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# Appeal Decision

Site visit made on 2 August 2016

**by David Walker MA MRTPI**

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

**Decision date: 7 October 2016**

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**Appeal Ref: APP/Q1445/W/16/3149109**

**10 St George's Place, Brighton & Hove, Brighton BN1 4GB**

- 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 Healey against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03407, dated 17 September 2015, was refused by notice dated 27 January 2016.
  - The development proposed is part change of use of rear of ground floor shop (A1) with associated erection of rear extension to form 1no two bed self-contained flat (C3). Internal alterations to facilitate reconfiguration of the existing residential accommodation on the upper three floors, including removal of the mezzanine floor, to form 3no one bed self-contained flats (C3). External alterations including new shop front, revised fenestration, installation of new steps and replacement glass balustrade to existing roof terrace and internal secure cycle storage.
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## Decision

1. The appeal is allowed and planning permission is granted for part change of use of rear of ground floor shop (A1) with associated erection of rear extension to form 1no two bed self-contained flat (C3). Internal alterations to facilitate reconfiguration of the existing residential accommodation on the upper three floors, including removal of the mezzanine floor, to form 3no one bed self-contained flats (C3). External alterations including new shop front, revised fenestration, installation of new steps and replacement glass balustrade to existing roof terrace and internal secure cycle storage at 10 St George's Place, Brighton & Hove, Brighton BN1 4GB in accordance with the terms of the application, Ref BH2015/03407, dated 17 September 2015, subject to the conditions in the attached Schedule.

## Preliminary Matters

2. I have used the description of the development provided by the Council in its planning decision notice and corresponding Listed Building Consent<sup>1</sup> in the interests of accuracy and consistency.

## Main Issue

3. The main issue in the appeal is whether the proposal would result in an appropriate mix of accommodation with regard to development plan policies for the supply and retention of housing types.

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<sup>1</sup> Listed Building Consent application ref BH2015/03408 granted 27 January 2016

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## **Reasons**

4. No 10 is a mid-terrace property located on the historical main route into Brighton. It has a suitably grand frontage and is surrounded by other buildings with similarly high architectural finishes and grandeur. The whole of the approach along London Road to Grand Parade, including St George's Place, falls within the designated Valley Gardens Conservation Area.
5. In addition to consented listed building works including a new shop front of authentic design and detailing to replace the existing aluminium shop front, the proposal would involve the formation of 4 units of accommodation from internal alterations and a rear extension. Only the mix of the flats proposed has given rise to the reason for refusal provided by the Council due to the loss of an existing family sized unit of accommodation.
6. At my site inspection it was apparent that the existing family unit was a maisonette located on the upper floors of the building where it can be reached only over lengthy flights of narrow stairs. It would not be attractive to a family with young children and associated paraphernalia such as a pushchair or baggage. There is, moreover, no outside space provided with the maisonette for children's playing or clothes drying. In this regard I have no reason to doubt the surveyor's letter provided by the appellant that indicates that suitable tenants would be limited to sharers or a professional couple.
7. I can appreciate the desire by the Council to seek to retain the stock of smaller sized family accommodation. Moreover, converting the existing maisonette into two one bedroom flats would be unlikely to provide new family units. However, the circumstances of this case mean that the existing unit is very unlikely to be considered by families as being suitable for their occupation. Additionally, a new 2 bedroom flat would be provided within the extended proportion of the appeal building. It would be smaller than the maisonette but much more accessible being at the ground floor level and include a small external space for sitting out.
8. For these reasons I do not find that the appeal scheme as a whole would be in serious conflict with saved Policy HO9 of the Brighton and Hove Local Plan 2005 (the Local Plan) in respect of seeking to retain and provide smaller sized family accommodation in the city. With regard to the limitations imposed by the existing form of the appeal building I find the proposal would also deliver an appropriate mix of dwelling types and sizes for the purposes of saved Policy HO3 of the Local Plan.
9. Turning to the external works, I am satisfied that these would result in an enhancement of the appeal building that would, in turn, deliver an enhancement of the character and appearance of the conservation area as a designated heritage asset.

## **Conditions**

10. The appeal being allowed, I have given consideration to the suggested conditions provided by the Council. As well as the standard time implementation period condition, I have imposed a plans condition in the interests of certainty. I also find conditions are necessary to control the specification of external materials, including details of the shopfront joinery,

and to ensure works to the flint wall match the existing flint-work, in order to preserve the character and appearance of the conservation area.

11. At the time of the application the highway authority noted that the appeal site was located within a controlled parking zone and that the occupants of the proposal should be prohibited from applying for a parking permit. Such a restriction would require a condition to enter into a planning obligation or to limit the benefits of the planning permission to particular groups of people. Neither of these approaches would accord with the advice provided within the Planning Practice Guidance<sup>2</sup> over the use of conditions. As the proposal would result in only two additional flats I am satisfied that additional demand for car parking would be minimal. Therefore, and in the absence of any recent evidence of harm, I do not find that the restrictions sought would be reasonable and necessary to secure by a condition.
12. The absence of any on-site car parking makes the provision and retention of cycle storage measures necessary in order to ensure satisfactory alternative means of transport, and I attach a suitably worded condition accordingly.

### **Conclusion**

13. For the reasons given above, with regard to the development plan read as a whole, I conclude that the appeal should be allowed subject to conditions.

*David Walker*

INSPECTOR

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<sup>2</sup> Paragraphs 21a-010 and 21a-015

## **Annex**

### *Schedule of conditions*

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 140/20; 140/06; 140/07; 140/08 Rev A; 140/09; 140/13 Rev A; 140/14 Rev B; 140/15 Rev B; 140/16; 140/17; 140/18 Rev B; 140/21 Rev A; and 140/22.
- 3) No development shall take place until samples of the following materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:
  - a) samples of brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples of all hard surfacing materials
  - c) samples of the proposed external pipework and rainwater goodsDevelopment shall be carried out in strict accordance with the approved details.
- 4) No works shall take place until full details of the proposed shopfront including 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
- 5) The alteration of the flint wall to the rear on the south side shall be carried out to match the existing flint-work in respect of flint type, coursing and spacing and using a lime mortar.
- 6) 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.

End of schedule