The Planning Inspectorate

Appeal Decision

Site visit made on 14 March 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/Q1445/W/16/3165303
23 Cambridge Grove, Hove, BN3 3ED

- 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 Paula Barnes against the decision of Brighton and Hove City Council.
- The application Ref BH2016/02370, dated 24 June 2016, was refused by notice dated 11 November 2016.
- The development proposed is alterations and part change of use of existing mixed-use building from 3no ground floor garage / workshops (B1) and maisonette (C3) above to create a separate dwellinghouse (C3) and 2no retained ground floor (B1 garage / workshops and maisonette above.

Decision

1. I allow the appeal and grant planning permission for conversion of 1no. existing garage into 1no. three bedroom house at ground, first and second floor levels with alterations to existing maisonette at 23 Cambridge Grove, Hove, BN3 3ED in accordance with the terms of the application Ref BH2016/02370 dated 24 June 2016 and the plans 6019/PL/020, 6019/PL/021, 6019/PL/022 and 6019/PL/030.

Preliminary Matters

2. Following my site visit the Council submitted information which indicated that the appeal site included a structure which is considered to be curtilage listed as part of 23 Cromwell Road, a grade II listed building located to the rear of the appeal property. In response to this information I sought the views of the main parties and address this matter below.

3. In my formal decision I have modified the description of development which the Council used in its decision, reflecting the comments of the appellant, to more accurately describe the proposal. As I saw during my visit, works to implement the scheme were underway and therefore the reference to the proposal being part retrospective is superfluous and I have left it out of my formal decision.

Main Issue

4. The main issue is the effect of the proposed development on the provision of employment floorspace within Cambridge Grove.

Reasons

5. The appeal site is a mid-terrace two-storey property with roof space accommodation on the southern side of Cambridge Grove. Prior to works commencing the property comprised three garages plus a rear storage unit with a separate self-contained flat above. The proposal involves converting one of the garages to create a house over three floors together with alterations to the existing maisonette. The two remaining garages would be retained for employment use although one garage would be slightly reduced in size.

6. Cambridge Grove is a mews development which comprises ground floor units which have either been retained as workshops or converted to residential use with residential development on the upper floors.

7. Policy EM11 of the Brighton and Hove Local Plan, 2005 (the Local Plan) relates to development in mews. It states that planning permission will not be granted for changes of use of redundant business and industrial premises to residential uses unless employment is retained at ground floor level.

8. Policy CP3 of the Brighton and Hove City Plan Part One, 2016 (the City Plan) sets out the Council's approach to employment land including unallocated premises in employment use or whose last use was employment use. The loss of such premises will only be permitted where the site can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses. In the supporting text it establishes the criteria by which such applications should be considered. These include the length of time the site has been vacant and documented evidence of the marketing strategy adopted, particularly whether it has been marketed at a price which reflects local market prices and attempts to make the building attractive to different business or employment uses.

9. The appellant has stated that the ground floor garage / workshop units have been used in recent years as storage associated with the residence above rather than for business uses. Based on the evidence before me it does not appear that the premises have been used for employment purposes for a considerable period of time. Nevertheless, I consider that employment was the last use and therefore Policy C3 applies. Furthermore, it has not been demonstrated that the garage to be converted is redundant although the appellant is not arguing that this is so. Nevertheless, as one of the garages is no longer to be used for employment purposes I find that there would be some conflict with Policies EM11 and CP3.

10. The majority of the ground floor premises (approximately 65%) are proposed to be used for employment purposes and would therefore comply with the Policy EM11 requirement for employment space to be retained at ground floor level. Furthermore, bringing two of the garages back into active employment use would provide employment opportunities and alterations to the premises would potentially provide improved space to make them more attractive to future occupiers in line with the aims of Policy CP3. As Policy CP3 places the highest priority on alternative employment generating uses or housing where employment use is lost, the introduction of a residential use is an appropriate replacement for the loss of employment.

11. Whilst marketing has been undertaken with regard to the two garages to be retained it has not covered the garage which is proposed to be converted and

no indication is given about the results from that marketing exercise. Nevertheless, even with the reduction in area of one of the remaining garages I have no reason to conclude that they would not be viable or that they would not be attractive to potential occupiers as they would be comparable in size with other employment premises in Cambridge Grove.

12. The benefits of the proposal would be the re-introduction of employment in two of the garages and the introduction of a three bedroom house in an accessible location. These benefits need to be weighed against the loss of one of the garages which is not currently and has not for a considerable time been in active employment use. Accordingly, I find that the minor conflict with Policies EM11 of the Local Plan and CP3 of the City Plan would be outweighed by the benefits of the scheme.

Other Matters

13. The appeal site is within the Willett Estate Conservation Area which derives its character from the late Victorian detached and semi-detached houses generally set on wide tree-lined streets with consistent building lines. The conservation area includes a number of mews developments including Cambridge Grove which have a different form and character from the wider conservation area based on smaller scale terraces comprising residential and commercial uses.

14. The only external alteration as part of the scheme is to replace an existing window at first floor level in materials to match other windows. Moreover, the re-introduction of an employment use into a mixed use area would also contribute to the character of the locality. I therefore find that the proposed development would enhance the character and appearance of the conservation area. In reaching this conclusion I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

15. Numbers 2-36 Cromwell Road, to the rear of the appeal site are grade II listed with the listing description noting that the late Victorian houses are a fine group of William Willett buildings which contribute to the street scene of Cromwell Road. The rear store and conservatory of 23 Cambridge Grove was originally an outbuilding serving 23 Cromwell Road. On this basis the appeal property can be considered to be curtilage listed. The Council has not identified any harm to this heritage asset arising from the appeal scheme and I find that the proposal would not result in harm to its significance. Consequently the proposal would preserve the special character of the heritage asset and there would be no conflict with development plan policies or the advice in the Framework. In coming to this conclusion I have also taken account of the statutory test to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses to which I attach considerable weight and importance.

16. The main parties made reference to other premises in Cambridge Grove where changes of use had taken place. However, I am not aware of the full extent of these cases or the circumstances in which planning permission was granted. In any event I have determined the appeal on its own planning merits.

17. A number of residents within Cromwell Road raised concerns about the impact of the proposed development upon their living conditions. As there would be

no change to the rear elevation and having regard to the distance between the properties I do not consider that there would be any material harm to neighbours' living conditions. Access to the rear of the property for construction and maintenance is a private matter rather than a planning consideration. With regard to the effect on parking I consider that the traffic generation associated with the proposal would not cause material harm to traffic and parking locally and note that the highways authority has not objected to the proposal.

18. The Council suggested two planning conditions. In respect of the first condition relating to cycle parking, given the lack of a suitable location for providing cycle storage externally, and recognising the potential for cycle parking internally I do not consider the condition to be necessary. With regard to the proposed contaminated land condition, having regard to the initial comments of the Council's Environmental Health Officer and the scale of development I do not consider that the condition is necessary or reasonable.

Conclusion

19. For the reasons set out above, and having taken into account all other matters raised, on balance, the appeal is allowed.

Kevin Gleeson

INSPECTOR