



Appeal Decision

Site visit made on 7 August 2019

by L Crouch BA (Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2019

Appeal Ref: APP/Q1445/W/19/3229984

Arundel Court, Arundel Road, Brighton, Sussex BN2 5TX

- 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 Jack Woodward of Sevenbuild Freeholds Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/03360, dated 3 October 2017, was refused by notice dated 20 December 2018.
 - The development proposed is "roof conversion by way of 6 dormer windows and 4 flush rooflights, to form 1 no. 2/bed penthouse within existing roof shell".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The original development proposal was for a two bedroom penthouse. However, during the course of the application the Council received an amended plan for a one bedroom penthouse, which was accepted. Therefore, I have considered the appeal on this basis as the decision was determined on this revised plan.

Main Issue

3. The main issue is the effect of the development upon the living conditions of the future occupiers, with regards to internal space and layout.

Reasons

Living Conditions

4. Arundel Court is a three storey building which features a mansard roof. The building has a mixed commercial and residential use, which includes residential accommodation within the lower section of the mansard roof on the second floor.
5. The proposed development would convert the upper half of the roof space of the mansard roof to form a one bedroom penthouse, creating a third floor. The loft conversion would be facilitated by the addition of 6 dormer windows and 4 roof lights. The proposed accommodation would include a living and dining area within the centre of the penthouse, with a kitchen and bathroom off this main space. At one end of the penthouse would be one bedroom.

6. The Council has had regard to the 'Technical Housing Standards - Nationally Described Space Standards' 2015. Decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy¹ but there is no such policy before me.
7. Whilst the proposal would create over 50m² of floor area above 1.5m, it is the quality of space as well as the quantity which is of importance. The proposed floor plan is dictated by the roof space within the upper section of the mansard. This roof form has a steep pitch which internally would result in sloping ceilings and limited headroom. Subsequently, the principle living and dining area would be restricted to a narrow, linear, central area, which would run underneath the ridge line. This would result in an internal living space which would be confined.
8. This limited space would not be sufficiently alleviated by the proposed four dormer windows, which due to their narrow proportions, would not bring a sense of space to this area. This important living area would become the main thoroughfare through the accommodation, which would not facilitate adequate circulation space or represent an acceptable usable area. Much of the kitchen, bathroom and bedroom would fall within an area of 1.5m or less which would result in a lack of headroom and a substandard, cramped layout.
9. For these reasons I find that the development would have a harmful effect on the living conditions of the future occupiers, with regards to internal space and layout, and would conflict with Policy QD27 of the Brighton and Hove Local Plan 2005. This seeks to protect the amenities of future occupiers. The appellant considers this policy does not apply to the proposal due to its wording. However, whilst internal space is not explicitly mentioned it is clear the intent of the policy is for the 'protection of amenity' for future occupiers, and the examples given are not exhaustive. Therefore, the policy is relevant.

Other Matters

10. The council has confirmed that it cannot demonstrate a five year housing supply as required by the National Planning Policy Framework (the Framework) 2019. The proposal would result in the provision of an extra dwelling which would make a positive contribute to this shortfall. However, as a single unit of accommodation, this would have a modest benefit, and the harmful effect on the future occupiers living conditions would significantly and demonstrably outweigh this benefit.
11. The appellant has brought to my attention the Council Officer's Report. This considers the proposal is acceptable with regards to other Development Plan policies and the Framework. However, the absence of harm is of neutral weight rather than a benefit to the scheme and therefore does not outweigh the harm I have found.
12. My attention has been drawn to another appeal on the site². However, that appeal was focused on the effect of the proposed development on the external character and appearance of the area. I have not been provided with the full details of that proposal. As such I cannot be confident it represents a direct comparison to the scheme before me as it is for internal works. In any event, I must assess the case before me on its own merits.

¹ Written Ministerial Statement 25 March 2015

² Appeal ref: APP/Q1445/W/16/3165872

13. I note that plans for a one bedroom and two bedroom penthouse have been listed on the decision notice. I have found the proposal for a one bedroom penthouse to be unacceptable on the living conditions of future occupiers for the reasons above. Subsequently, a proposed two bedroom penthouse, would exacerbate the impact of this confined living space and also have a harmful effect on the living conditions of any future occupiers and would not alter my conclusion.
14. I have taken into account the letter of support for the proposal. However, as no reasons were provided, I give this limited weight.

Conclusion

15. For the reasons given above I conclude that the appeal would have an unacceptable adverse effect on the living conditions of the future occupiers of the development. Accordingly, the appeal is dismissed.

L Crouch

INSPECTOR