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such. **Reason:** To safeguard the amenities of future occupiers and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
8. No development above ground floor slab level of any part of the development hereby permitted shall take place until a written scheme on how and where ventilation will be provided to the residential accommodation hereby approved, including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality, and shall provide a fresh air source to future occupiers which does not require the opening of windows facing onto / close to Trafalgar Road.
Reason: To ensure future occupiers benefit from a good standard of amenity and do not suffer undue noise disturbance, to provide fresh air to all future occupiers, and to comply with policies SU9, SU10 and QD27 of the Brighton and Hove Local Plan.
9. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan. For all questions about the above please contact the Case Officer named above.
10. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the City Plan Part One.
11. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
12. The dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings)

prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

13. Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The location plan on drawing no. 340.12.03a is the only drawing approved by this application and the Block Plan, Floorplans and Elevations shown on this drawing are indicative only.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site comprises two detached bungalows on land to the east of Trafalgar Road. The site incorporates an open frontage with central crossover providing access to the rear of the site and detached garages (incidental to the residential bungalows). The immediately surrounding area is predominantly residential characterised by terraced dwellinghouses.
- 2.2 Outline planning permission is sought, with all matters reserved, for the demolition of existing bungalows and erection of 8no one bedroom flats and 4no studio flats (C3) with associated landscaping. An indicative scheme is shown in the submitted drawings; this scheme is indicative only, detailed consent is not sought.

3. RELEVANT HISTORY

BH2016/01784 Outline application with all matters reserved for the demolition of existing bungalows and erection of 8no one bedroom flats and 4no studio flats (C3) with associated landscaping - Appeal against non-determination Dismissed 22/06/2017

Under this appeal the Inspector:

- Considered the principle of development to be acceptable;
- Considered the submitted indicative scheme was not appropriate in design terms but that a suitable design could be proposed;
- Considered that the failure to provide affordable housing / address policy CP20 warranted the refusal of planning permission;
- Considered that insufficient information had been provided in respect of the financial contributions sought.

BH2013/03498 - Outline application for the demolition of existing bungalows and erection of 4no. three bedroom houses - Approved 04/06/2014

BH2013/01231 - Outline application for the demolition of existing bungalows and erection of 5no three bedroom houses. Refused 04/07/2013.

Land rear of 113 Trafalgar Road

BH2006/01199: Erection of new dwelling to rear. Refused 05/06/2006, dismissed at appeal 09/02/2007.

Land rear of 115 Trafalgar Road

BH2006/01201: Demolition of garage to rear and erection of new dwelling. Refused 05/06/2006, dismissed at appeal 09/02/2007.

BH2005/05533: Erection of two storey dwelling on land to rear of 115 Trafalgar Road. Refused 16/12/2005.

BH2004/01082/FP: Extension to rear and first floor. Approved 27/05/2004

4. REPRESENTATIONS

4.1 Four (4) letters have been received objecting to the proposed development for the following reasons:

- Roof height would result in overshadowing and loss of light to adjoining properties;
- Overlooking and loss of privacy to adjoining properties;
- Lack of proposed parking;
- The design would be at odds with surrounding properties;
- Decrease the value of neighbouring properties;
- Illumination of development would affect neighbours;
- Increased noise and disturbance
- Lack of bin and cycle storage details
- Would affect the foundations of neighbouring properties

5. CONSULTATIONS

External

- 5.1 **Sussex Police: Comment**
Recommend standard security measures.
- 5.2 **County Archaeologist: No objection**
Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.
- Internal**
- 5.3 **Planning Policy: Comment**
A previous application BH2016/01784, also for Outline permission with all matters reserved for the demolition of existing bungalows and erection of 8 no. one bedroom flats and 4 no. studio flats (C3) with associated landscaping, was dismissed at appeal (against non-determination) in June 2017, on the sole reason that the appellant had failed to provide an appropriate mechanism to secure much needed affordable housing.
- 5.4 With respect of the current application, in accordance with policy CP20 and the recent appeal decision, an appropriate financial contribution for affordable housing should be sought.
- 5.5 The proposed housing mix, 8 x 1 bedroom flats and 4 x studio flats, was not considered by the Appeal Inspector to have an adverse impact on the urban grain of the area or the local neighbourhood and the Inspector considered that "From the indicative plan submitted with the application it would appear that a development of this number of residential units could be successfully achieved within the site without having an excessive site coverage or height".
- 5.6 **Housing:** Awaiting comments.
- 5.7 **Sustainable Transport: Comment**
No objections to this application subject to the inclusion of the necessary conditions and the recommended S106 contribution.
- 5.8 Required conditions:
- Full details of appropriate cycle parking
 - Full details of the proposed access and parking arrangements including disabled parking.
- 5.9 S106 requirements:
Contribution of £10,800 which shall go towards:
- Real Time Passenger Information sign at southbound Battle of Trafalgar bus stop on Trafalgar Road
- 5.10 **Environmental Health: Comment**
The site is 30m from a historic landfill site, a full land contamination condition is therefore required.

- 5.11 A Construction Environment Management Plan (CEMP) will be required due to the close proximity of sensitive receptors.
- 5.12 **Air Quality Officer: Comment**
Any proposed ground floor rooms could be within a few metres of Trafalgar Road; a busy haulage and bus route close to the Southern Cross Junction in the Air Quality Management Area. At this location accelerating (southbound) and queuing (northbound) traffic with tailpipe emissions is likely for many hours of the year.
- 5.13 With reference to BHCC policy SU9 it is advisable that bedrooms should be set back from the roadside to minimise future residential exposure to long term airborne pollution. Mitigation should be sought to avoid exposure of any ground floor rooms to nitrogen dioxide and fine particulate matter i.e. poor air quality detrimental to long term health.
- 5.14 A diagram setting out air intakes from the top and rear of the development should be provided, and hermetically sealed windows on the ground and first floors should be secured by condition.
- 5.15 **Economic Development: Comment**
This proposed development of 8 x 1no. bed dwellings and 4 x studios, will provide accommodating for at least 12 individuals and will make a small contribution to the city's challenging housing targets.
- 5.16 Should this application be approved City Regeneration requests the submission of an Employment and Training Strategy in respect of the demolition phase of the development and a more comprehensive strategy in respect of the construction phase, to be submitted at least one month prior to site commencement, highlighting how the development will provide opportunities for employment and training for local people. Also, if approved, in accordance with the council's Developer Contributions Technical Guidance, City Regeneration requests a contribution of £2,200 through a S106 agreement, towards the delivery of the council's Local Employment Scheme. The contributions are based on the information provided in the planning application and supporting evidence.
- 5.17 **County Ecologist: No objection**
No biodiversity checklist was submitted with the application. However, from the information available, it is considered likely that a checklist would be negative and as such, there is no requirement to submit a biodiversity report with the application. Given the location, nature and scale of the proposed development, there are unlikely to be any significant effects on any sites designated for their nature conservation value. The site is unlikely to support any protected species. If protected species are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

- 5.18 The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include the provision of a green (biodiverse) roof and bird boxes, and the use of species of known wildlife value in the landscape scheme. The green roof should be chalk grassland to help meet Biosphere targets. Advice on appropriate species for the green walls can be found in the Council's SPD 11, Annex 7 Notes on Habitat Creation and Enhancement. Where possible, native species of local provenance should be used. Bird boxes should target species of conservation concern.
- 5.19 In summary, provided the recommended mitigation measures are implemented, the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF.
- 5.20 **Education: Comment**
The development in this case is small with just 8 1 bed flats and 4 studio flats. A development of this size would generate just one or two pupils for each of the primary and secondary phases. At the present time there is sufficient capacity on the local primary schools to accommodate this level of additional pupil numbers. The development is in the catchment area for PACA which also has sufficient capacity to accommodate any pupils generated by this development. As a result a contribution towards the cost of education infrastructure is not sought.
- 5.21 **Public Art: Comment**
An artistic element / component is not required in this case due to the scale of development proposed.

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP1 Housing delivery
CP2 Sustainable economic development
CP5 Culture and tourism
CP7 Infrastructure and developer contributions
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP13 Public streets and spaces
CP14 Housing density
CP16 Open space
CP17 Sports provision
CP18 Healthy city
CP19 Housing mix
CP20 Affordable housing

Brighton & Hove Local Plan (retained policies March 2016):

TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD15 Landscape design
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development
SPD14 Parking Standards

8. **CONSIDERATIONS & ASSESSMENT**

8.1 The application is outline with all matters reserved for further approval and therefore the main considerations in the determination of this application relate to the principle of constructing 8no one bedroom flats and 4no studio flats on the site. An indicative scheme is shown in the submitted drawings; this scheme is indicative only, detailed consent is not sought.

8.2 **Background**

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new

homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

8.3 **Principle of Development:**

The principle of development has been established through the appeal decision issued in respect of application ref. BH2016/01784, the key section of this decision being:

'19. From the indicative plan submitted with the application it would appear that a development of this number of residential units could be successfully achieved within the site without having an excessive site coverage or height. Whilst I share the concerns of the Council in terms of the design and appearance of the building in the indicative scheme, this is not a matter before me.

20. Subject to a suitable design which would be considered at reserved matters stage (should I be minded to allow the appeal), for the above reasons the proposal would respect the character of the area and would reflect the varied urban grain of the locality. The development would therefore accord with Policies CP12, CP19 and SA6 of the CP which amongst other matters seek to improve housing choice and maintain balanced communities.'

8.4 The appeal was dismissed on the grounds that the development would not, in the absence of a completed section 106 obligation, provide an appropriate mechanism to secure much needed affordable housing contrary to Policy CP20.

8.5 In this context, whilst the council did raise concerns previously in respect of the mix of unit sizes proposed, it is considered that the principle of development has been established and subject to securing appropriate affordable housing and other measures through a legal agreement and conditions, it would not be reasonable for the council to refuse this application which seeks outline permission only with all matters reserved.

8.6 **Affordable Housing:**

The previous appeal was dismissed as the issue of affordable housing provision was not resolved in the applicant's submissions. Under the current application the submitted application form states that of the twelve units proposed four would be affordable rent units comprising two one-bedroom flats and two studio flats.

8.7 Policy CP20 requires that schemes of 10-14 units provide 30% onsite affordable housing provision or an equivalent financial contribution. In this case a net increase of ten units is proposed and therefore onsite provision of three units would satisfy the requirements of CP20. There is however also a requirement to provide an appropriate mix of tenures; in this case only affordable rent units are proposed, no intermediate housing is proposed. This concern is however counterbalanced by the fact that four affordable units are proposed and overall it

is considered that the proposed provision of affordable housing can be supported provided it is secured through legal agreement.

8.8 A financial contribution of £390,000 towards affordable housing would also have been acceptable as an equivalent contribution, in this case however onsite provision is proposed and is considered acceptable as set out above.

8.9 **Developer Contributions:**

Developer contributions are sought in accordance with policy objectives as set out in the City Plan Part One and the remaining saved policies in the Brighton & Hove Local Plan 2005. The contributions will go towards appropriate and adequate social, environmental and physical infrastructure to mitigate the impact of new development. Contributions are required as follows in accordance with City Plan policy CP7 and the Council's adopted Developer Contributions Technical Guidance:

- Open Space and Indoor Sport: contribution of £19,635
- Sustainable Transport: contribution of £10,800
- Local Employment and Training: contribution of £2,200

8.10 At the time of the previous appeal the Inspector considered that insufficient information had been submitted to justify the contributions which were sought at this time. The contributions set out are supported in detail by the Council's Developer Contributions Technical Guidance and justification and identified spend for the sustainable transport contribution sought have been set out in the Transport Officers consultation response. Identified spends for the Open Space and Indoor Sport contributions are currently awaited and will be reported to members at committee.

8.11 **Design/visual impact:**

The indicative scheme submitted at the time of the previous application was considered to be inappropriate in terms of design and appearance by the council and the Inspector at appeal. The same indicative scheme has been submitted in support of the current application and again this scheme is considered inappropriate in design terms.

8.12 The application however seeks outline consent only with all matters reserved and therefore the detailed design of the proposed scheme cannot be considered. At appeal the Inspector considered that a development of the number of residential units proposed could be successfully achieved within the site without having an excessive site coverage or height. Therefore the principle of the development has been accepted and design issues would be considered at reserved matters stage.

8.13 **Neighbouring amenity:**

Whilst the Inspector's report does not address this issue in detail the principle of development was accepted and the Inspector considered that the development would not have a harmful impact on the local neighbourhood. It is therefore considered that the Inspector envisaged that a development could be designed which would not cause harm to neighbouring amenity.

8.14 Standard of accommodation:

The proposed units as laid out in the indicative scheme are undersized and would provide a poor standard of accommodation. These detailed layouts are not however a subject of consideration under the outline application submitted. Appropriate unit layouts would be secured at reserved matters stage. Conditions are recommended to secure sound insulation and ventilation measures due to the proximity of the proposed development to a busy road. Access standards are also recommended to be secured by condition.

8.15 Other matters:

Conditions are recommended to secure:

- Full details of reserved matters;
- A land contamination report and any required mitigation measures;
- A Construction and Environment Management Plan (CEMP);
- A scheme of ecological improvement measures;
- Standards for energy and water consumption;
- Full details of cycle storage facilities.

9. CONCLUSION

9.1 The principle of the development proposed has been previously accepted at appeal; this is the primary matter of consideration under the outline application submitted. Approval is therefore recommended subject to the completion of a legal agreement to secure affordable housing provision and necessary contributions. All detailed matters would be secured by condition and at reserved matters stage.

10. EQUALITIES

10.1 Access Standards are recommended to be secured by planning condition.

11. DEVELOPER CONTRIBUTIONS

11.1 **Sustainable Transport:** Based upon the current adopted Developer Contributions Technical Guidance and established formulae, the securing of Travel Packs and an £10,800 contribution to sustainable transport infrastructure to be allocated towards the following:

- Real Time Passenger Information sign at southbound Battle of Trafalgar bus stop on Trafalgar Road

11.2 **Open space and indoor sport:** Based upon the current adopted Developer Contributions Technical Guidance and SPGBH9, £19,635 to be allocated to the following:

- Children's' Play – Victoria Park and/or Vale Park, Easthill Park, Mile Oak Recreation Ground

- Parks Gardens/Natural Semi Natural/Amenity - Victoria Park and/or Vale Park, Easthill Park
- Outdoor Sport – Victoria Park and/or Vale Park, Mile Oak Recreation Ground, Portslade Sports Centre
- Indoor Sport – Portslade Sports Centre and/or King Alfred, Withdean Leisure Centre
- Allotments - Foredown and/or Mile Oak, Camp Site, Eastbrook, St Louie

11.3 **Local Employment scheme:** Based upon the current adopted Developer Contributions Technical Guidance, £2,200 plus a commitment to 20% local employment for the demolition and construction phases.

ITEM B

83 Beaconsfield Villas, Brighton

BH2017/03751

Full Planning

DATE OF COMMITTEE: 7th February 2018

BH2017/03751 83 Beaconsfield Villas Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/03751	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	83 Beaconsfield Villas Brighton BN1 6HF		
<u>Proposal:</u>	Installation of a single storey outbuilding to the rear garden (C2). Installation of guarding and roof canopy to south elevation external staircase. Installation of additional fence panels and gates to front garden.		
<u>Officer:</u>	Ayscha Woods, 292322	tel:	<u>Valid Date:</u> 13.11.2017
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	08.01.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	14.02.2018
<u>Agent:</u>			
<u>Applicant:</u>	Brighton And Hove City Council First Floor, room 116 Hove Town Hall Norton Road Hove BN3 4AH		

1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	001	A	13 November 2017
Site Layout Plan	301	B	22 January 2018
Elevations Proposed	302	B	22 January 2018
Elevations Proposed	303	B	22 January 2018
Floor plans and elevations proposed	304 (OUTBUILDING)	A	13 November 2017
Elevations Proposed	306	A	22 January 2018

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

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of

sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a detached property located on the western side of Beaconsfield Villas, within the Preston Park Conservation Area. The property currently provides care in the community accommodation for up to four adults.
- 2.2 The proposed application relates to a council development for external works including external guarding, an outbuilding to the rear and fencing, to enable a building user who has recently become an adult to relocate from a children's Social Care facility to 83 Beaconsfield Villas.

3. RELEVANT HISTORY

PRE2017/00243 - Installation of new Covered walkway guarding to new external stairs & new fencing. Erection of outbuilding to provide office space - Pre-application advice provided - 06/11/17

BH2017/02992 - Installation of external fencing and gate, guarding structure to front staircase, covered enclosure to side fire escape and erection of outbuilding to rear – Withdrawn – 19/10/17

BH2009/03042 - Construction of side entrance porch to provide private access to basement flat - Approved - 17/03/10

BH2003/03466/CD/FP - Change of use from day-care centre (class D1) to residential care home (class C2) and provision of external stairs – Approved - 24/12/03

BH2003/00200/CD/FP - Change of use from special needs day-care centre (Use Class D1) to special needs sheltered accommodation (Use Class C2) (formation of five bedsit units) - Approved - 10/04/03

4. REPRESENTATIONS

- 4.1 Twelve (12) letters have been received objecting to the proposed development for the following reasons:

- Loss of outlook and light from new fencing 3m from window
- Impact on light and air to flats with north facing windows
- Impact on character and appearance of the property and Preston Park
- Prison-like appearance
- Impact on character and appearance of conservation Area
- Loss of views
- Noise disturbance from increased garden usage
- Noise disturbance from the construction works
- Noise and light pollution

- Distribution of noxious substances and smell
- Lack of details regarding the nature of disabilities of the resident
- Increased comings and goings of staff and vehicle movements

5. CONSULTATIONS

5.1 **Environmental Health:** No comment

5.2 **Social Care & Health:** No comment

5.3 **Public Health:** No comment

5.4 **Sustainable Transport:** No Comment

5.5 **Heritage:** No objection - Comment received 29/11/17

The proposal will have minimal harm to the conservation area. The proposed works represent a negotiation between the Planning and Conservation Officers and the Adult Social Housing team. This application is an acceptable middle ground which will have limited impact on the conservation area.

6. MATERIAL CONSIDERATIONS

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP12 Urban design

CP13 Public streets and spaces

CP15 Heritage

Brighton & Hove Local Plan (retained policies March 2016):

SU9 Pollution and nuisance control

SU10 Noise Nuisance

QD14 Extensions and alterations

QD27 Protection of amenity

HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD09 Architectural Features

SPD12 Design Guide for Extensions and Alterations

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed development on the character and appearance of the building, surrounding streetscene and wider Preston Park Conservation Area, and the amenities of the neighbouring properties.
- 8.2 In addition to the above, it is acknowledged that a potential occupant has special needs. Therefore equality impacts form a material consideration in the determination of this application.
- 8.3 **Design and Appearance:**
This application follows the withdrawal of application BH2017/02992 and subsequent pre-application advice which proposed several changes to the street elevation which would cause significant harm to the conservation area.
- 8.4 Amendments were made to the scheme under this current application which are considered to have acceptable impacts on the conservation area. These are detailed below.
- 8.5 The proposed works are required to ensure the safety of a new resident to the facility and consist of external works. They represent a compromise between the requirements of the facility to provide a safe environment for the occupants and minimisation of the negative impacts to the surrounding conservation area. The proposed works consist of:
1. Extending the handrail around the existing stairs on the street elevation.
There are no heritage concerns with this.
 2. Extend the height of the trellis to the fire escape on the southern elevation.
Whilst this will increase the visibility of this rather unsympathetic stair, the impact on the conservation area will be minimal.
 3. Install a lead roof to the fire escape on the southern elevation. The proposed roof over the south elevation fire escape was initially proposed to be mineral felt in the pre-application submission. It was recommended that this cladding

should be changed to lead or a suitable metal finish. As per the above, the roof will increase the visibility but will have minimal impact on the conservation area.

4. Numerous new fences with anti-climb rollers in the rear yard. Initially the anti-climb rollers were proposed on the existing boundary fences and walls (the southern boundary is a bungaroosh wall). However, it was agreed that new fencing should be installed within the rear yard with a setback off the existing fencing. This will eliminate any damage to the existing bungaroosh wall and lessen the impact on neighbours.
 5. Increase in the height of the fencing and installation of gate in the front setback facing the driveway. This change will have a minimal impact on the conservation area and will have limited visibility from the public realm.
 6. Erection of a single storey outbuilding to the rear garden. The office will be ancillary to the main building (C2) and is therefore acceptable. The modest outbuilding would have an acceptable appearance.
- 8.6 It is considered that the proposal will have an acceptable impact on the character and appearance of the building, wider streetscene and conservation area. The proposed works represent a negotiation between the Planning and Conservation Officers and the Adult Social Housing team. This application is an acceptable balance which will have limited impact on the conservation area.
- 8.7 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.8 The proposed works would not result in an increased occupancy of the building. As such considered that there would not be a significant increase in noise disturbance, light pollution, comings and goings or vehicle movements.
- 8.9 The original scheme included the erection of new fencing with security roll barriers to the rear garden. A number of objections were received which raised concerns in terms of loss of light and outlook regarding the new fencing proposed. These concerns were taken into consideration and amendments were sought throughout the course of the application. Following the amendments, all the proposed fencing with anti-climb rollers will measure 2m in height and therefore constitutes permitted development. This should be taken into account in the determination of this application.

9. EQUALITIES

- 9.1 This development will have positive equality implications for a person with special needs. Whilst it is acknowledged that the proposed development would have an impact on the Preston Park Conservation Area, in this instance there is

an overriding equality benefit. The application is a compromise between planning requirements, conservation concerns and a strong emphasis on equality impacts.

ITEM C

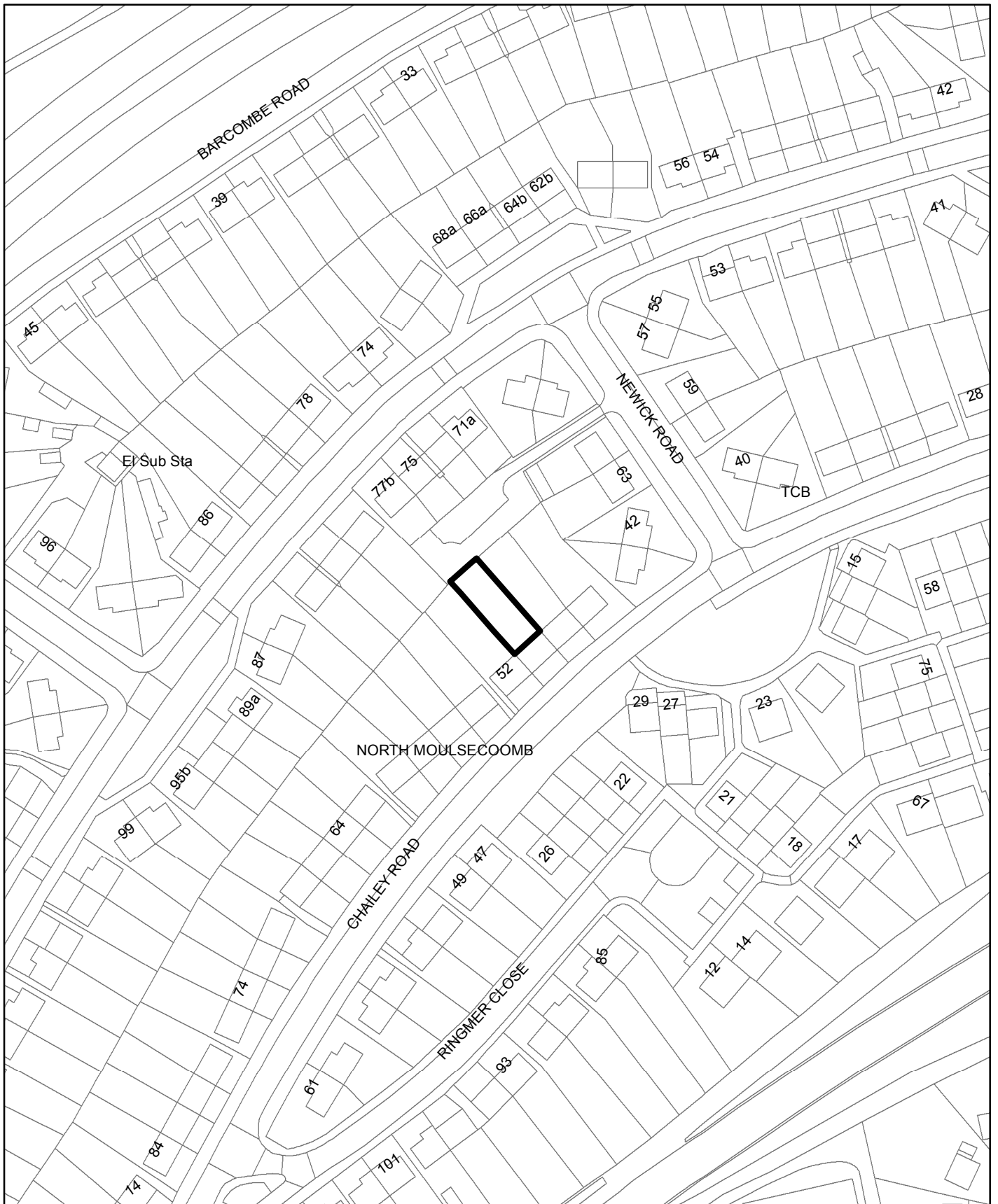
50 Chailey Road, Brighton

BH2017/03684

Full Planning

DATE OF COMMITTEE: 7th February 2018

BH2017/03684 50 Chailey Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/03684	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	50 Chailey Road Brighton BN1 9JF		
<u>Proposal:</u>	Change of use from 3 bedroom single dwelling (C3) to a 5 bedroom House in Multiple Occupation (C4).		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	06.11.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	01.01.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
<u>Applicant:</u>	Rivers Birtwell Port Hall Road Brighton BN1 5PD	C/O Lewis & Co Planning Lewis & Co Planning	2

Councillor Yates has requested this application is determined by the Planning Committee.

1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Floor plans and elevations proposed	COU.01	A	13 November 2017

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

- 4 The development hereby approved shall be implemented in accordance with the proposed layout detailed on drawing no. COU.01.A received on 13 November 2017 and shall be retained as such thereafter. The ground floor rooms marked as kitchen/dining room and living room as set out on drawing no. COU.01.A shall be retained as communal space and none of these rooms shall be used as bedrooms at any time.

Reason: To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

- 5 The additional sound proofing to the party walls on the ground and first floor levels as detailed on drawing no. COU.01.A received on 13 November 2017 shall be installed prior to first occupation of the development hereby permitted and shall be retained as such thereafter.

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

- 6 No extension, enlargement, alteration or provision within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to a two storey mid-terrace property to the north side of Chailey Road.
- 2.2 Permission is sought for the change of use from dwellinghouse (C3) to a small house in multiple occupation (C4).
- 2.3 The application site is located in Moulsecomb and Bevendean ward, for which there is an Article 4 direction which restricts permitted development rights for the

change of use from a single dwellinghouse (C3) to a small HMO (C4). Planning permission is therefore required for the change of use to a five bedroom HMO.

3. RELEVANT HISTORY

3.1 None identified.

4. REPRESENTATIONS

4.1 **Councillor Yates** objects to the application and requests it is determined by the Planning Committee (Comments attached).

5. CONSULTATIONS

5.1 **Sustainable Transport:** No comment received.

6. MATERIAL CONSIDERATIONS

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP9 Sustainable transport

CP21 Student housing and Housing in Multiple Occupation

Brighton & Hove Local Plan (retained policies March 2016):

TR7 Safe Development

TR14 Cycle access and parking

SU10 Noise Nuisance

QD27 Protection of amenity

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the change of use, the impact upon neighbouring amenity, the standard of accommodation which the use would provide in addition to transport issues and the impact upon the character and appearance of the property and the surrounding area.

8.2 Principle of development:

The proposal would allow occupation of the property as a small HMO providing accommodation for 5 unrelated individuals who share basic amenities including a kitchen, living/dining room and bathroom.

8.3 Policy CP21 of the Brighton and Hove Draft City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:

'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'*

8.4 A mapping exercise has taken place which indicates that there are 33 properties within a 50m radius. One other property has been identified as being in either Class C4, mixed C3/C4 or other types of HMO in a sui generis use within the 50m radius. The percentage of existing HMO's within the designated area is thus 3%.

8.5 Based upon this percentage, which is less than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21.

8.6 Design and Appearance

The majority of the works would be carried out internally including re-orientation of the stair case and removal / installation of partition walls. The external works would be confined to minor alterations to the fenestration to the rear elevation which is considered acceptable.

8.7 Standard of Accommodation

The existing layout of the property would be amended significantly in order to allow for a new kitchen / dining room, a separate living room, WC and a single

bedroom at ground floor level. An additional four single bedrooms would be provided at first floor level.

- 8.8 The bedrooms would all be of an adequate size (7.5 sqm) to accommodate a single bed in line with the Nationally Described Space Standards. All of the bedrooms would benefit from sufficient levels of natural light and outlook and none have restricted headroom.
- 8.9 Whilst the provision of one bathroom for five occupiers is not ideal this is not considered significant enough to warrant refusal.
- 8.10 Overall the standard of accommodation provided is considered sufficient for five single occupiers. It is recommended the proposed floor layout and occupancy level shall be restricted by condition in order to ensure that all communal areas are retained.
- 8.11 **Impact on Amenity:**
The proposed change of use would result in an increase in intensity of the use of the building due to more frequent comings and goings in addition to general movements and disturbance within the house. The applicant has proposed additional soundproofing to be installed on either party wall in order to alleviate some of the noise impact to neighbouring properties. The soundproofing measures are welcome and shall be secured by condition.
- 8.12 Given the low proportion of other HMO's within the immediate vicinity of the site the level of additional activity is considered to be acceptable and would not result in significant harm to the amenity of neighbouring occupiers.
- 8.13 **Sustainable Transport:**
The applicant is not proposing any change to the non-existent access arrangements onto the adopted highway and for this development this is deemed acceptable.
- 8.14 The applicant does not appear to be providing any cycle parking facilities. SPD14 requires 2 cycle parking spaces for a development of this size and type. A scheme of cycle parking shall therefore be secured by condition.

9. EQUALITIES

- 9.1 None identified

Planning application - BH2017/03684
Sender's details
Cllr Dan Yates

Reasons for objection:

The impact of this HMO on the surrounding residents, community and properties could be significant due to the nature and intensification of occupation on this site:

- Potential for noise and other environmental disturbance including waste management issues
- Inadequate provision of parking and consequential impact to on street parking.
- Impact on community resources such as schools and health facilities due to the loss of family accommodation

It would also be helpful if the officer report could outline the impact of this being granted would have on the councils ability to meet its commitments within city plan part one, especially the requirements and the council's ability to meet its housing needs assessment.

I would ask that officers check the previously held additional licensing register to check the their impact on the 10% rule is properly taken into consideration.

I also note that in the recent appeal determination regarding 25 Wheatfield Way applying to increase from a 6 person HMO to a nine person HMO the inspector stated that "the increase in noise and general disturbance arising from the occupation by a maximum of 3 additional tenants would lead to significant harm. " Should the recommendation on this application be to approve I would like this application to come to committee please.

Should the committee be minded to approve this application I would ask them to consider the removal of permitted development rights to ensure that any subsequent enlargement of alteration be fully considered before being approved for development on this site.

ITEM D

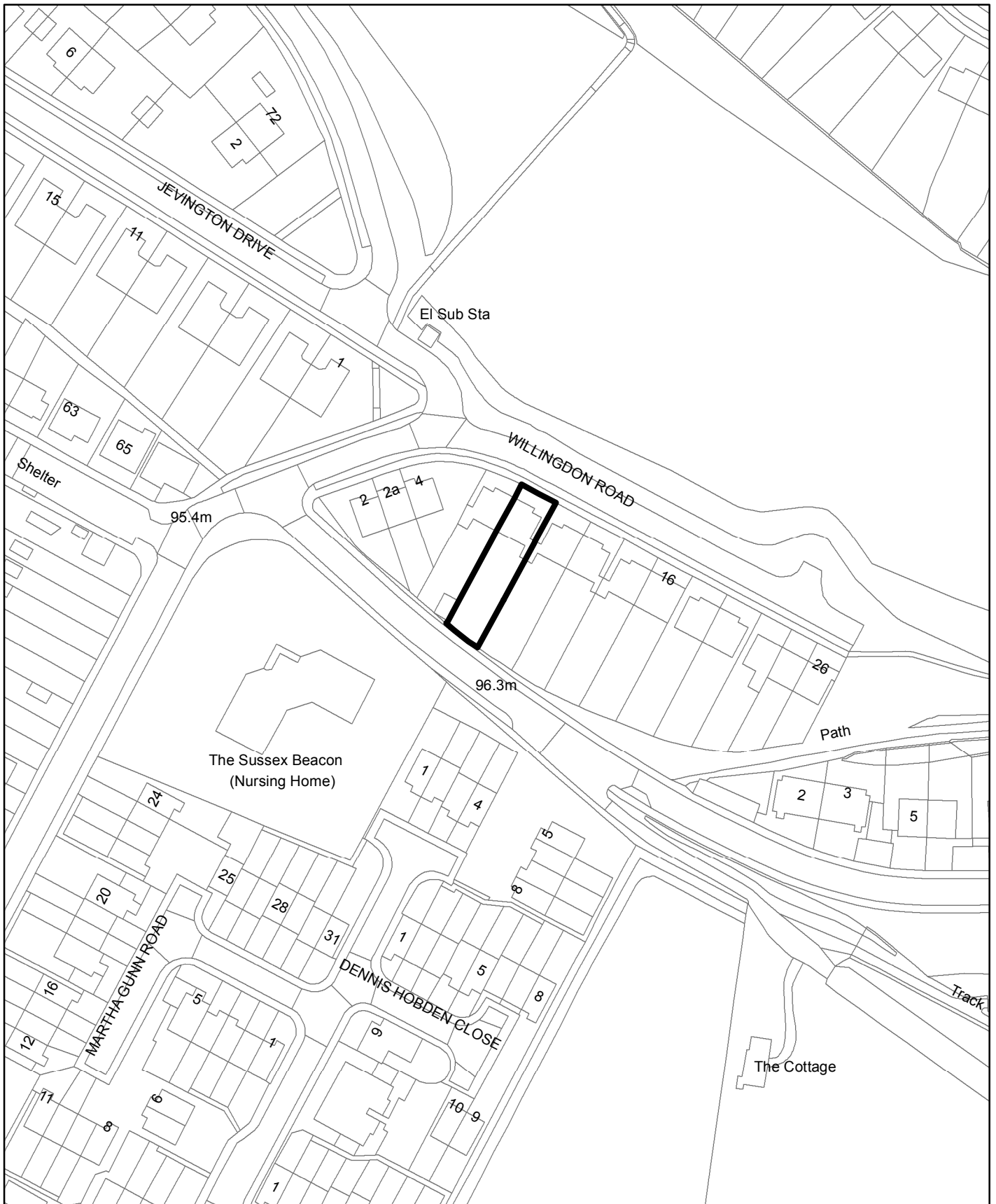
8 Willingdon Road, Brighton

BH2017/03683

Full Planning

DATE OF COMMITTEE: 7th February 2018

BH2017/03683 8 Willington Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/03683	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	8 Willingdon Road Brighton BN2 4DF		
<u>Proposal:</u>	Change of use from five bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	15.11.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	10.01.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>			
<u>Applicant:</u>	Mr Michael Jones 8 Willingdon Road Brighton BN2 4DF		

Councillor Yates has requested this application is determined by the Planning Committee.

1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	-	-	6 November 2017
Floor Plans Proposed	-	-	10 January 2018

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

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

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

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

- 4 No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

- 5 The development hereby approved shall be implemented in accordance with the proposed layout plan received 10 January 2018 and shall be retained as such thereafter. The ground floor rooms marked as kitchen, dining room and conservatory shall be retained as communal space and none of these rooms shall be used as bedrooms at any time.

Reason: to ensure a suitable standard of accommodation and sufficient communal space for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a two storey semi-detached property located to the south of Willingdon Road close to the junction with Jevington Drive. The property is set higher than street level with a front terrace. The property also includes a lower ground level garage set at street level and a rear conservatory in addition to a rear projection including a utility room. The property is currently in use as a 5 bedroom dwellinghouse (C3).
- 2.2 The application seeks consent for the change of use from dwellinghouse (C3) to a six bedroom HMO (C4). Amendments have been sought during the consideration of the application including the relocation of one of the partition walls in order to increase the size of one of the bedrooms.
- 2.3 The application site is located in Moulsecoomb and Bevendean ward, for which there is an Article 4 direction which restricts permitted development rights for the change of use from a single dwellinghouse (C3) to a small HMO (C4). Planning permission is therefore required for the change of use to a six bedroom HMO.

3. RELEVANT HISTORY

3.1 None identified.

4. REPRESENTATIONS

4.1 **One (1)** letter has been received from, objecting to the proposed development for the following reasons:

- Concerns regarding noise, high concentration of HMOs locally, availability of parking places.

4.2 **Councillor Yates** objects to the application and requests it is determined by the Planning Committee. (Comments attached)

5. CONSULTATIONS

5.1 **Sustainable Transport:** No objection

No objection subject to conditions securing cycle parking details.

6. MATERIAL CONSIDERATIONS

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP9 Sustainable transport

CP21 Student housing and Housing in Multiple Occupation

Brighton & Hove Local Plan (retained policies March 2016):

TR7 Safe Development

TR14 Cycle access and parking

SU10 Noise Nuisance
QD27 Protection of amenity

Supplementary Planning Documents:
SPD14 Parking

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the change of use, the impact upon neighbouring amenity, the standard of accommodation which the use would provide in addition to transport issues and the impact upon the character and appearance of the property and the surrounding area.

8.2 Principle of development:

The proposal would allow occupation of the property as a small HMO providing accommodation for 6 unrelated individuals who share basic amenities including a kitchen, living/dining room and bathroom.

8.3 Policy CP21 of the Brighton and Hove Draft City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:

'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'

8.4 A mapping exercise has taken place which indicates that there are 33 properties within a 50m radius. No other properties have been identified as being in either Class C4, mixed C3/C4 or other types of HMO in a sui generis use within the 50m radius. The percentage of existing HMO's within the designated area is thus 0%.

8.5 Based upon this percentage, which is less than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21.

8.6 Design and Appearance:

No external works are proposed.

8.7 Standard of Accommodation

The majority of the existing layout would be retained as part of the conversion. The five bedrooms on the first and second floors would be retained and the existing living room would form a sixth bedroom on the ground floor. The

existing dining area, kitchen, utility room and conservatory would form the communal area for occupiers.

- 8.8 Although the communal area would be reduced it is considered that the resultant kitchen / dining in addition to the seating area within the conservatory would be sufficient to provide for six occupiers.
- 8.9 Although the council do not have any formally adopted space standards the Government's Nationally Described Space Standards are referred to for comparative purposes. The standards advise that a room must have a minimum floor area of 7.5m² in order to qualify for one bedspace.
- 8.10 The new bedroom on the ground floor in addition to the larger two bedrooms on the first floor and further bedroom on the second floor would all provide a floor area of above 11.5m². The larger bedroom on the second floor would have partially restricted headroom due to the pitch of the roof however it would have an area of approximately 12.9m².
- 8.11 Following minor amendments to the drawings during the course of the application (including the relocation of a stud wall) the two bedrooms on the second floor measure approximately 9.5m² and 7.8m² over 1.5m² in height.
- 8.12 Overall the standard of accommodation provided is considered sufficient for six occupiers. It is recommended the proposed floor layout be restricted by condition in order to ensure that all communal areas are retained.
- 8.13 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.14 The proposed change of use would result in an increase in occupancy and intensity in comparison to the existing use of the building due to more frequent comings and goings in addition to general movements and disturbance within the house.
- 8.15 Given the low proportion of other HMO's within the immediate vicinity of the site the level of additional activity is considered to be acceptable and would not result in significant harm to the amenity of neighbouring occupiers.
- 8.16 **Sustainable Transport:**
The applicant is not proposing any change to the non-existent access arrangements onto the adopted highway and for this development this is deemed acceptable.
- 8.17 The applicant does not appear to be providing any cycle parking facilities. SPD14 requires 2 cycle parking spaces for a development of this size and type. A scheme of cycle parking shall therefore be secured by condition.

- 9. EQUALITIES**
- 9.1 None identified.

Planning application - BH2017/03683
Sender's details
Cllr Dan Yates

Reasons for objection:

The impact of this HMO on the surrounding residents, community and properties could be significant due to the nature and intensification of occupation on this site:

- Potential for noise and other environmental disturbance including waste management issues
- Inadequate provision of parking and consequential impact to on street parking.
- Impact on community resources such as schools and health facilities due to the loss of family accommodation

It would also be helpful if the officer report could outline the impact of this being granted would have on the councils ability to meet its commitments within city plan part one, especially the requirements and the council's ability to meet its housing needs assessment.

I would ask that officers check the previously held additional licensing register to check the their impact on the 10% rule is properly taken into consideration.

I also note that in the recent appeal determination regarding 25 Wheatfield Way applying to increase from a 6 person HMO to a nine person HMO the inspector stated that "the increase in noise and general disturbance arising from the occupation by a maximum of 3 additional tenants would lead to significant harm. " Should the recommendation on this application be to approve I would like this application to come to committee please.

Should the committee be minded to approve this application I would ask them to consider the removal of permitted development rights to ensure that any subsequent enlargement of alteration be fully considered before being approved for development on this site.

ITEM E

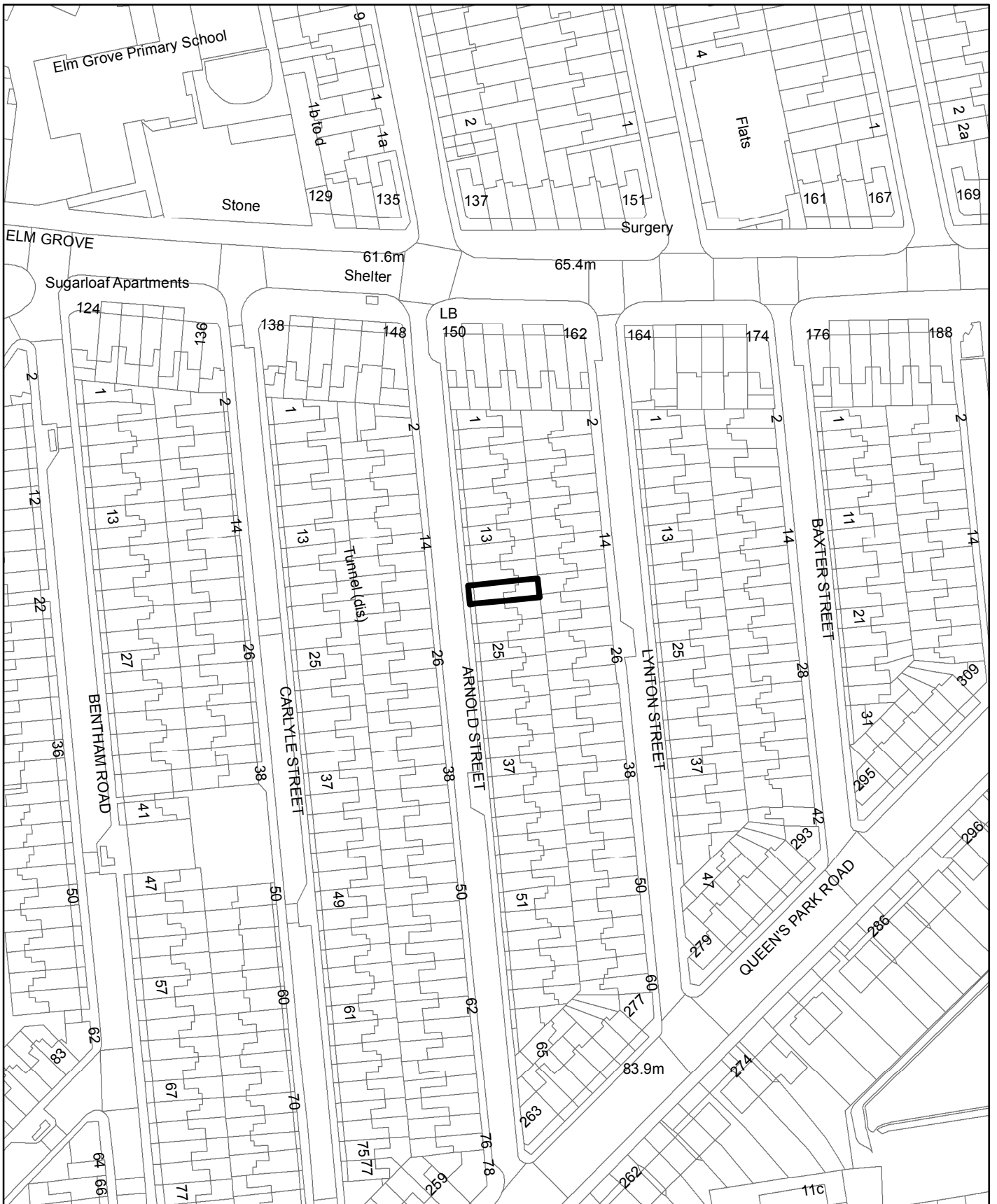
19 Arnold Street, Brighton

BH2017/02986

Full Planning

DATE OF COMMITTEE: 7th February 2018

BH2017/02986 19 Arnold Street, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/02986	<u>Ward:</u>	Hanover And Elm Grove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	19 Arnold Street Brighton BN2 9XS		
<u>Proposal:</u>	Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Molly McLean, tel: 292097	<u>Valid Date:</u>	16.10.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11.12.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr & Mrs Bayes 45 Cuckfield Road Hurstpierpoint Hassocks BN6 9RW		

Councillor Gibson has requested this application is determined by the Planning Committee.

1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan			4 September 2017
Floor Plans Proposed			4 September 2017

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

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

3. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans received on 4 September 2017 and shall be retained as such thereafter. The layout of the kitchen, living room and hall area shall be retained as commercial space at all times and shall not be used as bedrooms.

Reason: To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

4. The development hereby approved shall only be occupied by a maximum of four persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 5 No extension, enlargement, alteration or provision within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a two-storey terraced property situated in the Hanover and Elm Grove ward. The application proposes the change of use from three bedroom dwellinghouse (use class C3) to three bedroom House in Multiple Occupation (HMO) (use class C4). No internal or external alterations are proposed.
- 2.2 The application site is located in Hanover and Elm Grove ward, for which there is an Article 4 direction which restricts permitted development rights for the change of use from a single dwellinghouse (C3) to a small HMO (C4). Planning permission is therefore required for the change of use to a three bedroom HMO.

3. RELEVANT HISTORY

- 3.1 None.

4. REPRESENTATIONS

- 4.1 One letter of objection has been received raising the following points:
- The house is already let out and results in noise nuisance
 - There are too many HMOs in the area
 - Increase in rubbish and mess
 - Houses in the area offer little soundproofing

- 4.2 Councillor Gibson objects to the application and requests it is determined by the Planning Committee (comments attached).
- 4.3 Councillor Page objects to the application (comments attached).

5. CONSULTATIONS

- 5.1 Transport:
The trip generation is forecast to be similar to the existing permitted residential use. There will be a small increase in at least pedestrian trip generation associated with the site as there could be more adult people living within the HMO rather than the single dwelling. This level of trip generation would not be considered a reason for refusal.
- 5.2 The Highway Authority does not wish to request cycle parking (in line with parking standards SPD14) as the site appears to be constrained and unlikely to be able to accommodate policy compliant cycle parking spaces. It is also noted that there is secure cycle parking available to the general public on-street in the vicinity of the site.

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP9 Sustainable transport

CP21 Student housing and Housing in Multiple Occupation

Brighton & Hove Local Plan (retained policies March 2016):

TR7 Safe Development
TR14 Cycle access and parking
SU10 Noise Nuisance
QD27 Protection of amenity

Supplementary Planning Guidance:

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide, transport issues and the impact upon the character and appearance of the property and the surrounding area.

8.2 The application relates to a two-storey terraced property on Arnold Street. The layout of the property consists of a kitchen, living room and bedroom at ground floor level and two further bedrooms and a bathroom at first floor level. There is a garden area to the rear. No internal or external alterations are proposed as part of this application.

8.3 The existing and proposed plans show an 'attic room'. For the avoidance of doubt, this room is uninhabitable and is not proposed as a bedroom or other habitable space.

8.4 Policy CP21 of the Brighton and Hove City Plan Part One states that:

'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'

8.5 A mapping exercise has been carried out showing that there are 101 properties within a 50m radius of the application site, two of which are in use as HMOs which results in a percentage of 1.9%. The application therefore complies with Policy CP21 of the Brighton & Hove City Plan.

8.6 Standard of accommodation:

The property at present includes a living room, kitchen, bathroom, three bedrooms and a rear garden. There would be no internal alterations to the property as a result of the proposal.

8.7 As demonstrated on the existing and proposed floor plans, the floorspace of each bedroom is as follows:

Bedroom one: 8m²
Bedroom two: 8.4m²
Bedroom three: 13.7m²

- 8.8 The Local Planning Authority does not have an adopted policy on minimum room sizes, however the space standard as set out in Government's 'Nationally Described Space Standards' do provide a reasonable indication of minimum floor areas for single and double bedrooms. This document states that a single bedroom providing one bedspace should have a floor area of at least 7.5m² and a double bedroom providing two bedspaces should have a floor area of at least 11.5m². As proposed, two of the bedrooms exceed the standard for single bedrooms and one bedroom exceeds the standard for double bedrooms.
- 8.9 Each bedroom receives good levels of natural light and provides adequate outlook for occupants. The communal sitting room and kitchen/dining area has a floor area of 26.75m² and provides sufficient space for cooking, dining and socialising for eight occupants. The rear garden area provides suitable private amenity space. It is considered necessary to restrict the number of occupants so that the impact of an additional number of occupants can be assessed.
- 8.10 Overall the property represents a good standard of accommodation for up to four occupants in accordance with Policy QD27 of the Brighton & Hove Local Plan. A condition is recommended restricting the occupants of the property to a maximum of four.
- 8.11 **Impact on neighbouring amenity:**
The property at present is lawfully in use as a single dwellinghouse let to two unrelated individuals, falling within a C3 use class. It is acknowledged that use of the property as an HMO inevitably results in increased comings and goings from the plot and associated noise nuisance. In this instance however it is considered that the net increased occupation of one bedroom, with a maximum of two occupants, is unlikely to significantly exacerbate the noise levels that exist at present and any potential increase in noise is not of a magnitude to warrant refusal of the application.
- 8.12 Only 1.9% of the properties within a 50m radius of the application site are in use as a HMO, therefore a mixed and balanced community would be retained in the area.
- 8.13 No external works are proposed in this application, therefore no physical harm to the amenity of neighbours would result in terms of overshadowing or overlooking.
- 8.14 **Sustainable Transport:**
The Transport Team has recommended that given the constraints of the site and the availability of on-street parking in the vicinity, cycle parking is not secured on site.

9. EQUALITIES

9.1 None identified.



PLANNING COMMITTEE LIST
DATE OF COMMITTEE: 7th February 2018

COUNCILLOR REPRESENTATION

From: David Gibson
Sent: 02 January 2018 10:50 AM
To: Molly McLean
Subject: RE: BH2017/02986 19 Arnold Street Brighton

Hi Molly,

Thanks,

If officers are recommending approval of an HMO, then I request this is heard at planning committee (as I understand councillors are entitled to request). If officers are minded to refuse the application then I am happy for to be dealt with under delegated powers. Apologies if that was not clear when I made my earlier request that the application be considered by planning committee. So please advise me of the committee date if HMO approval is to be recommended.

Many Thanks,

All the best,

David Gibson



PLANNING COMMITTEE LIST
DATE OF COMMITTEE: 7th February 2018
COUNCILLOR REPRESENTATION

From: Dick Page
Sent: 25 October 2017 12:24 PM
To: Planning Applications Cc: David Gibson; Tracey Hill; Nicola Hurley
Subject: 2 HMO objections: BH2017/02986 (19 Arnold St) & BH2017/03299 (82 Southover St. - retrospective)

Dear Planning colleagues,

Please register my objections to these 2 HMO applications.

I imagine there are more than 10% of HMOs near 19 Arnold St., and (living nearby, etc.) I know there are near 82 Southover St. Hence both contravene the balanced communities policy of our Article 4 Direction. In particular we need to apply this robustly in cases of late (“retrospective”) applications, such as the latter, where there appears to be no good reason for landlords continuing to disregard our policy, sometimes for years.

Thanks,

Dick (Page),

Councillor, Hanover & Elm Grove.

Information on Pre-application Presentations and Requests 2018

Date	Address	Ward	Proposal	Update
06/02/18 requested	Gala Bingo Site, Eastern Road, Brighton	Queen's Park	Residential-led mixed use redevelopment for c.400 homes set over c. 2,900sqm commercial and community uses	
06/03/18 requested	Toad's Hole Valley, Hove	Hangleton & Knoll	Mixed use development comprising residential, neighbourhood centre, secondary school, B1 floorspace, SNCI enhancements, accesses from highway, landscaping and parking.	
06/03/18 requested	Preston Barracks (Watts site), Lewes Road, Brighton	Hollingdean & Stanmer	Reserved Matters for multi-storey car park and Business School	
TBC	Land at Goldstone Street, Hove	Goldsmid	Erection of office building.	
TBC	Sackville Trading Estate, Sackville Road, Hove	Hove Park	Mixed residential and commercial development	
TBC	119-131 London Road (Co-op and Boots), Brighton	St Peter's & North Laine	Mixed use redevelopment to re- provide retail and student accommodation.	

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

PLANNING COMMITTEE:
7th February 2018

Agenda Item 100

Brighton & Hove City Council

NEW APPEALS RECEIVED

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

BRUNSWICK AND ADELAIDE

BH2017/01790

Flat 1 100 Lansdowne Place Hove
BN3 1FJ

Internal alterations to layout of the flat. Installation of new porch front door & new internal double glazing to front elevation. New timber decking & repainting to rear courtyard.

Replacement of rear lounge steel framed french doors with new upvc french doors, replacement of rear window with new french window & removal of doorway to rear courtyard (part-retrospective).

APPEAL IN PROGRESS

17/11/2017

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

BRUNSWICK AND ADELAIDE

BH2017/01791

Flat 1 100 Lansdowne Place Hove
BN3 1FJ

Internal alterations to layout of the flat. Installation of new porch front door & new internal double glazing to front elevation. New timber decking & repainting to rear courtyard.

Replacement of rear lounge steel framed french doors with new upvc french doors, replacement of rear window with new french window & removal of doorway to rear courtyard (part-retrospective).

APPEAL IN PROGRESS

17/11/2017

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

CENTRAL HOVE

BH2016/06390

Maisonette 23 Wilbury Grove Hove
BN3 3JQ

<u>DEVELOPMENT DESCRIPTION</u>	Change of use from five bedroom small house in multiple occupation (C4) to seven bedroom house in multiple occupation (Sui Generis). (Retrospective)
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	09/11/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	CENTRAL HOVE
<u>APPEALAPPNUMBER</u>	BH2017/01177
<u>ADDRESS</u>	7 Clarendon Villas Hove BN3 3RD
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of existing single dwelling into 2no three bedroom maisonettes (C3) with infill of first floor side windows.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	14/11/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	CENTRAL HOVE
<u>APPEALAPPNUMBER</u>	BH2017/01179
<u>ADDRESS</u>	7 Clarendon Villas Hove BN3 3RD
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of existing single dwelling into 4no flats (C3) with associated alterations including installation of iron railings to front and revised fenestration.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	14/11/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	CENTRAL HOVE
<u>APPEALAPPNUMBER</u>	
<u>ADDRESS</u>	Maisonette 23 Wilbury Grove Hove BN3 3JQ
<u>DEVELOPMENT DESCRIPTION</u>	
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	09/11/2017
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<u>WARD</u>	EAST BRIGHTON
<u>APPEALAPPNUMBER</u>	BH2017/00303
<u>ADDRESS</u>	22 Sadler Way Brighton BN2 5PL

<u>DEVELOPMENT DESCRIPTION</u>	Certificate of Lawfulness for the proposed conversion of existing garage into habitable space incorporating two bedrooms, new windows & doors to front & rear elevations & associated alterations.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	10/11/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	EAST BRIGHTON
<u>APPEALAPPNUMBER</u>	BH2017/02100
<u>ADDRESS</u>	27 Bristol Gardens Brighton BN2 5JR
<u>DEVELOPMENT DESCRIPTION</u>	Prior approval for change of use from laundrette (A1) to residential (C3) to form 1no two bedroom flat with associated external alterations.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	14/12/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HANGLETON AND KNOLL
<u>APPEALAPPNUMBER</u>	BH2017/00448
<u>ADDRESS</u>	62 Poplar Avenue Hove BN3 8PS
<u>DEVELOPMENT DESCRIPTION</u>	Installation of front dormer.
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	18/12/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HANGLETON AND KNOLL
<u>APPEALAPPNUMBER</u>	BH2017/02411
<u>ADDRESS</u>	15 Gladys Road Hove BN3 7GL
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of six bedroom single dwelling (C3) to 4no flats including removal of existing lean-to structure and creation of new entrance with canopy above, removal of existing garage and erection of single storey side extension and other associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	10/11/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HANGLETON AND KNOLL
<u>APPEALAPPNUMBER</u>	BH2017/02413
<u>ADDRESS</u>	15 Gladys Road Hove BN3 7GL

<u>DEVELOPMENT DESCRIPTION</u>	Change of use from 6 bedroom dwelling house (C3) to 9 bedroom House in Multiple Occupation (Sui Generis). (Part-retrospective).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	23/11/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HANGLETON AND KNOLL
<u>APPEALAPPNUMBER</u>	BH2017/02534
<u>ADDRESS</u>	The Bungalow 11 Hangleton Lane Hove BN3 8EB
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of 8m section of existing wall in rear garden.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	12/12/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HANGLETON AND KNOLL
<u>APPEALAPPNUMBER</u>	BH2017/02535
<u>ADDRESS</u>	11 Northease Drive Hove BN3 8PA
<u>DEVELOPMENT DESCRIPTION</u>	Formation of part basement to form granny annexe and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	27/11/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEALAPPNUMBER</u>	BH2017/00051
<u>ADDRESS</u>	24 Brading Road Brighton BN2 3PD
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from six bedroom small house in multiple occupation (C4) to seven bedroom house in multiple occupation (Sui Generis). (Retrospective)
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	09/11/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEALAPPNUMBER</u>	
<u>ADDRESS</u>	24 Brading Road Brighton BN2 3PD
<u>DEVELOPMENT DESCRIPTION</u>	Without planning permission a material change of use from a small House in Multiple Occupation (C4) to a 7 bedroom large House in Multiple

Occupation (Sui Generis)

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

APPEAL IN PROGRESS
09/11/2017
Not Assigned

WARD

APPEALAPPNUMBER
ADDRESS

HOVE PARK

BH2017/01443
3 Shirley Road Hove BN3 6NN
Erection of one 3no bedroom
residential dwelling (C3) fronting
Lloyd Road.

DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

APPEAL IN PROGRESS
11/12/2017
Delegated

WARD

APPEALAPPNUMBER
ADDRESS

HOVE PARK

BH2017/01589
Land East Of 1 And 3 Orchard
Avenue Hove
Demolition of existing garage and
erection of 1no detached single
storey dwelling (C3) with associated
landscaping.

DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

APPEAL IN PROGRESS
14/12/2017
Delegated

WARD

APPEALAPPNUMBER
ADDRESS

HOVE PARK

BH2017/01918
5 Windsor Close Hove BN3 6WQ
Demolition of conservatory and
erection of single storey and two-
storey rear extensions at lower
ground level with associated
alterations including creation of front
driveway.

DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

APPEAL IN PROGRESS
03/01/2018
Delegated

WARD

APPEALAPPNUMBER
ADDRESS

**MOULSECOOMB AND
BEVENDEAN**

BH2017/00022
1 The Crescent Brighton BN2 4TB

<u>DEVELOPMENT DESCRIPTION</u>	Erection of 1no attached two-bedroom dwelling.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	09/11/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEALAPPNUMBER</u>	BH2017/00647
<u>ADDRESS</u>	26 Plymouth Avenue Brighton BN2 4JB
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from a three bedroom single dwelling (C3) to a three bedroom single dwelling or small house in multiple occupation (C3/C4). (Retrospective)
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	11/12/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEALAPPNUMBER</u>	BH2017/01357
<u>ADDRESS</u>	135 Milner Road Brighton BN2 4BR
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of existing house to form 1no one bedroom flat, 1no two bedroom flat and 1no studio flat (C3).
<u>APPEAL STATUS</u>	APPEAL DISMISSED
<u>APPEAL RECEIVED DATE</u>	13/11/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEALAPPNUMBER</u>	BH2017/01717
<u>ADDRESS</u>	32 The Highway Brighton BN2 4GB
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from residential dwelling (C3) to five bedroom small house in multiple occupation (C4)(Retrospective).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	27/11/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	PATCHAM
<u>APPEALAPPNUMBER</u>	BH2017/00747
<u>ADDRESS</u>	81 Woodbourne Avenue Brighton BN1 8EJ

<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey rear extension and associated alterations.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	19/12/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	PATCHAM
<u>APPEALAPPNUMBER</u>	BH2017/01735
<u>ADDRESS</u>	Land Adjacent To 55 Rotherfield Crescent Brighton BN1 8FH
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing garage & erection of 1no. one bedroom dwelling (C3).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	27/11/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	PATCHAM
<u>APPEALAPPNUMBER</u>	BH2017/02152
<u>ADDRESS</u>	8 Brangwyn Drive Brighton BN1 8XD
<u>DEVELOPMENT DESCRIPTION</u>	Roof alterations incorporating hip to gable roof extension, front & rear rooflights and 3 rear dormers.
<u>APPEAL STATUS</u>	APPEAL ALLOWED
<u>APPEAL RECEIVED DATE</u>	19/12/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	PATCHAM
<u>APPEALAPPNUMBER</u>	BH2017/02958
<u>ADDRESS</u>	23 Woodland Way Brighton BN1 8BA
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey rear extension and raised patio area.
<u>APPEAL STATUS</u>	APPEAL DISMISSED
<u>APPEAL RECEIVED DATE</u>	14/12/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	PRESTON PARK
<u>APPEALAPPNUMBER</u>	BH2016/06184
<u>ADDRESS</u>	81 Edburton Avenue Brighton BN1 6EQ
<u>DEVELOPMENT DESCRIPTION</u>	Installation of additional rooflight to front elevation.
<u>APPEAL STATUS</u>	APPEAL ALLOWED
<u>APPEAL RECEIVED DATE</u>	16/11/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

PRESTON PARK

BH2017/00672

39 Old Shoreham Road Brighton
BN1 5DQ

Conversion and extension to existing dwelling (C3) to form 2no one bedroom flats and 5no two bedroom flats (C3) including demolition of existing side extension and erection of extensions to side at basement and ground floor level, three storey rear extension and roof alterations incorporating front rooflights, side window and rear dormer with associated alterations.

APPEAL IN PROGRESS

14/12/2017

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

PRESTON PARK

31 Waldegrave Road Brighton BN1
6GR

Appeal against

APPEAL IN PROGRESS

14/11/2017

Not Assigned

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

QUEEN'S PARK

BH2017/01672

87A St James's Street Brighton BN2
1TP

Internal alterations to layout incorporating creation of an additional self-contained studio flat on the first floor, along with a one bed flat. (Retrospective)

APPEAL IN PROGRESS

19/12/2017

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

QUEEN'S PARK

BH2017/01673

87A St James's Street Brighton BN2
1TP

<u>DEVELOPMENT DESCRIPTION</u>	Internal alterations to layout incorporating creation of an additional self-contained studio flat on the first floor; alterations to layout of 1 bed second floor flat to create a 2 bedroom flat; alterations to layout of 2 bed third floor flat to create a 4 bedroom flat. (Retrospective)
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	19/12/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	QUEEN'S PARK
<u>APPEALAPPNUMBER</u>	BH2017/02000
<u>ADDRESS</u>	Upper Flat 14 Canning Street Brighton BN2 0EF
<u>DEVELOPMENT DESCRIPTION</u>	Creation of second floor balcony with timber decking and handrail and new door opening.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	18/12/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2017/02598
<u>ADDRESS</u>	26 Clarence Square Brighton BN1 2ED
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from retail (A1) to 1 no one bedroom flat (C3).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	09/11/2017
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<u>WARD</u>	ROTTINGDEAN COASTAL
<u>APPEALAPPNUMBER</u>	BH2017/01404
<u>ADDRESS</u>	Land R/O 61 High Street Rottingdean Brighton BN2 7HE
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of store (A1) to one bedroom dwelling (C3) including single storey side and rear extension and front porch.
<u>APPEAL STATUS</u>	APPEAL DISMISSED
<u>APPEAL RECEIVED DATE</u>	14/11/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ROTTINGDEAN COASTAL
<u>APPEALAPPNUMBER</u>	BH2017/02197

<u>ADDRESS</u>	The Hames Ovingdean Road Brighton BN2 7BB
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from residential garage (C3) to hot food takeaway (A5) with food preparation (Retrospective).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	11/12/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	WITHDEAN
<u>APPEALAPPNUMBER</u>	BH2017/01353
<u>ADDRESS</u>	12 Glen Rise Brighton BN1 5LP
<u>DEVELOPMENT DESCRIPTION</u>	Remodelling of existing bungalow to form a two storey house, including rear extension and associated works.
<u>APPEAL STATUS</u>	APPEAL DISMISSED
<u>APPEAL RECEIVED DATE</u>	16/11/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	WOODINGDEAN
<u>APPEALAPPNUMBER</u>	BH2016/06382
<u>ADDRESS</u>	23 Selhurst Road Brighton BN2 6WE
<u>DEVELOPMENT DESCRIPTION</u>	Roof extensions to front and rear, enlargement of existing side dormer, installation of roof lantern to existing conservatory and associated alterations.
<u>APPEAL STATUS</u>	SPLIT DECISION
<u>APPEAL RECEIVED DATE</u>	20/11/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	WOODINGDEAN
<u>APPEALAPPNUMBER</u>	BH2017/00623
<u>ADDRESS</u>	24 Balsdean Road Brighton BN2 6PF
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey side and rear extension with raised decking and formation of additional bay window to front. Roof alterations including creation of gable ends, side dormers and installation of rooflights. Erection of a single storey detached outbuilding (part-retrospective) (amended description and drawings).
<u>APPEAL STATUS</u>	APPEAL ALLOWED
<u>APPEAL RECEIVED DATE</u>	16/11/2017

APPLICATION DECISION LEVEL

Delegated

WARD

WOODINGDEAN

APPEALAPPNUMBER

BH2017/01675

ADDRESS

40-44 & Rear Of 40-44 Warren Road
Brighton BN2 6BA

DEVELOPMENT DESCRIPTION

Demolition of the existing storage building to rear and erection of single-storey dwelling (C3) adjoining the existing building, with associated alterations to site and enlargement of side window to existing funeral directors.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

09/11/2017

APPLICATION DECISION LEVEL

Delegated

PLANNING COMMITTEE: 7th February 2017

Agenda Item 101

Brighton & Hove City Council



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

Planning Application no:	BH2016/05530
Description:	Outline planning application with appearance reserved for the construction of 45 no one, two, three, four and five bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space, strategic landscaping and part retention/reconfiguration of existing paddocks. New vehicular access from Ovingdean Road and junction improvements.
Decision:	
Type of Appeal	Public Inquiry against refusal
Date:	24.04.2018 at Council Chamber, Hove Town Hall.
Site Location:	Land South Of Ovingdean Road, Brighton

APPEAL DECISIONS

	Page
<p>A – 7 MARINE CLOSE, ROTTINGDEAN, BRIGHTON – ROTTINGDEAN COASTAL</p> <p>Application BH2017/00536 – Appeal against refusal to grant planning permission for proposed remodelling of existing dwelling, demolition of garages and erection of new dwelling. APPEAL DISMISSED (delegated decision)</p>	105
<p>B – 23 SELHURST ROAD, BRIGHTON – WOODINGDEAN</p> <p>Application BH2016/06382 – Appeal against refusal to grant planning permission for roof works to include a new gable window to front, extended side dormer and roof over lounge and kitchen and replacement flat roof with lantern to existing conservatory. APPEAL DISMISSED (delegated decision)</p>	109
<p>C – 40 HERBERT ROAD, BRIGHTON – WITHDEAN</p> <p>Application BH2017/00796 – Appeal against refusal to grant planning permission for single storey rear extension with flat roof. New timber landing/terrace, steps and balustrades down to the existing garden with low level flower bed. APPEAL ALLOWED (delegated decision)</p>	111
<p>D – 12 GLEN RISE, BRIGHTON – WITHDEAN</p> <p>Application BH2017/01353 – Appeal against refusal to grant planning permission for removal of existing roof, extension at first floor level with pitched roof over to provide living accommodation, single storey rear extension. APPEAL DISMISSED (delegated decision)</p>	113
<p>E – 7 HOLLINGBURY ROAD, BRIGHTON – HOLLINGDEAN & STANMER</p> <p>Application BH2016/00022 – Appeal against refusal to grant planning permission for change of use from small HMO (C4) to large HMO (sui generis). APPEAL DISMISSED (delegated decision)</p>	115

F – ST MARY’S HOUSE, 38-39 PRESTON PARK AVENUE, BRIGHTON – PRESTON PARK 121

Application BH2017/00018 – Appeal against refusal to grant planning permission for new single storey building of approximately 72m2 incorporating meeting rooms, toilet and storage area.
APPEAL ALLOWED (delegated decision)

G – 81 EDBURTON AVENUE, BRIGHTON – PRESTON PARK 125

Application BH2016/06184 – Appeal against refusal to grant planning permission for installation of new conservation style roof light to the front of the property. **APPEAL ALLOWED** (delegated decision)

H – 27 CRESCENT ROAD, BRIGHTON – ST PETER’S & NORTH LAINE 127

Application BH2016/06218 – Appeal against refusal to grant planning permission for replacement of wooden sash windows with UPV sash windows. The replacements to be masterframe vintage style which are designed as sympathetic replacements for timber sash windows.
APPEAL ALLOWED (delegated decision)

I – 83 ROUNDHILL CRESCENT , BRIGHTON – ST PETER’S & NORTH LAINE 131

Application BH2016/06071 – Appeal against refusal to grant planning permission for a single storey ground floor rear extension, creation of staircase for access from ground floor to garden level and walkway access from first floor to garden. Roof alterations to rear dormer, front and rear roof lights. Revised fenestration and alterations to boundary wall with other associated works.
APPEAL DISMISSED (delegated decision)

J – 103 HALLAND ROAD, BRIGHTON – MOULSECOOMB & BEVENDEAN 135

Application BH2017/02168 – Appeal against refusal to grant planning permission for change of use of a small existing C4 house into a Sui Generis large HMO. **APPEAL DISMISSED** (delegated decision)

K – 77 HOLLAND ROAD, HOVE – BRUNSWICK & ADELAIDE 139

Application BH2017/00664 – Appeal against refusal to grant planning permission for demolition of existing “Choice Vehicle Rental” workshop and erection of new basement and ground level offices and 9 apartments with associated parking and landscaping.
APPEAL ALLOWED (delegated decision)

**L – CHARTER MEDICAL CENTRE, 88 DAVIGDOR ROAD, HOVE – 147
GOLDSMID**

Application BH2017/01802 – Appeal against a refusal to grant planning permission for installation of 1 temporary single storey portakabin building to be used as additional clinical rooms to be hired for a period of 156 weeks. **APPEAL DISMISSED** (delegated decision)

M – 54 SHIRLEY STREET, HOVE – GOLDSMID 149

Application BH2017/01359 – Appeal against a refusal to grant planning permission for change of use of office (ground floor) and flat (first floor) into dwelling house including replacement front. **APPEAL DISMISSED** (delegated decision)

N – LAND ADJACENT, 3 TANDRIDGE ROAD, HOVE – WISH 151

Application BH2016/01609 – Appeal against a refusal to grant planning permission for erection of a one bedroom house. **APPEAL DISMISSED** (delegated decision)

**O – TASTE OF INDIA, 194 CHURCH ROAD, HOVE – CENTRAL
HOVE 155**

Application BH2017/00764 – Appeal against a refusal to grant planning permission for single storey timber framed extension for food storage and preparation plus internal improvement works and layout of take away. **APPEAL DISMISSED** (delegated decision)



Appeal Decision

Site visit made on 29 November 2017

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

Decision date: 6th December 2017.

Appeal Ref: APP/Q1445/W/17/ 3181595
7 Marine Close, Saltdean, Brighton BN2 8SA

- 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 Andrew Sinclair against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00536, dated 15 February 2017, was refused by notice dated 13 June 2017.
 - The development proposed is remodelling of existing dwelling, demolition of garages and erection of new dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on:
 - a) the character and appearance of the area;
 - b) the living conditions of neighbours in relation to privacy.

Reasons

Character and appearance

3. Marine Close is characterised by modest-sized chalet bungalows set side by side on small rectangular plots. No 7, which is at the end of the close is not directly alongside either No 6 or No 8; instead it occupies a larger plot with garden to the side and rear. It also has two garages within a block of three on the eastern side of the site, the third of which serves No 8. The proposal seeks to remodel No 7, demolish the two garages, sub-divide the plot and construct a chalet bungalow with accommodation in the roof space.
4. The proposal would involve demolishing part of No 7, significantly reducing its width. The accommodation that would be lost would be partially replaced by a single storey rear extension and a loft conversion requiring the addition of a large rear-facing dormer. This dormer would occupy the full width of the rear roofslope and would therefore appear both awkward and bulky alongside the existing rear gable. Even though it would not be seen from the street, I consider this would be significantly harmful to the existing, simple character and design of No 7.

5. I accept that it may be possible to construct a dormer as permitted development. However, no alternative scheme demonstrating how the replacement accommodation could be provided in this way was presented with the appeal. I therefore give the possibility of such a fallback position little weight in my overall assessment of the proposal.
6. The proposed chalet bungalow would be set back from the established building line on the north side of Marine Close. Whilst this would reflect the shape of the hammerhead at the end of the cul-de-sac, the building would be closer to the street than others in the locality. This would be out of character with other properties in the surrounding area. When seen from the street, the style of the bungalow would appear appropriate insofar as it would include a small gable feature and a pitched roof. However, the flat roof element to the side would have the appearance of a converted garage which would be an incongruous feature within a newly constructed dwelling. It would therefore not represent good design.
7. The space between the proposed dwelling and its rear boundary would be very limited. This matter was also of significant concern to the Inspector who dismissed a previous proposal, Ref: APP/Q1445/W/16/3155533. The position of the rear elevation in the scheme before me has been amended to increase the gap between the fence and the building. The separation distance would vary along the rear elevation as a whole. However, at most it would appear to be only a little over 2m. I therefore consider that the additional space is not enough to make a significant difference when compared with the previous scheme. Although the footprint of the dwelling has been reduced, and the overall plot size is comparable with others in the street, the spaces around the dwelling would be fragmented and awkward shapes. Consequently, the new building would appear to be squeezed on to this triangular shaped plot with insufficient space around it to integrate satisfactorily into its surroundings.
8. Taking all these factors into consideration, I conclude that the proposal as a whole would be harmful to the character and appearance of the donor property and the surrounding area. It would therefore fail to comply with Policies CP12 and CP14 of the Brighton & Hove City Plan Part One (City Plan) and saved Policy QD14 of the Brighton & Hove Local Plan (Local Plan). These policies, amongst other things, seek high quality design that respects its setting and takes account of the spaces around buildings. The alterations to No 7 would also conflict with the advice and guidance set out in the Council's Supplementary Planning Document: *Design Guide for Extensions and Alterations*, (SPD12), which seeks to resist full width box dormers as they give the appearance of an additional storey on top of the building.

Living conditions

9. There would be two small dormer windows included in the rear elevation of the proposed dwelling, one of which would have obscure glazing as it would serve a bathroom. However, the second dormer would directly overlook the gardens of Nos 3 and 5 Lenham Avenue. The proximity of this window to the shared boundary would make this overlooking particularly intrusive for the occupants of these nearby houses. Furthermore, the separation distance between rear elevations would only be of the order of 15m. This would permit direct overlooking of habitable rooms which would result in an unacceptable loss of privacy for the neighbours.

10. This overlooking could not be mitigated through the use of obscure glazing as this would result in an unacceptable loss of outlook from the bedroom within the new dwelling, resulting in poor living conditions for future occupants.
11. I conclude that the proposal would harm the living conditions of the occupants of Nos 3 and 5, arising from an unacceptable loss of privacy. It would therefore fail to comply with saved Policy QD27 of the Local Plan, which seeks to resist development that would result in material loss of amenity for adjoining occupants.

Conclusions

12. The government is seeking to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development. The scheme would provide an additional dwelling with sufficient parking. The internal and external space would be adequate to provide acceptable living conditions for future occupants of both the existing and proposed dwelling. These factors weigh in the scheme's favour.
13. However, I have found that the proposal would be harmful to the character and appearance of the donor property and the surrounding area. It would also give rise to unacceptable loss of privacy for occupants of nearby properties. The benefits arising from the provision of a single dwelling would not outweigh these harms.
14. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR



Appeal Decision

Site visit made on 18th December 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 02nd January 2018

Appeal Ref: APP/Q1445/D/17/3186570

23 Selhurst Road, Brighton, East Sussex, BN2 6WE.

- 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 Mary Henderson against the decision of Brighton & Hove City Council.
 - The application Ref: BH2016/06382, dated 30 November 2016, was refused by notice dated 18 July 2017.
 - The development proposed is roof works to include new gable window to front, extended side dormer and roof over lounge and kitchen and replacement flat roof with lantern to existing conservatory.
-

Decision

1. The appeal is dismissed insofar as it relates to roof works to include extended side dormer and roof over lounge and kitchen and replacement flat roof with lantern to existing conservatory. The appeal is allowed insofar as it relates to roof works to include new gable window to front and planning permission is granted for the same, at 23 Selhurst Road, Brighton, East Sussex, BN2 6WE, in accordance with the terms of the application Ref: BH2016/06382, dated 30 November 2016, and the plans submitted with it [so far as relevant to that part of the development hereby permitted] and subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drwg No: DE680/01 Rev P1: Site Location & Block Plan; Drwg No: DE680/02 Rev P1: Existing Ground Floor & Loft Plans; Drwg No: DE680/03 Rev P2: Existing Front, Rear & Side Elevations; Drwg No: DE680/06 Rev P1: Proposed Loft and Roof Plans; Drwg No: DE680/07 Rev P1: Proposed Front, Rear & Side Elevations.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in this appeal is the implications of the proposal for the character and appearance of the area.
-

Reasons

3. The proposed box dormer would be sited alongside and behind an existing box dormer in the side roof. Whilst it would not be prominent in the street scene by virtue of its position, it would nonetheless be visible. As it is, the existing box dormer imparts a rather top-heavy appearance to the roof of the property, but the proposal would consolidate this and the resultant roof of the property would have an ungainly and unbalanced appearance, especially when compared with the generally unaltered roofs of bungalows in this particular row. Whilst I saw two other box dormers to properties on the opposite side of the road, the Brighton & Hove City Council Local Development Framework Supplementary Planning Document 12: *Design Guide for Extensions and Alterations*, (2013) (SPD) states at paragraph 3.5 that the presence of inappropriate roof alterations in the street will not be accepted as evidence of established precedent.
4. In relation to the proposed alteration to the front roof, although this would be in a more prominent position, it would be a rather more discrete addition and I do not accept the Council's proposition that it would fail to appear subordinate to the host property. Whilst it would be a somewhat novel feature with its small glazed gable at the apex, it would nonetheless not unduly draw the eye and would be largely seen in the context of the vertical dormer cheek to its rear.
5. Overall on the main issue, I find that the front roof alteration would integrate satisfactorily with the host property and prevailing character of the area and would thus accord with Policy QD14 of the Brighton & Hove Local Plan (2005) retained on adoption of the Brighton & Hove City Plan Part One (March 2016) and the advice in the SPD. These seek to ensure that alterations and extensions to dwellings are well designed, sited and detailed in relation to the property to be extended and to the surrounding area. However, for the reasons given, I conclude that the proposed side dormer would not accord with the same and would detract from the host property and character and appearance of the area.
6. The Council take no issue with the balance of the development and I have no reason to either. However, the balance of the extensions to the roof and to the rear of the property are not clearly physically and functionally severable from the side dormer. I shall therefore issue a split decision, allowing the appeal insofar as it relates to the alteration to the roof at the front of the property, as this is clearly separate and divisible from the balance of the extensions.
7. In addition to the standard time limit for commencement of development, the Council suggest conditions confining the approval to the submitted plans and requiring the use of matching materials. The former is necessary for certainty and the latter is necessary to secure a satisfactory finished appearance.

ALISON ROLAND

INSPECTOR



Appeal Decision

Site visit made on 29 November 2017

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

Decision date: 6th November 2017.

Appeal Ref: APP/Q1445/W/17/3182459

Basement Flat, 40 Herbert Road, Brighton BN1 6PB

- 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 Frances Tegg against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00796, dated 7 March 2017, was refused by notice dated 6 July 2017.
 - The development proposed is a single storey rear extension with a flat roof. New timber landing/terrace, steps and balustrades down to the existing garden, with low level flower bed.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension with a flat roof: new timber landing/terrace, steps and balustrades down to the existing garden, with low level flower bed at Basement Flat, 40 Herbert Road, Brighton BN1 6PB, in accordance with the application Ref BH2017/00796, dated 7 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plans: 2722/03, 2722/02 A and 2722/04.
 - 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions of the occupants of No 38 Herbert Road in relation to outlook, enclosure and overshadowing.

Reasons

3. No 40 is part of a row of terraced dwellings which have paired rear projections. It is paired with No 38. The ground falls away to the rear of the houses so that the basement flat has a small raised terrace at the back and access to the garden via a short flight of steps. No 38 has a similar, small terrace. The proposal would extend 4m beyond the rear of the projection along the shared boundary with No 38 and a little way beyond the existing raised terrace.

4. There are no windows serving habitable rooms in the rear elevation of No 38's projection. The extension would therefore not result in any material loss of outlook from the house. The shared boundary is currently a close boarded fence covered with some vegetation. This provides privacy for the occupiers on both sides. The proposal would increase the sense of enclosure on the terrace of No 38 to some degree. However, it would also increase the sense of privacy on it and would not adversely affect the outlook over the small rear garden. As the gardens back in a northerly direction any additional overshadowing would be minimal.
5. In these circumstances I conclude that the proposal would not unacceptably harm the living conditions of the occupants of No 38 arising from any material loss of outlook, increased sense of enclosure or overshadowing. The proposal would therefore comply with saved Policies QD14 and QD27 of the Brighton & Hove Local Plan which, amongst other things, seeks to protect the amenity of the city's residents.
6. In addition to the standard time limit the Council has a condition requiring matching materials. This is necessary in the interest of the appearance of the development. A condition specifying the plans is required to give certainty.
7. For the reasons set out above, I conclude that the appeal should be allowed, subject to conditions.

Sheila Holden

INSPECTOR



Appeal Decision

Site visit made on 4 December 2017

by **Nicola Davies BA DipTP MRTPI**

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

Decision date: 14 December 2017

Appeal Ref: APP/Q1445/D/17/3186841

12 Glen Rise, Brighton BN1 5LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Blankson against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/01353, dated 12 April 2017, was refused by notice dated 26 July 2017.
 - The development proposed is described as "*removal of existing roof, extension at first floor level with pitched roof over to provide living accommodation, single storey rear extension*".
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised in respect of the appeal is the effect of the proposed development on the living conditions of the occupiers of 10 Glen Rise.

Reasons

3. The residential street of Glen Rise rises steeply from south to north. As a result the bungalow at the appeal site is situated at a higher ground level to that of the chalet bungalow at 10 Glen Rise (No 10). There is also a stagger to the building line with the appeal property being positioned slightly further back on its plot than No 10.
4. The proposed first storey would significantly increase the height of the existing bungalow. This part of the proposed development would also project beyond the rear building line of No 10. The proposed rear extension would extend the side elevation of No 12 a considerable distance to the rear. Both the first floor extension and rear single storey extension would be in close proximity to the boundary with No 10. Taken collectively, the combined increase in height and rearward projection, together with their proximity to the boundary and their siting at a higher ground level, would result in a development that would dominate the garden immediately to the rear of No 10. Consequently, the size and bulk of the proposed development would adversely affect the living conditions of the occupiers of No 10.
5. There is currently tall vegetation along the rear side boundary between Nos 10 and 12. The appellant indicates that this would be cut back to provide space

for, and around, the proposed rear extension. Whilst cutting back this vegetation may improve the living conditions of the adjoining occupiers at No 10, reducing this vegetation would make the proposed development all the more dominant in the outlook from the rear garden of No 10.

6. It is also argued that because the rear single storey extension would be positioned away from the side boundary, the boundary fence would reduce the visibility of the extension in the upward angle of view from No 10. On the available evidence I am not persuaded that this would significantly reduce the visibility of the rear extension in the outlook from the adjoining garden.
7. I accept that the proposed development would have an acceptable appearance within the Glen Rise streetscene and I note that the Council has not raised an objection to the proposal in this respect. However, this would not outweigh the harm to the living conditions of the adjoining occupiers or justify the proposed development, despite the occupiers of No 10 not raising objection to the proposal.
8. I note that other applications for development at the site have been previously submitted to the Council. Nevertheless, this proposed development is different to those of previous schemes and therefore can and should be considered on its own merits.
9. I also note that prior notification under permitted development rights allow for rear extensions to be constructed at the rear of residential properties. However, I have not been provided with evidence that would indicate any such approval is in place here. Furthermore, even if a single storey extension to the rear could be erected under the prior notification process, this does not make the proposal more acceptable, nor does it outweigh the harm that I have identified above. I therefore attached limited weight to the existence of such permitted development rights.
10. For the above reasons, I conclude that the proposal development would be harmful to the living conditions of the occupiers of 10 Glen Rise. The proposed development would therefore be contrary to Policies QD14 and QD27 of the Brighton and Hove Local Plan and Supplementary Planning Document 12 'Design Guide for Extensions and Alterations' that seek to protect the living conditions of adjoining occupiers.

Conclusion

11. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR



Appeal Decision

Site visit made on 1 November 2017

by **J Ayres BA Hons, Solicitor**

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

Decision date: 18th December 2017

Appeal Ref: APP/Q1445/W/17/3180711 7 Hollingbury Road, Brighton BN1 7JB

- 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 Catherine Lowe against the decision of Brighton & Hove City Council.
 - The application RefBH2016/06022, dated 9 November 2016, was refused by notice dated 30 May 2017.
 - The development proposed is a change of use from small HMO (C4) to large HMO (sui generis).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. This property used to be a House in Multiple Occupation (an HMO) for 5 residents, each with their own bedroom. However, the works associated with this change of use now before me have been undertaken and now the property has 7 bedrooms as a result of the conversion of the attic. At the time of my visit 6 bedrooms were occupied. I have no reason to consider the introduction of this sixth resident, whether in the attic or in another of the large bedrooms, has resulted in a material change of use in the property. However, the occupation of the seventh bedroom would mean the property was a sui generis large HMO. Accordingly I am treating the proposal as increasing the number of residents at the property by one.
3. A dormer extension has been formed on the rear roof slope and an extension has been added to the kitchen. The appellant claims they were built as 'permitted development' as such rights can be applied to small HMOs of 6 residents or fewer. The Council nonetheless contended that as they facilitated the change of use before me and allowed the occupation of the property as a large HMO they were not 'permitted development'.
4. I note that the appellant has not included the extensions in their application, and indeed there are no elevations before me. I also have no reason to doubt that, on a small HMO, these works would be 'permitted development'. However, on the other hand I am aware that the change to a large HMO would not be possible without the works, and the formation of the rear dormer occurred at the same time as the creation of the 2 bedrooms in the roof space.
5. It is not for me, as part of this section 78 appeal, to form a view as to whether or not these works required the specific planning permission from the local

planning authority. I shall therefore proceed on the basis that they did. Given the submissions, this would prejudice neither party, but clearly, in these circumstances, my approach has no bearing on any formal determination that may be subsequently sought.

Main Issues

6. The main issues are the effect of the proposal on;
- the living conditions of occupiers with particular regard to living space;
 - providing a balanced community;
 - the living conditions of neighbouring occupiers, with particular regard to activity and noise;
 - the living conditions of the occupiers of No 5 Hollingbury Road; and
 - the character and appearance of the property, and the area.

Reasons

Living conditions of those residents occupying the HMO

7. The communal space for the residents is on the ground floor at the rear of the property. It comprises an open plan kitchen, dining area and lounge with a television. Despite the appellant's assertion that it is suitable for residents, I note that they acknowledge it would be unlikely for all of the students to use the area at once. Indeed, in my view the use of this area by more than a handful of residents at any one time would be extremely difficult to achieve. The kitchen space is barely large enough for two adults to move around in comfortably. The dining table is uncomfortably positioned between the sitting area and kitchen, so although it provides a surface upon which to place food, the physical element of sitting down to eat, wedged in between a sofa and a walkway would, in my view, be completely unsatisfactory.
8. The outdoor space to the rear of the property that is put forward in the evidence as an additional communal space can only be utilised comfortably in the warmer months due to it being open to the elements and accessed via a set of steep steps. I therefore have significant doubts as to the practicality of this space in terms of it having any meaningful purpose with regards to providing functional leisure space for occupants.
9. The floorspace for the front bedroom on the second floor may technically extend to some 11.5 square metres, however in reality the room suffers from severely restricted headroom over most of its area. It was clear at the time of my site visit that the limited headspace provides severely restricted circulation space, and any continued use would result in extremely cramped and inadequate living conditions for future occupiers. In my view this would not be mitigated by ensuring the room is occupied by a shorter tenant, as suggested by the appellant.
10. Taking into account the need to utilise bedrooms due to the limited communal space available, it is my view that this bedroom is not adequate to comfortably accommodate a grown adult.

11. Consequently I find that an additional bedroom, and its occupation, would unreasonably restrict and constrain the living conditions of occupiers of the property. As such the proposal would conflict with Policy QD27 of the Brighton and Hove Local Plan with regards to protecting amenity.

Providing a balanced community

12. Policy CP21 part ii of the Brighton and Hove City Plan Part One (2016) specifies that in order to support mixed and balanced communities, and to ensure that a range of housing needs are accommodated, applications that involve a change of use to a class C4 HMO, a mixed C3/C4 use, or to a sui generis HMO will not be permitted except in certain circumstances. The change of use is restricted where more than 10 % of dwellings within a 50 metre radius of the application site are already in use as a class C4, mixed C3/C4 or other HMO sui generis use.
13. The council has carried out a mapping exercise, and the percentage of properties in an HMO use within a radius of 50 metres is 25%. The council asserts that the percentage of HMOs in this area is already significantly high, and an incremental use such as this proposal would result in a further imbalance in the community.
14. Policy CP21 generally aims to shape new development. However, it does not specify in Part ii that it is only applicable to new build or initial changes of use. Furthermore, I note that the policy refers to 5 wards in the city where it has been necessary to warrant an article 4 direction due to the over-concentration of HMOs. The article 4 direction came into full effect on 5 April 2013 and the appeal property is subject to the article 4 direction.
15. The council has concerns regarding the intensification within this area, and has referred me to an appeal decision where the Inspector found that Policy CP21 was applicable to a scheme that sought an additional bedroom¹. In that appeal the Inspector found that the additional occupant would result in an area of imbalance, in conflict with Policy CP21 (ii) of the Brighton and Hove City Plan Part One (2016).
16. I agree with the reasoning of the Inspector in the appeal for 53 Stanley Road, referred to above, that an increase in occupants, even if limited, may be likely to cause an additional degree of community imbalance, and result in a level of additional noise and nuisance, both of which are in conflict with the aims of Policy CP21, and those of Policy QD27 of the Local Plan. However, the Inspector was clear that they were considering a fractional increase in the number of occupants. Therefore the associated harm was not inevitable, although it was open for a decision maker to attach some degree of weight to the harm. The level of harm would vary depending on the individual facts of the case.
17. In contrast, the appellant has provided a number of appeal decision extracts to demonstrate that Policy CP21 should only be applied to the initial change of use of a building to an HMO. This appears to be a standard approach to the application of Policy CP21 and I attach significant weight to that approach.
18. In my view an element of common sense must be applied. The purpose of Policy CP21 is clearly to ensure that the city does not suffer an imbalance of

¹ APP/Q1445/W/16/3157915

HMOs due to over intensification. The point at which it is most practical to determine this is when considering a new development, or when an initial change of use to an HMO takes place. This is clearly covered in the council's policy and duly relied upon by the appellant. However, I agree with the Inspector in the 53 Stanley Road appeal that Policy CP21 is concerned with what the change of use is to, not what it is from. It may, in certain circumstances, be perfectly applicable to a case where the property is already in some form of HMO use.

19. In the case before me, I am mindful that the current level of HMOs in the applicable radius is some 25%, which is in excess of the policy threshold. However, the appeal property has functioned as an HMO for some time, the proposal would not increase the number of HMO properties in the area, and 1 or even 2 additional occupants would not have a significant effect on the impact of the HMOs on the surrounding area. Moreover, I have not been provided with evidence to suggest that there are any concerns relating to the use of the HMO at present with regards to its impact on the neighbourhood. Indeed the areas to the front and rear of the property are well maintained and clear, and the property itself is in good decorative order both inside and out. In my view it is a good example of a well maintained HMO.
20. The bedroom located in the loft extension is only suitable for single occupation as it is of a limited size. It has not been suggested that the occupancy of this room be secured by way of condition. On the basis of the evidence before me, and taking into account the relevant law relating to the licence of the HMO and tenancy agreements, I consider that it may be possible to impose and subsequently enforce a condition restricting the occupancy of this building to no more than 7 people.
21. Accordingly, I do not consider that an additional occupant would conflict with the overall aim of Policy CP21 part ii of the Brighton and Hove City Plan Part One (2016) in providing a mixed and balanced community. Due to the limited increase in occupation I consider that the proposal would comply with Policy QD27 of the Brighton and Hove Local Plan (2005) insofar as that policy seeks to avoid disturbance to existing and adjacent residents.

Living conditions of neighbouring occupiers

22. Due to the severely limited communal space it is probable, indeed the appellant refers to it in their statement as a likelihood, that residents would spend a large proportion of time in their bedrooms. Furthermore, due to different timetables, working and socialising patterns, the result would be a minimum of seven adults (who are likely to be accompanied by friends on occasion) coming and going to the property.
23. The result would be a number of individuals carrying out tasks and spending time in bedrooms that would normally be associated with a ground floor living space. This is a very different pattern to that of a family, or possibly a household with a more generous and functional communal space.
24. However, the property has a lawful use as a small HMO. In my view the additional movement and activity associated with one additional occupant, and on occasion their guests, would not result in a material increase in the level of current movement such as to have a detrimental impact on the living conditions of the neighbouring occupiers at No 9.

25. I am mindful that, although the property is currently being used for 6 occupiers, it was previously used, unlawfully, for 7. I have not been provided with any evidence from the council that would suggest that during this time there was an increase in noise or disturbance.
26. I therefore find that the proposal would not conflict in this regard with saved Policy QD27 of the Brighton and Hove Local Plan which seeks to prevent material nuisance and loss of amenity for existing residents. Based on the evidence before me, I find that the proposal would comply with saved Policy SU10 of the Brighton and Hove Local Plan with regards to the level of noise generated.

Effect of the extensions on the living conditions of the occupiers of No 5 Hollingbury Road

27. The ground floor extension is largely concealed due to its positioning within the site. The property extends significantly towards the rear, which is a consistent pattern of the built form in the area. This projection also includes a roof line of some mass. In respect of its relationship with the existing built form the loft extension does not appear overbearing. Views of the adjacent property would be limited due to the existing dwelling, and although the extension does not respond to the roofline of the existing property I do not consider that it is of a scale that results in harm to the character of the property or the surrounding area.
28. As such I find that the works do not result in harm to the living conditions of adjacent residents. As such they comply with Policy QD27 of the Brighton and Hove Local Plan with regards to the effect of development on the living conditions of adjacent residents.

Character and appearance of the extensions

29. Given the diversity of buildings in the vicinity and the concealed nature of the extension and dormer window now before me, to my mind they do not constitute discordant elements and are not harmful to the character and appearance of the area. As such they do not conflict with Policy QD14 with regards to its design criteria.

Other Matters

30. The appellant refers to the proposal delivering a sustainable scheme. I accept that the proposal would provide accommodation for an additional occupier in a sustainable location, close to transport links and the university. However, in my judgement, the benefit of providing one additional bedroom cannot be provided in a way that also provides adequate living conditions for those occupiers. Therefore, the proposal would not be sustainable development.

Conclusion

31. I have found that the proposal would not result in an imbalanced community, nor would it have a significantly detrimental impact on the living conditions of neighbouring occupiers. There is some dispute between the parties as to the lawfulness of the extensions. However, I have considered the extensions and found that they do not result in harm to the character of the area, or have a detrimental impact on the living conditions of neighbouring occupiers.

32. However, I have found that the proposal provides severely restricted communal space and inadequate living conditions for the occupier of the second floor front bedroom. These are matters to which I attach significant weight, and are not outweighed by the elements that weigh in favour of the proposal.

33. Accordingly, for the reasons above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

J Ayres

INSPECTOR



Appeal Decision

Site visit made on 29 November 2017

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

Decision date: 8th December 2017.

Appeal Ref: APP/Q1445/W/17/3182463

**Grace and Compassions Benedictines St Marys House,
38-39 Preston Park Avenue, Brighton BN1 6HG**

- 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 Sister Kathy Yeeles against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00018, dated 4 January 2017, was refused by notice dated 9 May 2017.
 - The development proposed is a new single storey building of approximately 72m² incorporating meeting rooms, toilet and storage area.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Preston Park Conservation Area.

Reasons

3. As the appeal site lies within the Preston Park Conservation Area, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that Area. The National Planning Policy Framework (the Framework) states that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. It also advises that any harm to a designated heritage which is less than substantial must be weighed against the public benefit of the proposal.
4. The Preston Park Conservation Area is a predominantly residential area immediately to the north and east of Preston Park. It is characterised by properties dating from the mid to late 19th century. The properties in Preston Park Avenue have a prestigious location overlooking the trees and lawns of the park. They are large two-storey buildings constructed of red bricks with common features such as square bays, first floor balconies and Dutch-gabled dormers.
5. No 38-39 is operating as a residential care home and has already been significantly extended at the rear. The land at the back of the home rises up on a series of terraces. There is a modest sized garden directly to the rear of the existing buildings. The appeal site is part of an awkwardly shaped area of

land which lies beyond the original rear boundary of No 39. It straddles an area to the rear of Nos 40 and 41 and appears to include what may originally have been part of the gardens of three properties in Beaconsfield Villas. The site is partially occupied by two-storey buildings, including a chapel, which surround a small courtyard. The remainder of the site is on higher ground and comprises a kitchen garden and a modestly sized area of lawn. This part of the site is accessed via a short flight of steps and through an historic wall that marks the original rear boundary of the site. It is within this area that permission is sought for the erection of a single storey building.

6. The erection of buildings on part of the appeal site and other development which is in the area immediately to the north, has taken place incrementally since the 1920s. It has introduced a degree of backland development which is not typical of the remainder of the Conservation Area. This development has eroded the more spacious, open area to the rear of the frontage properties. It has also resulted in the foreshortening of some of the long rear gardens which are a characteristic feature of this part of the Area.
7. The proposed single storey building would be located between two existing walls that mark changes in levels towards the rear of the site. Although it would be located on higher ground, its height and pitched roofs would ensure that it would be no taller than the adjacent existing two-storey buildings. It would not be visible from any public view point and only its roof would be visible from the rear of a few properties in Beaconsfield Villas.
8. Following refusal of an earlier scheme, Ref: BH2016/01883, the size of the proposal has been reduced and its proposed siting has been changed to address the Council's concerns about the loss of the historic wall that marks the original boundary of the site. Nevertheless, the building would have a substantial footprint that would occupy almost the entire area of lawn and kitchen garden. Only minimal gaps would be retained between the building and the walls that currently enclose this space. Furthermore, the rear elevation would not align with the rear of the adjacent building, causing a minor intrusion of development towards the rear of the properties in Beaconsfield Villas. The combined effects of its footprint and siting would result in an erosion of the open and undeveloped area at the rear of the site. This would adversely affect the openness of this part of the Conservation Area.
9. On my site visit I also saw a mature tree growing in a neighbouring garden, which was very close to the south-western corner of the site. This tree is protected by virtue of its location within the Conservation Area, but was not referred to within the application or shown on the submitted plan. Consequently, the possible effect of the proposal on this tree was not investigated and its protection was not specifically addressed as part of the scheme. I sought the views of the main parties on this matter and both indicated that it could be dealt with through the imposition of an appropriate condition. Such a condition would require an arboricultural report and a construction method statement. However, in the absence of this information and the Council's assessment of it, I have no evidence to satisfy me that any suggested protection measures would be effective and that the tree would be unharmed. In these circumstances it is necessary for me to adopt a precautionary approach as this mature tree, and others in the vicinity, make a significant contribution to the appearance of the Conservation Area.

10. Taking all these factors into account, I conclude that the proposal would harm the character and appearance of the immediate surroundings, and the character and appearance of the Preston Park Conservation Area as a whole would not be preserved. The proposal would therefore fail to comply with Policy CP15 of the Brighton and Hove City Plan Part 1 and saved Policies QD14 and HE6 of the Brighton and Hove Local Plan. These policies, amongst other things, require new development to respect its setting, especially in areas protected for their historic interest. Although, in terms of the Framework, this harm would be less than substantial, it is a matter to which I attach significant weight.
11. The application form indicated that the proposal would be for a B1 office use and the Council assessed the proposal on that basis. Other information supplied by the appellant suggested that the use would be more directly related to the activities of the existing nursing home, although few details were provided. However, even having sought additional information from the parties about possible conditions to regulate the use of the building, its intended use remained unclear to me. In view of this uncertainty, there were no identified public benefits that would outweigh the less than substantial harm to the Conservation Area.

Conclusion

12. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR



Appeal Decision

Site visit made on 18th December 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 02nd January 2018

Appeal Ref: APP/Q1445/D/17/3187231

81 Edburton Avenue, Brighton, East Sussex, BN1 6EQ.

- 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 T Walker against the decision of Brighton and Hove City Council.
 - The application Ref: BH2016/06184, dated, 21 November 2016, was refused by notice dated 4 August 2017.
 - The development proposed is insertion of new conservation style roof light to the front of the property.
-

Procedural Matter

1. The Decision Notice contains no reasons for refusal although these are clear from the Officer report on the planning application.

Decision

2. The appeal is allowed and planning permission is granted for insertion of new conservation style roof light to the front of the property, at 81 Edburton Avenue, Brighton, East Sussex, BN1 6EQ, in accordance with the terms of the application Ref: BH2016/06184, dated 21 November 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plans Drwg No: 3615.EX.02; Existing and Proposed Plans, Section & Elevation Drwg No: 3615.EX.01.
 - 3) The roof light hereby approved shall have steel or cast metal frames and be fitted flush with the adjoining roof surface and not project above the plane of the roof.

Main Issue

3. The main issue in this appeal is whether the proposal would preserve or enhance the character or appearance of the Preston Park Conservation Area (CA).
-

Reasons

4. The CA covers an extensive area of fairly tightly packed urban housing, which in the vicinity of the appeal site is characterised by substantial terraced properties with double height gables to the front elevations. The properties appear to date from the Victorian or Edwardian era and are relatively unaltered, imparting a genteel feel to the street.
5. The front roof slope of the appeal property already incorporates a roof light and the appeal proposal would see a slightly smaller one introduced to the left side. The main interest in the roofscape is derived from the upstands to the party walls which project markedly above the roof tiles, as well as the chimney stacks and pitched roof features over some of the bay windows. In this context, the proposal would amount to a modest and discrete addition to the roof slope which would not at all draw the eye and I do not accept the Council's proposition that it would create a cluttered appearance to the terrace. The size and position of the existing and proposed roof light would also relate well to the elevation below and broadly align with the windows therein. Moreover, I saw several other examples of roof lights on other properties in the immediate vicinity, as well as a box dormer window at the top end of the street.
6. For these reasons, I conclude on the main issue that the proposal would preserve or enhance the character or appearance of the appeal property and wider CA. Accordingly, I find no conflict with Policies QD14 and HE6 of the Brighton and Hove Local Plan (2005) (LP) as retained in the Brighton & Hove City Plan Part One (March 2016), Policies CP15 and SS1 of the latter document, or the advice in the Brighton & Hove City Council *Design Guide for Extensions and Alterations* Supplementary Planning Document (SPD) (June 2013), or the *Architectural Features* SPD (December 2009). These seek to ensure that alterations to existing buildings are well designed, sited and detailed, that development complies with the policies of the plan, preserves or enhances the character or appearance of conservation areas and has no harmful impact on its roofscape, that roof lights relate well to the scale and proportions of the elevation below and avoid harm to the uniformity of a terrace. However, I find that Policy QD27 of the LP which relates to the protection of residents' amenity is not relevant to the appeal.
7. In addition to the standard time limit for commencement of development the Council suggest a condition confining the approval to specified plans, which is necessary for certainty. They also suggest a matching materials condition as well as a condition requiring the roof light to have steel or cast metal frames and be fitted flush with the adjoining roof surface. The former is inappropriate provided the latter is imposed and this condition is necessary to secure a satisfactory finished appearance in this historic environment.

ALISON ROLAND

INSPECTOR

Appeal Decision

Site visit made on 5 December 2017

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 14 December 2017

Appeal Ref: APP/Q1445/D/17/3182902
27 Crescent Road, Brighton BN2 3RP

- 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 Pascoe against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/06218, dated 22 November 2016, was refused by notice dated 2 August 2017.
 - The development proposed is for the replacement of wooden sash windows with uPVC sash windows. The replacements are masterframe vintage style which are designed as sympathetic replacements for timber sash windows.
-

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Round Hill Conservation Area.

Reasons

3. The site is situated within a residential street comprising generally well conserved two storey terraced housing. It forms part of the Round Hill Conservation Area, the character statement for which states that in order to halt the erosion of features such as sliding sash windows and traditional materials that threaten to harm to its special character, an Article 4(2) Direction came into effect on 11 January 2001. This direction removes certain permitted development rights and requires applications for planning permission to be submitted for, amongst other things, the replacement of windows and doors.
4. I noted on my site visit that quite a number of houses within the street have had uPVC replacement windows installed, but it is not clear from the submissions before me when these installations took place. However, notwithstanding this, each case must be assessed on its own merits and there still remain a significant number of houses within the street that have timber windows, many of which appear to be original.
5. I acknowledge that the appellant sought to find uPVC replacement windows that replicated the appearance of traditional Victorian sashes, but I noted on my visit that the majority of timber windows within the street were either single or double paned sashes, not multi-paned as the proposal before me. uPVC is not a traditional material and its use flies in the face of the Council's Supplementary

Planning Document on Architectural Features adopted in 2009 (SPD09), which incidentally highlights Georgian or Regency pre 1845 patterns as per the proposal, as well as Victorian post 1845 patterns.

6. Policy – Conservation Areas in SPD09 stipulates that original or historic windows should be retained unless beyond economic repair. It goes on to state that replacement windows must closely match the originals in their style, method of opening, proportions and external details; and for on-street elevations the original material must also be matched. Therefore, notwithstanding that the windows to be replaced may not be originals, they are nonetheless of timber construction and are in tune with the vernacular of the Conservation Area.
7. I note that the appellant does not dispute the Officer's Report where concerning the depth of the external meeting rail, and that the inner meeting rail would extend below the outer one. One would be able to quite clearly denote that the windows were of uPVC construction from the pavement, with the applied nature of the glazing bars also lacking authenticity.
8. I have stated above that quite a number of dwellings within the street have had replacement windows, although I have been provided very little detail as to the history of these but the appeal that was allowed by my colleague for the replacement of aluminium windows with plastic windows at 19 Crescent Road (APP/Q1445/A/09/2100462). However, the material difference between that case and the one before me is the fact that one inappropriate material was being replaced by another, not as in the case here which would give rise to the loss of timber windows.
9. The Council's reasons for making the decision refer to the National Planning Policy Framework (the 'Framework') and Policy SS1 of the Brighton & Hove City Plan Part One (2016) (BHCP). It may well be so that the windows could be recycled in the future, but they would not be traditional in appearance, notwithstanding any energy efficiency and noise insulation benefits. SPD09 highlights that significant energy savings to timber windows can be made by other simple and benign measures such as draft exclusion and perimeter sealing, restoring and bringing back into use internal timber shutters and putting up thick lined curtains. I have been given no substantive reason to dispute this and therefore I only give these considerations limited weight in the overall planning balance.
10. I accept that it is intimated within SPD09 Policy – Conservation Areas that uPVC windows can be used in rear elevations of dwellings whether those dwellings are in Conservation Areas or not. I do however fail to understand how that would be illogical, when it is front elevations that are most visible from the public realm, the interests of which the planning system seeks to protect through its operation.
11. The Council state that the impact of the proposal upon the living conditions of occupants of adjacent properties have been fully considered in terms of daylight, sunlight, disturbance, outlook and privacy and no significant harm has been identified in this respect, I concur with this view. Furthermore, whilst I sympathise with the length of time that it took for the planning application to be determined, this along with the other considerations in favour of the proposal,

are not outweighed by the harm that the proposed uPVC window frames would have upon the visual amenity of the host building.

12. The proposal would fail to preserve the character and appearance of the Conservation Area; and is contrary to BHCP Policy CP15 and Policy HE6 of the Brighton & Hove Local Plan (Retained Policies March 2016) which seek to conserve and enhance the City's historic environment, giving the greatest weight to designated heritage assets and requiring proposals within Conservation Areas to show a consistently high standard of design and detailing, reflecting the scale and character or appearance of the area and the use of building materials and finishes which are sympathetic to the area. The use of uPVC would fail to comply with SPD09 and in accordance with the Framework would lead to less than substantial harm to the significance of the heritage asset, the harm from which would not be outweighed by limited public benefits of the proposal.

Conclusion

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR

Appeal Decision

Site visit made on 5 December 2017

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 14 December 2017

Appeal Ref: APP/Q1445/D/17/3180614
83 Roundhill Crescent, Brighton BN2 3GP

- 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 Tom Musicka against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/06071, dated 11 November 2016, was refused by notice dated 15 June 2017.
 - The development proposed is for the erection of single storey ground floor rear extension, creation of staircase for access from ground floor to garden level and walkway for access from first floor to garden. Roof alterations incorporating rear dormer, front and rear rooflights. Revised fenestration and alterations to boundary wall with other associated works.
-

Decision

1. I dismiss the appeal.

Application for Costs

2. An application for costs has been made by the appellant and is the subject of a separate decision.

Procedural Matters

3. The appellant stated that it was their belief that the drawings submitted by them were misread or misunderstood by the Council, as no increase in the height of the side or rear boundary walls to the garden was proposed. Consequently the appellant has submitted two additional drawings with the appeal, with references BS.01.1 and BS.01.2. Whilst not made explicit, it appears that these were submitted to replace those drawings which were determined by the Council labelled 'Proposed_East_North_Elevations' and 'Proposed_South,_West,_Elevations' respectively.
4. These latter two drawings quite clearly show an increase in the height of the rear garden boundary treatments when compared to the existing elevations. However, in the absence of any formal re-consultation on the revised drawings, I consider that third parties would be prejudiced if I were to accept these as they would not have had an opportunity to comment upon them. Therefore I cannot accept them as revised plans to this appeal.
5. In addition the Council appear to have amended the description of proposed works from that included within the planning application form to that which I

have included in the banner heading above. I consider this revised description to be more accurate and concise and therefore I have determined the appeal on this basis.

Main Issues

6. The main issues are whether the proposal would preserve or enhance the character or appearance of the Roundhill Conservation Area; and the effect it would have upon the living conditions of the occupants of 81 and 85 Roundhill Crescent, with specific reference to outlook.

Reasons

7. The appeal site is situated within the Roundhill Conservation Area which is subject to an Article 4 (2) Direction, which amongst other things, controls alterations of roofs fronting a highway. The appeal dwelling comprises a three storey terraced house within a well conserved street, with largely unaltered front and rear roof planes. There are a handful of examples where rooflights and dormer windows have been inserted within the wider locality, although these do not form the prevailing character of development within the locality. Further, I have been provided with no planning history on these and in any event, each case must be assessed on its own merits.
8. The Roundhill Conservation Area Character Statement (CACS) highlights that the curves and contours of streets like Roundhill Crescent are especially attractive, to which I would agree. It also highlights that the insertion of unsympathetic dormers and other alterations carried out under Permitted Development Rights took place prior to the year 2000 and the introduction of the Article 4 Direction.
9. Furthermore, the Council's Supplementary Planning Document Design Guide for Extensions and Alterations adopted 20 June 2013 (SPD12), where concerning roof extensions and alterations, stipulates that many streets in Brighton and Hove are composed of uniform terraces, the rhythm and continuity of the rooflines of which are often a key visible element within the street scene, which I find to be the case here.
10. SPD12 states that rooflights should be located discreetly such that they are not readily visible from the street and where a terrace within a Conservation Area remains unaltered, rooflights on the front roof slopes will be considered unacceptable. I found that the rear roof slope of the appeal property is also clearly visible from Ashdown Road and in combination with the proposed front rooflights, the rear dormer and single rooflight on the rear elevation would also detract from the current largely unbroken roofscape along the terrace. I therefore find that the proposal would fail to preserve the character and appearance of the Conservation Area.
11. I accept that the proposed alterations to the rear ground floor of the appeal dwelling are not visible from the highway and the Council raises no issue with respect to that aspect of the proposal; I have no substantive reason to come to a different conclusion on this. The detrimental impacts of the proposal in respect to the cumulative number and inclusion of proposed openings, including the dormer, are purely centred upon the works to the main roof.

12. Notwithstanding that I accept that the proposal would improve the internal living accommodation of no 83, I conclude that the proposal would give rise to less than substantial harm to the significance of the designated heritage asset and that there are no public benefits that outweigh this harm. The proposal is contrary to Policy HE6 of the Brighton & Hove Local Plan (Retained Policies March 2016) (BHLP) and Policy CP15 of the Brighton & Hove City Plan Part One (2016) (BHCP) which as well as ensuring that they meet the statutory tests, require proposals for development within Conservation Areas to show a consistently high standard of design and detailing, and to demonstrate no harmful impact on townscape and roofscape.

Living Conditions

13. Notwithstanding the submission of revised drawings (which I have not accepted) with the appeal documentation, a comparison of the existing and proposed elevational drawings quite clearly show an increase in the boundary treatment to both sides of the garden. Whilst I understand from the appellant that it is not their intention to do this, nonetheless, for the reasons I gave above, I can only determine the appeal based upon the plans that were before the Council at the time it made its decision.
14. The rear garden to 85 Roundhill Crescent is at a significantly lower level than that of the main garden of no 83 which is terraced and much closer to first floor level. Any increase in the existing brick wall and fence along the eastern boundary would have a demonstrable overbearing effect that would further reduce outlook from the rear elevation of the neighbouring property, as well as from its conservatory and rear garden. The boundary treatment to the west and shared with 81 Roundhill Crescent is of a similar height, although the rear garden to that dwelling is also terraced and not dissimilar to that of the appeal site. Therefore, I conclude that the increase in height of the boundary treatment in that location would not materially detract from the outlook from no 81.
15. On this matter, I therefore conclude that the proposal would result in a significantly enclosing and overbearing impact to the occupants of 85 Roundhill Crescent and would be contrary to BHLP Policies QD14 and QD27 which stipulate that planning permission for any development will not be granted where it would cause loss of amenity to adjacent residents, taking into account, amongst other things, how overbearing a proposal will be. In addition, the proposal also conflicts with one of the core planning principles of the Framework which is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C J Tivey

INSPECTOR



Appeal Decision

Site visit made on 11 December 2017

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

Decision date: 13th December 2017

Appeal Ref: APP/Q1445/W/17/3184183

103 Halland Road, Brighton BN2 4PG

- 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 George Birtwell against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/02168, dated 27 June 2017, was refused by notice dated 23 August 2017.
 - The development proposed is a change of use of an existing C4 small house in multiple occupation to a Sui Generis large house in multiple occupation.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) Whether or not the proposal would provide satisfactory living conditions for future occupants;
 - b) The effect of the change of use on the provision of a mixed and balanced community in the area;
 - c) The effect of the change of use on the living conditions of occupants of neighbouring properties in relation to noise and disturbance.

Reasons

Living conditions

3. No 103 is a semi-detached house which has been substantially extended through prior approval for a single-storey rear extension, Ref: BH2016/06343, combined with permitted development rights and a Certificate of Lawfulness for a loft conversion, Ref: BH2017/00223. The alterations and enlargements have been implemented and the house now provides a total of nine bedrooms across three floors; three on the ground floor, four on the first floor and two within the loft conversion. Eight of these rooms appeared to be occupied at the time of my site visit.
4. The property has two shower rooms on the ground floor, each of which includes a toilet and washbasin. There is a toilet/washbasin on the second floor. There is a communal area towards the rear of the ground floor which comprises a kitchen/dining room and a separate living room.

5. The Council does not have an adopted policy which requires compliance with the government's minimum space standards. However, the bedrooms vary in size from 7.5sq.m to 9.7sq.m, which accords with the Nationally Described Space Standards. The bedrooms in the loft space have some areas of restricted headroom which somewhat limits their size, although the furniture has been arranged to maximise the available space. In addition to a bed all the rooms have reasonable access to light, some storage space and a desk for studying. The Council therefore considers the bedrooms to be acceptable and I see no reason to take a different view.
6. The communal areas on the ground floor appear to be well-arranged and well-equipped. There is adequate circulation space and it would be possible for all nine residents to sit together at the dining table. Nevertheless, the dining area is rather enclosed and the living room is not large enough to permit all nine occupants to sit and watch the TV at the same time. However, I consider this to be an unlikely scenario, as the residents are more likely to cook, eat and socialise individually or in small groups. On this basis I am satisfied that the communal areas, although not generous, would be adequate.
7. However, I have significant concerns about the provision of washing facilities. Everyone would have to make use of just two showers on the ground floor. In my view this arrangement would be impractical for nine individuals, particularly at the start of the day. If both showers were in use there would only be one other toilet available for use by seven people. Its top floor location would not be convenient for most residents. The absence of any bathroom facilities on the first floor means that occupants of the four bedrooms on this floor would either have to go up or down stairs to access a toilet and downstairs to shower. I consider this to be unsatisfactory.
8. Both shower rooms are small, but particularly the one opposite two of the ground floor bedrooms. Comings and goings to this shower room are likely to cause disturbance for the occupants of these bedrooms. Not only is its floor area restricted, but its door opens into the hall which is the main thoroughfare from all the bedrooms through to the kitchen/living room. This could cause potential conflict between occupants. In my view the washing and toilet facilities in the property are not only minimal in terms of their number, but are poorly arranged, cramped and insufficient to serve the needs of nine residents.
9. I note that the Council has granted an HMO license for the property as a nine-bed, nine-person HMO. However, it does not necessarily follow that the accommodation is acceptable in planning terms, since HMO licensing is primarily a means of securing minimum standards of accommodation that are fit for human habitation. The planning system has wider responsibilities for ensuring that the quality of accommodation provides a good standard of amenity for occupants throughout the lifetime of the development.
10. Taking all these factors into consideration, I conclude that the proposal would provide unsatisfactory living conditions for future occupants, arising from the poor provision of washing and toilet facilities. It would therefore be contrary to saved Policy QD27 of the Brighton & Hove Local Plan (Local Plan), which seeks to protect the living conditions of the city's residents. It would also conflict with one of the core principles of the National Planning Policy Framework (the Framework), which requires development to always seek to secure a good standard of amenity for all existing and future occupants.

Mixed and balanced communities

11. Prior to its enlargement No 103 had been in use as an HMO since 2004. The evidence suggests that it had been occupied by up to five students. The current proposal would increase this to nine adults.
12. Policy CP21 of the Brighton & Hove City Plan Part One (City Plan) aims to actively manage the location of new HMOs. This is part of its approach to providing for the demand for student accommodation whilst also ensuring mixed, healthy and inclusive communities. It states that applications for change of use to a Class C4 or sui generis HMO will not be permitted where more than 10% of dwellings within a 50m radius of the application site are already in use as an HMO.
13. The percentage of properties in HMO within 50m of the appeal site is 18.75%. This figure has not been disputed. The introduction of a new HMO would therefore directly conflict with the terms of Policy CP21. However, the change of use proposed here is from a small to a larger HMO, rather than the addition of a new one. The number and proportion of HMOs in the area would therefore remain unchanged, although there would be an intensification of the existing use. Since the house has not been used as a family home for more than ten years, the proposal would not adversely affect the supply of family housing. As there would be no increase in either the number or the proportion of HMOs in the area arising from the proposal there can be no conflict with Policy CP21.
14. I therefore conclude that the proposal would not be detrimental to the provision of a mixed and balanced community in the area around the appeal site. In this respect the proposal would comply with Policy CP21 of the City Plan.

Noise and disturbance

15. As a small HMO No 103 could be occupied by up to six people. There was no substantive evidence to suggest that its previous use by five people had caused unacceptable noise and disturbance either to immediate neighbours, or others residents in the surrounding area, at any time since 2004.
16. The change of use would lead to an intensification of the use with as many as four additional occupants. The number of comings and goings from the property can be expected to rise with the increased occupancy. The intensification could lead to significantly more instances of noise disturbance to near-by properties, a matter of concern to local Members and residents. However, in the absence of evidence to demonstrate that problems of this nature had been experienced at or near the appeal site, I am not persuaded that the additional three or four residents in this case would result in a material deterioration in the amenity of the neighbourhood as a whole.
17. I therefore conclude that the enlargement of the HMO would not unacceptably harm the living conditions of adjoining occupiers arising from additional noise and disturbance. In this respect the proposal would comply with saved Policies QD27 and SU10 of the Local Plan which, amongst other things, seek to prevent the city's residents being adversely affected by noise nuisance.

Other Matters

18. The appellant¹ and the Council² referred me to a number of other appeal decisions relating to the conversion of small HMOs to larger ones in the Brighton area. These decisions related to the same matters that are in dispute in respect of the appeal proposal, namely the effect on balanced and mixed communities, noise and disturbance of neighbours and the quality of accommodation for future occupants. I have had regard to these decisions, but note that in each and every case the Inspector's conclusions related to site specific circumstances. I therefore find none of them to be directly comparable with the proposal before me, which I have determined on its individual planning merits.

Conclusions

19. Drawing the threads of my assessment together I have found that the proposal would not increase the concentration of HMOs in the area or cause unacceptable harm to the living conditions of neighbours or occupants of other nearby properties. However, the absence of harm in these respects is not a positive factor in favour of the development.
20. However, I was not satisfied that the scheme would provide a good standard of amenity for future occupants, due to the inadequacies of the bathroom facilities.
21. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR

¹ Appellant referred to: APP/Q1445/W/16/3150798, APP/Q1445/W/17/3167367 and APP/Q1445/W/17/3140528

² Council referred to: APP/Q1445/W/16/3157915, APP/Q1445/W/16/3149843, APP/Q1445/W/17/3167023, APP/Q1445/W/17/3168211, APP/Q1445/W/15/3140558 and APP/Q1445/W/15/3139159



Appeal Decision

Site visit made on 14 November 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 6th December 2017

Appeal Ref: APP/Q1445/W/17/3179086 77 Holland Road, Hove BN3 1JN

- 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 Bacon (c/o Perth Securities) against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00664 is dated 24 February 2017.
 - The development proposed is demolition of existing Choice Vehicle Rental workshop and erection of new basement and ground level offices and 9 apartments over with associated car parking and landscaping.
-

Decision

1. The appeal is dismissed and planning permission is refused for demolition of existing Choice Vehicle Rental workshop and erection of new basement and ground level offices and 9 apartments over with associated car parking and landscaping at 77 Holland Road, Hove BN3 1JN.

Application for costs

2. An application for costs was made by Mr Bacon (c/o Perth Securities) against Brighton & Hove City Council. This application is the subject of a separate Decision.

Procedural Matter

3. The appeal results from the Council's failure to determine the planning application within the statutory period. The Council's statement sets out whilst they do not object to the principle of development had they been in a position to determine the application they would have refused it on the grounds of the effect on the setting of Palmeira Yard, a Grade II listed building and on the character and appearance of the Brunswick Town Conservation Area ('BTCA'). Furthermore, that the proposal fails to make provision for affordable housing or an appropriate financial contribution.

Main Issues

4. Given the above, the main issues are:
 - The effect of the proposal on the character and appearance of the BTCA and the setting of Palmeira Yard, a Grade II listed building.

- Affordable housing provision.

Reasons

The appeal site and surroundings

5. The appeal site is situated on the east side of Holland Road and comprises a single storey rendered building with corrugated metal roof set at the back of the site, with the front taken up with parking for vehicles. It sits between a Grade II listed building known as Palmeira Yard and Hove Hebrew Congregational Synagogue to the north and close to the junction with Landsdowne Road. The synagogue is a 2 to 2 ½ storey structure of a distinct and unusual appearance stepping down to single storey adjacent to the boundary with the appeal site.
6. Palmeira Yard is a large and imposing 3-4 storey red brick building in residential use and built abutting its boundaries with steeply pitched slate mansard roofs with wrought iron parapets and terracotta dressings on the brickwork. The immediate area is of mixed residential and commercial character with some retail uses further down Holland Road. There are large institutional and government buildings to the north, although they are of a much lesser height and are outside the BTCA.

Heritage assets

7. Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is given to the desirability of preserving or enhancing the character or appearance of the BTCA and Section 66(1) requires special regard is given to the desirability of preserving a listed building or its setting. Paragraph 132 of the National Planning Policy Framework ('the Framework') makes it clear that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation.
8. The significance of the BTCA appears to lie in it being a fine example of Regency and early Victorian planning and architecture, with spacious elegant houses and terraces, typically painted of a uniform colour. It is a planned 19th century estate with distinctly classical architecture and the original street pattern and terracing remains intact. Residential terraces are typically 3-4 storeys, with some including an additional basement level and/or roof level accommodation. Whilst some dilution from retail and commercial uses has occurred this is confined to mews streets and the principal streets have a very strong sense of scale and rhythm with consistent roof heights.
9. The proposal would be constructed from a mix of large areas of render with white render quoins and banding to the front of each side elevation. The roof would be a grey zinc cladding with glass and aluminium balustrades and guarding round the parapet. Despite changes made to the design, the combination of the materials proposed and the amount of built form across the majority of the width of the appeal site and for a considerable depth would create an overly horizontal emphasis.
10. The parapet would also sit above the eaves of Palmeira Yard and because of the topography of this part of the town the proposal would be clearly conspicuous in wider views, in particular from around the junction of Holland

Road and Lansdowne Road and to the north. In combination with its scale, mass and height it would result in the eye being unacceptably drawn to it. To my mind, it would sit in stark contrast to the prevailing form, roofscape and appearance of this part of the BTCA, appearing as an alien and incongruous addition that would be detrimental to the visual interests of its surroundings.

11. I acknowledge that the existing building is of no architectural merit and in design terms it is not always essential for such a proposal to replicate the traditional design or appearance of a building or area. Furthermore, that contemporary design can develop a further layer of townscape which complements, rather than competes with the past. However, the proposal would result in an inappropriate and confused mix of contemporary architecture that at such a scale and height and in such a context would not represent a high quality of design and would fail to preserve the character and appearance of the BTCA. Furthermore, I do not consider that it would represent such an innovative or high quality design that it should be considered to be an enhancement.
12. Turning to the setting of Palmeira Yard, the Framework states that the setting of a heritage asset is the surroundings in which it is experienced and that this can be more extensive than its curtilage. Heritage assets are clearly influenced by the comprehension of external factors and development within their setting, the extent of which is not fixed and can evolve over time.
13. In this case, the setting of that building is influenced predominantly by classical Regency and Victorian architecture, in addition to the synagogue. Although there is some variety in the wider area in terms of building styles, designs and sizes, the surroundings in which it is experienced do not include modern buildings located further down Holland Road, such as No. 63 Holland Road. Nevertheless, its side elevation and roof is a dominant and imposing feature, in particular when approaching from the north and the views of the building across the appeal site make a substantial and important contribution to the setting of the heritage asset.
14. The proposal would comprise four full storeys over a basement, plus a penthouse level set in from the main building lines within a mansard roof. The combination of height and what would be a rather confused side elevation, in configuration and appearance of the upper storeys would visually jar with the roof of the listed building, obscuring views of it when travelling down Holland Road. It would substantially and harmfully diminish the perception and attractiveness of Palmeira Yard and the significance of it as a designated heritage asset, in terms of its setting.
15. For these reasons, the proposal would fail to preserve or enhance the character and appearance of the BTCA and would harm the significance of Palmeira Yard, a Grade II listed building, in terms of its setting. The proposal would therefore conflict with Policies CP12 and CP15 of the Brighton and Hove City Plan Part One ('CP') which, seek to conserve and enhance the city's historic environment in accordance with its identified significance, giving the greatest weight to designated heritage assets and their setting and be of a high quality design.

Affordable housing

16. Policy CP20 of the CP requires the provision of affordable housing on all sites of 5 or more dwellings. For a development of 9 residential flats 20% affordable

housing as an equivalent financial contribution would be required. On the basis of the information before me, I have no reason to consider that such a requirement would fail to meet the tests of necessity, relevance and fairness as set out in section 122 of the Community Infrastructure Levy Regulations 2010 (as amended) or Paragraph 204 of the Framework.

17. However, no legal agreement is before me although the appellant has suggested that such provision could be secured by condition. I have carefully considered this but the Planning Practice Guidance states that planning permission should not be granted subject to a positively worded condition that requires the applicant to enter into a planning obligation.
18. Furthermore, that only in exceptional circumstances, a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. This does not appear to be the case here and no such condition has been put before me by the parties. Having regard to the advice in the PPG I do not consider that this particular case this matter could be resolved by condition.
19. Whilst I have some sympathy with the appellant's position, the Planning Inspectorate's Procedural Guide Planning Appeals – England 2016 is clear that a certified copy of the executed obligation should be received no later than seven weeks from the appeal start date and I have had no indication that the appellant intended to submit one. Furthermore, there is nothing before me to suggest that the contribution would be a disproportionate burden or that there are viability issues which warrant a different approach.
20. For these reasons, in the absence of the necessary obligation or means of securing any contribution the proposal fails to make adequate provision for affordable housing. It would therefore conflict with Policy CP20 of the CP, which seeks to ensure that new development delivers an appropriate contribution to affordable housing, unless otherwise justified.

Other Matters

21. I acknowledge the lack of objection from consultees and that the Council raises no other objections to the proposal. Furthermore, that the scheme is a resubmission following the refusal of earlier schemes. However, these matters do not outweigh the considerable importance and weight I give to the failure to preserve or enhance the character and appearance of the BTCA and harm to the significance of a designated heritage asset, in terms of its setting.
22. I have been referred to an approval by the Council in 2010 at 63 Holland Road¹. However, this building has a lesser effect than the appeal proposal before me would have and sits in a subtle but materially different context to the appeal site. Furthermore, I have not been provided with the full details and I cannot therefore be certain that the considerations and judgements are directly comparable to the proposal before me. Consequently, it does not alter my findings in relation to the main issues and in any event, each case must be determined on its own merits.

¹ BH2010/00814.

Planning balance and overall conclusion

23. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The starting point therefore is that the proposal would conflict with Policies CP12, CP15 and CP20 of the CP. There would be compliance with some aspects of the plan but the conflict I have identified is such that it should be regarded as being in conflict with the development plan, when read as a whole. It is therefore necessary to consider whether there are material considerations which indicate that permission should be granted, notwithstanding this conflict.
24. The Framework is a significant material consideration and because less than substantial harm has been identified to the significance of a designated heritage asset, before considering whether Paragraph 14 and the presumption in favour of sustainable development applies this harm should be weighed against the public benefits of the proposal.
25. The PPG states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in Paragraph 7 of the Framework. Public benefits should flow from the proposed development and should be of a nature or scale to benefit the public at large and should not just be a private benefit.
26. The proposal would provide 9 additional smaller units in an area of high housing demand. It would also be on previously developed land and in an accessible location close to services. Construction would result in short term employment opportunities, and local spending, both during construction and thereafter by occupiers which would contribute to the local economy. There would also be some additional economic benefits from the provision of new office space, although this is tempered by the loss of an existing employment use.
27. The appellant also contends that vehicle movements would be reduced and the proposal would improve the appearance of the site and area. However, I did not observe that on street parking was solely as a result of the use or that it is causing any highway safety issues. There is also nothing before me to suggest that public health is at risk or that this could not be mitigated by conditions. For reasons already given above, I disagree that this would represent an enhancement to the BTCA. Furthermore, there is nothing to suggest that the operation of the adjoining synagogue and its continued use are under threat from the existing building.
28. Taking everything together, the public benefits would not outweigh the considerable importance and weight that I give to the desirability of preserving or enhancing the character and appearance of the BTCA, the harm to the significance of Palmeira Yard, in terms of its setting and the conflict with the development plan policies that I have identified.
29. Whilst I note the appellant's reference to the presumption in favour of sustainable development the principle of housing is not at issue in this appeal. Moreover, the appellant does not dispute that the Council can demonstrate a 5 year supply of housing land and I have not found the development plan to be absent, silent or relevant policies are out of date. In any event, in accordance with the requirements of Paragraph 14 and footnote 9 of the Framework, I have found that specific policies in the Framework indicate that development

should be restricted². As such, the presumption in favour of sustainable development does not apply.

30. For the reasons given above, the proposal would conflict with the development plan, when read as a whole. Material considerations do not indicate that a decision should be made other than in accordance with it. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

² Designated heritage assets.



Costs Decision

Site visit made on 14 November 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 6th December 2017

Costs application in relation to Appeal Ref: APP/Q1445/W/17/3179086 77 Holland Road, Hove BN3 1JN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Bacon (c/o Perth Securities) for a full award of costs against Brighton & Hove City Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for demolition of existing Choice Vehicle Rental workshop and erection of new basement and ground level offices and 9 apartments over with associated car parking and landscaping.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance ('PPG') advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. Paragraph 048 of the PPG highlights that local authorities may be at risk of an award of costs where there are no substantive reasons to justify delaying the determination and better communication with the applicant would have enabled the appeal to be avoided. Although the PPG says that behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded, it makes clear that costs can only be awarded in relation to unnecessary or wasted expense at the appeal, during the process by which the Inspector's decision is reached.
4. The appellant contends that they have sought at length to engage with the Council and that because of a lack of engagement, the appellant was left with no alternative but to submit an appeal. The application is dated 24 February 2017 and had a statutory determination date of 2 May 2017. On the evidence before me, comments on heritage issues were forwarded to the appellant on 26 April 2017 and this was followed by an email on 29 June 2017 which appears to be following the receipt of revised plans which sought to address the comments.
5. It is clear that the Council had concerns regarding the proposals and it was the appellant's choice to appeal against the non-determination of the application instead of continuing to work to address these concerns. Nevertheless, there is

little before me to demonstrate why the Council were unable to make a decision on the application. Therefore, I appreciate the appellant's frustration by the Council's failure to determine the application and not engage until so close to the statutory decision date. Without any evidence to the contrary the Council appears to have acted unreasonably in this regard. However, for costs to be awarded unreasonable behaviour must also have resulted in unnecessary or wasted expense.

6. Although the Council did not issue a decision and the appellant lodged the appeal against non-determination on 29 June 2016, it is apparent that an appeal was necessary in the face of the Council's clearly-stated objections. The Council have also adequately explained why permission would not have been granted had the application been determined within the relevant period and it is not the case here that the appeal could have been avoided.
7. I have found that the Council had reasonable concerns regarding the main issues and furthermore, there is no evidence to suggest that agreement could have been reached on these, or other matters. In this particular case, an appeal was inevitable. Thus, although the delay in determination should not have occurred I do not find that the appellant was caused unnecessary or wasted expense, despite the Council's unreasonable behaviour in not engaging earlier in the process and by not providing a satisfactory explanation as to why the application was not determined.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason an award of costs is not justified.

Richard Aston

INSPECTOR



Appeal Decision

Site visit made on 4 December 2017

by **Nicola Davies BA DipTP MRTPI**

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

Decision date: 12 December 2017

Appeal Ref: APP/Q1445/W/17/3182850

Charter Medical Centre, 88 Davigdor Road, Hove BN3 1RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr J A Condon of The Charter Medical Centre against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/01802, dated 25 May 2017, was refused by notice dated 31 July 2017.
 - The development proposed is described as "*installation of 1no. temporary single storey Portakabin building to be used as additional clinical rooms. To be hired for a period of 156 weeks*".
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised in respect of the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. At the Davigdor Road street frontage the medical centre building is positioned back from the highway behind an access ramp and landscaping enclosed by a low wall that runs alongside the pavement. The medical centre building hosts large windows at ground floor and string course detailing within the brickwork along this street frontage elevation. Along this side of Davigdor Road I observed that the buildings are generally positioned behind landscaped frontages and this creates a sense of space between existing developments and the public highway.
4. The proposal, although single storey and smaller in overall size to that of the existing medical centre building, would nevertheless be a large structure in itself. It would occupy almost the entire length and depth of the existing landscaped frontage and obscure a significant proportion of the existing building frontage, including the ground floor windows and string course brickwork detailing. A structure of the size proposed, positioned forward of the main building, and having an elevated siting to that of the adjoining pavement, would be extremely visible. It would appear as a discordant feature that would detract from the visual appearance of this streetscene. Consequently, the proposal would harm the character and appearance of the area. This harm

- would be highly apparent in public views from the adjoining public highway and in outlook from surrounding properties.
5. I do not consider a vinyl wrap of brick appearance would overcome the visual harm or create a structure that would merge appropriately with the detailing of the existing building.
 6. I note the proposed development would not obstruct the pedestrian or vehicular highways and that level access would be provided from the existing ramp. The structure would be conveniently close to the medical centre reception and would be of thermally insulated construction that would limit noise penetration. It can also be re-used elsewhere once no longer required. The appellant suggests that the structure would deter trespassers and indicates that it would be secured when not in use. Furthermore, it would not adversely impact the living or working conditions of adjoining occupiers. Whilst these are benefits pertaining to the proposed structure, these matters do not outweigh the harm that I have identified above or justify the proposed development.
 7. I note the appellant wishes to provide clinical rooms to increase the medical care accommodation at the existing medical centre and I accept that this would assist meeting the increased demand for services at the centre. I do not doubt that the structure would provide much needed facilities and assist the centre accommodate the increased patient numbers that have arisen as a result of closure of other practices within Hove. Indeed the letters received from the NHS Brighton and Hove Clinical Commissioning Group and the chair of the Charter Medical Centre Patient Group highlight these pressures.
 8. I sympathise with appellant's circumstances and the pressures for the medical centre to accommodate increased patient numbers at a site that hosts limited opportunity to physically expand. However, the proposed development would cause significant visual harm to this streetscene and this harm would be apparent for a period 3 years (156 weeks). I do not consider that this visual harm is outweighed by the appellant's particular circumstances in this case or that the proposal would be justified by the short-term medical service benefits to the local community.
 9. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposed development would be contrary to Policy CP12 of the Brighton and Hove City Plan and Policy QD14 of the Brighton and Hove Local Plan that, amongst other matters, require development to be well designed, sited and detailed and to respect adjoining properties and the surrounding area.

Conclusion

10. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR



Appeal Decision

Site visit made on 4 December 2017

by **Nicola Davies BA DipTP MRTPI**

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

Decision date: 12 December 2017

Appeal Ref: APP/Q1445/W/17/3184612

54 Shirley Street, Hove East, Sussex BN3 3WG

- 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 A Gumbrill against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00898, dated 6 March 2017, was refused by notice dated 6 July 2017.
 - The development proposed is change of use of office (ground floor) and flat (first floor) into dwelling house including replacement front bay.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appellant's name from the planning application form, although I note that a Christian name has been provided on the planning appeal form. In addition, the site address provided on the planning application form has been replaced by a fuller version in subsequent documents. I consider this to be usefully more comprehensive and have thus employed it here.

Main Issue

3. I consider that the main issue is whether the proposed development would be consistent with planning policies relating to the retention of employment floorspace.

Reasons

4. Policy CP3 of the Brighton and Hove City Plan Part One resists the loss of unallocated sites or premises in, or last used as, employment within Use Classes B1 to B8 unless it can be demonstrated that the site or premises is redundant and incapable of meeting the needs of alternative employment uses within these use classes. The appellant indicates that the ground floor office premises is vacant as the former tenant has retired and adds that the premises would have been vacated sooner had it not been for the lease commitment.
5. The appellant has commented that he has tried locally to find an alternative tenant suggesting that the premises restrictive accommodation and its location have made the accommodation unsuitable. However, I have not been provided with any substantive or detailed evidence, such as, the outcomes of a marketing exercise, that might indicate that the premises is prohibitively small

or that its location makes it unsuitable and/or unattractive to other occupiers. I therefore am not satisfied on the basis of the evidence before me that the premises could not accommodate or be attractive to an alternative occupier.

6. It is argued that there is a large number of unused employment accommodation elsewhere in the City but I have not been directed to any specific examples. Notwithstanding this, the Council indicates that there is a shortage of employment floorspace, particularly smaller units, and that this is expected to worsen moving forward through the Brighton and Hove City Plan Part One plan period. The appellant points out that Policy CP3 indicates that where a loss is permitted the priority for reuse can include housing. However, it appears to me important to resist the conversion of this premises to a dwelling as it could meet an ongoing demand for small employment premises in the City.
7. The appellant points out that over time other businesses in this locality have ceased trading and the properties have been reverted back to single houses. The same circumstance would take place here. The premises frontage would be replacement with a bay window. The appellant also advises that the shower room and kitchen within the first floor flat are very poor and provide unsatisfactory living accommodation. It is argued that it would be more practical to amalgamate the ground and first floor accommodation than retaining the situation as is. I accept that the proposal would visually improve the appearance of the residential terrace and provide improved accommodation and living conditions for residential occupiers. However, these benefits of the scheme do not outweigh the harm identified above or justify the proposed development, despite this being a predominantly residential area with few businesses premises.
8. I do not therefore consider that there is no reasonable prospect of the appeal site having a future economic use. As such, I cannot conclude that it has been sufficiently demonstrated that the appeal site would not be capable of meeting a potential demand for employment use or that an alternative use would not be appropriate at the appeal site. To my mind the appeal site could continue to provide employment floorspace within the City in line with Policy CP3 of the Brighton and Hove City Plan Part One.

Other Matters

9. Some concern has been raised about the processing of the planning application. However, this is a matter that, if necessary, should be raised with the Council away from this appeal. In any event, these concerns would not lead me to alter my findings above.
10. I note that no objection has been raised by local occupiers to the proposed development. However, the proposal needs to be considered in terms of the wider public interest.

Conclusion

11. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR

Appeal Decision

Site visit made on 2 May 2017

by **J Ayres BA Hons, Solicitor**

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

Decision date: 5th June 2017

Appeal Ref: **APP/Q1445/W/16/3167802**

Land adjacent to **3 Tandridge Road, Hove, East Sussex BN3 4LU**

- 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 T Froude against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/01069, dated 16 March 2016, was refused by notice dated 16 September 2016.
 - The development proposed is "one one-bedroom house".
-

Decision

1. The appeal is allowed and planning permission is granted for "one one-bedroom house" at land adjacent to 3 Tandridge Road, Hove, East Sussex BN3 4LU in accordance with the terms of the application, Ref BH2016/01069, dated 16 March 2016, subject to the attached schedule of conditions.

Procedural Matter

2. The application form refers to the development site as No 2 Tandridge Road. The submitted plans are also titled as relating to No 2 Tandridge Road. However, the appeal site is clearly shown on those plans as lying adjacent to No 3 Tandridge Road. The officer's report, the Council's Decision Notice, the neighbour responses, the appellant's statement of case and the appeal form all refer to the land adjacent to No 3 and, from my own observations during the site visit, I am satisfied that that is the correct address. That is reflected in the header above.

Main Issue

3. The main issue is the effect on the character and appearance of the area.

Reasons

4. Tandridge Road is a residential street characterised by a mix of detached and semi-detached properties. The properties along Tandridge Road appear to be sited on relatively modest plots, with a small degree of separation between them. Whilst the properties vary considerably in their design, the majority are either two storey or chalet style bungalows and there is no uniform roofline. The steep pitched roofs to a number of properties allows for accommodation within the roof space, with some having large dormers to the side. The absence of a set pattern to the built development creates an interesting and diverse streetscene.
-

5. The planning history for the site indicates that this plot of land, which fronts onto Tandridge Road and, on the evidence of the Council extends to some 108 square metres in area, was previously occupied by a double garage. At the time of my visit, however, there were no buildings on the site, which was becoming overgrown. To the north, the site is adjoined by No 3 Tandridge Road, a detached chalet style bungalow property, whilst to the south, the site is bounded by the end of the rear garden to No 309, Kingsway.
6. The currently vacant appeal site creates a 'gap' between the rear of the main building at 309 Kingsway and the side of the No 3 Tandridge Road. I am mindful, in this regard, that there is a not dissimilar 'gap' on the opposite side of the road here, between the rear of the main building at 311 Kingsway, another two storey property, and the side wall of No 2 Tandridge Road. I saw, however, that the 'gaps' are not identical and that there are outbuildings/garages within the gardens to the respective properties which are seen from the street. All in all, I am not persuaded that the 'gaps' are an integral or defining feature of the street, or that they make a material contribution to any sense of openness. Accordingly, I am satisfied that development of the appeal site is acceptable in principle.
7. The plot frontage is not dissimilar in width to many others on the street, with the front of the proposed dwelling aligning with the frontage of the adjacent properties on Tandridge Road. The proposed chalet type property would reflect the style and height of other dwellings in the immediate vicinity, the separation between the new dwelling and No 3 Tandridge Road also reflecting the spacing between other nearby dwellings. I saw that the rear of the main building at 309 Kingsway is separated from the appeal site by a garage and a substantial outbuilding, providing sufficient separation to ensure that the development would not appear cramped in its street setting.
8. Whilst the scheme proposed includes a large side-facing dormer window within the roof slope, such windows are an established feature of the street on a number of the other dormer style properties. I recognise that many of those dormers have pitched roofs over, but I also saw examples of flat topped side facing dormers. I am not persuaded, in this regard, that the proposed dormer is overly large, or that it would be seen as an uncharacteristic feature in its context.
9. I recognise that the plot is of restricted depth. However, that would not be apparent from the street. I am mindful, in this regard, that the Council accepts that an acceptable standard of accommodation would be provided for future occupiers, including the provision of outdoor amenity space.
10. All in all, having regard to the general rhythm of built form along the street, and prevailing design features that are reflected in the proposal, I am satisfied that there would be no material harm to the character and appearance of the area as a consequence of the development proposed.
11. As such I conclude that the proposal would not conflict with policies CP8, CP12 and CP14 of the Brighton and Hove City Plan Part One (2016) policy QD14 of the Brighton and Hove Local Plan 2016 and the Council's supplementary planning document '*Design Guide for alteration and Extensions*'(SPD 12) ¹

¹ Policy QD14 and the SPD relate to extensions and alterations to existing dwellings. Since the appeal scheme relates to a new dwelling, neither the policy nor the SPD are directly relevant. I have, however, taken them into

which, together and among other things, seek to ensure that new development respects the character of the neighbourhood and to secure the provision of a range of dwellinghouses to accommodate housing need.

Other Matters

12. Although not reflected in the Council's reasons for refusal, local residents raise concerns in relation to a number of matters including loss of light, overshadowing, privacy and parking. These are addressed in detail in the officer's report and, for the reasons set out therein, I have no reason, on the basis of the information that is before me and from my own observations during the site visit, to come to a view that is any different from that of the Council in these regards, subject to the imposition of conditions.
13. I note a reference in the officer's report to the need for a financial contribution towards sustainable transport infrastructure, although there is no mention as to what exactly any such money would be spent on. However, the absence of such a contribution does not feature in the reasons for refusal. As there is no substantiated evidence to demonstrate that there would be any material harm absent such a contribution, I see no reason to pursue this matter further and the absence of a contribution does not weigh against the proposal.

Conclusion

14. For the reasons given above and taking into account all matters raised, I conclude that the appeal should be allowed.

Conditions

15. I have considered the imposition of conditions in accordance with advice in the Framework and Planning Practice Guidance.
16. A condition specifying the approved plans is necessary as this provides certainty. I have imposed a condition requiring the submission of materials as this is necessary to safeguard the character and appearance of the area.
17. The carrying out of additional extensions and the erection of curtilage buildings without the need for for planning permission, ie as "permitted development" could, given the constrained nature of the plot, have a material adverse impact on the amenities of adjoining occupiers. I have therefore imposed a condition to remove permitted development rights in this regard. Similarly, in order to protect the living conditions of adjoining occupiers on terms of privacy, I have removed permitted development rights in relation to additional windows/dormers above ground floor level.

Johanna Ayres

INSPECTOR

account insofar as they require, among other things, that development is well designed, sited and detailed in relation to adjoining properties and the surrounding area.

CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: unnumbered location plan (1:1250); unnumbered block plan (1:500); and Plan No 1522/01 Rev B (Proposed Plans, Elevations and Sections).
- 3) No development shall take place until samples of all external facing materials, hardsurfacing materials and materials for the front boundary wall have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved sample details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the dwelling hereby permitted shall be carried out, nor shall any development within the curtilage to the dwelling be erected or constructed.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows above ground floor level, other than those expressly authorised by this permission, shall be constructed.

-----END OF SCHEDULE-----



Appeal Decision

Site visit made on 11 December 2017

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

Decision date: 13th December 2017

Appeal Ref: APP/Q1445/W/17/3183985

Taste of India, 194 Church Road, Hove, East Sussex BN3 2DJ

- 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 Gurdeep Virdee against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00764, dated 28 February 2017, was refused by notice dated 19 June 2017.
 - The development proposed is a single storey timber-framed extension for food storage and preparation plus internal staff improvement works and layout of take-away facilities.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The extension has already been erected and the Council determined the application on the basis that permission was sought for the development as built. I have done the same.

Main Issue

3. The main issue is whether or not the extension preserves or enhances the character or appearance of the Old Hove Conservation Area.

Reasons

4. As the appeal site lies within the Old Hove Conservation Area, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that Area. The National Planning Policy Framework (the Framework) states that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. It also advises that any harm to a designated heritage which is less than substantial must be weighed against the public benefit of the proposal.
5. Church Road is a busy commercial street at the heart of Hove. It is characterised by constant movement of people and vehicles travelling to and fro through the area. The buildings along it have a variety of shops and restaurants at ground floor level. No 194 is part of an important terrace of four storey buildings, Nos 186-216, which front the southern side of the street between the public library and the junction with Hove Street/Sackville Road. The Council's Conservation Area Character Statement indicates that very few of the late Victorian shopfronts in this area survive. However, above the shop units the buildings display a wealth of architectural detail and original features which contribute positively to the character of the area. This terrace of properties has three storey rear outriggers.

- Whilst these features are not visible from the public realm and are therefore less significant than those at the front they are, nevertheless, important elements of the original plan layout of the buildings.
6. The L-shaped extension projects approximately 4.5m beyond the rear elevation of the outrigger and, at its far end, also extends out from the line of its side wall. It is therefore a large and bulky addition which fails to respect the original plan form of the building. It is very different in scale and form to the small extension which has been added to the rear of No 196. In addition the new landing area between the side wall of the extension and the boundary with No 192 has been made into a covered way. This further detracts from the original form and design of the building.
 7. The rear elevations of the buildings in the terrace are rendered, painted in light colours and most appear to be reasonably well maintained. However, the extension has a flat felted roof, is clad in white UPVC and has gloss black plastic rainwater goods. It therefore not only has a bland appearance but is also constructed in materials that are totally out of keeping with the remainder of the terrace of which No 194 is a part. Although the extension is not highly visible from the public realm, the structure can be seen from the surrounding buildings and from several houses in Vallance Road. It can also be glimpsed through the gaps between the properties in this adjoining street, from where it appears bulky and out of character with the host property. In addition, the use of UPVC appears alien as it is not an appropriate material to use on an extension to a period property within a conservation area. The fact that the extension would occupy previously developed land does not overcome these concerns.
 8. I am aware that prior to the erection of the extension there was a landing/patio at the rear of the property and the appellant submitted limited photographic evidence of this and a shed that was previously located on it. However, the shed appeared to be of modest proportions, was constructed of traditional materials and was not attached to the original building. It would have been seen as an ancillary structure rather than a permanent extension and is therefore not comparable with what has subsequently been constructed.
 9. Taking all these factors into account, I conclude that the extension is harmful to the character and appearance of the host property. Consequently, the character and appearance of the Old Hove Conservation Area would not be preserved. The scheme therefore fails to comply with Policy CP15 of the Brighton and Hove City Plan Part 1 and saved Policies QD14 and HE6 of the Brighton and Hove Local Plan. These policies, amongst other things, require new development to respect its setting, especially in areas protected for their historic interest.
 10. Although, in terms of the Framework, this harm would be less than substantial, it is a matter to which I attach significant weight. I appreciate that the extension has been erected to support the business that occupies the ground floor of No 194. However, this does not amount to a public benefit that can be weighed against the harm to the Conservation Area.
 11. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR