
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: 23rd November 2017

Appeal Ref: APP/Q1445/W/17/3180708
7 Windsor Street, Brighton BN1 1RJ

- 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 Harvey Burton against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00531, dated 4 February 2017, was refused by notice dated 26 June 2017.
 - The development proposed is a retrospective change of use from class C3 – Dwelling house to class C4 – House of Multiple Occupation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The change of use has already occurred and the property is occupied such that I have taken this into account when coming to my decision.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of occupiers of bedroom 1 with particular regard to natural light, air and outlook.

Reasons

4. The ground floor bedroom at the rear of the house (bedroom 1) has a light well which is the only provision of natural light within the room. The property has a number of tall buildings in the immediate vicinity, both adjacent to it and to the rear. The level and scale of the adjoining development restricts the already limited provision of natural light. The window opens marginally, enough to provide some fresh air. The outlook is wards due to the nature of the skylight, and views up towards the sky generally include the adjacent developments which appear to tower over the property.
5. The appellant refers to the light well being a similar size to a roof light, and has suggested increasing the size of the light well in order to increase light levels. It is my view that any natural light to the room is currently severely restricted due to the surrounding tall properties that dominate the skyline. I do not consider that the imposition of a condition requiring a larger light well would overcome my concerns regarding the provision of natural light to the bedroom due to the surrounding properties.

6. The appellant has provided a letter from the current occupier which states that they are content with the provision of the light well. Although I accept that the current occupier is happy to live in this space, the nature of the property is such that occupiers will change on a relatively frequent basis. It is necessary to consider the living conditions of future occupiers as well as the living conditions of those currently occupying this bedroom.
7. In my view the restricted natural light, and overbearing nature of the surrounding development, results in oppressive and foreboding living conditions for the occupiers of bedroom 1. Accordingly, I find that the proposal fails to provide adequate living conditions and therefore conflicts with Policy QD27 of the Brighton and Hove Local Plan in providing an acceptable level of amenity.

Other matters

8. I note that the remaining bedrooms are considered adequate in terms of amenity space. The kitchen is modest, however the living area is generous and in my view this area in its entirety provides an adequate and useable space for occupiers. However, these considerations are not sufficient to outweigh my conclusion in respect of the main issue.

Conclusion

9. For the reasons above, and taking into account all other matters raised, I conclude the appeal should be dismissed.

Johanna Ayres

INSPECTOR