
Appeal Decision

Site visit made on 9 September 2019

by Rajeevan Satheesan BSc PGCert MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2019

Appeal Ref: APP/Q1445/W/19/3231707
17 Westbourne Villas, Hove BN3 4GQ

- 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 Darley Properties Ltd. against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/00398, dated 12 February 2019, was refused by notice dated 11 June 2019.
 - The development proposed is the conversion of the existing loft space to form self-contained room 10 in the existing HMO.
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 15 October 2019.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Reference has been made to the Government's Nationally Described Space Standards. However, the Written Ministerial Statement of 25 March 2015 makes it clear that such standards can only be applied where there is a relevant current local plan policy. In this case there is no relevant current local plan policy and consequently, the Nationally Described Space Standards is not a matter which in itself carries any significant weight against the proposal. Any assessment of the size of the proposed flat is therefore a matter of judgment.

Main Issue

3. The main issue in this case is whether future occupiers of the development would be provided with acceptable living conditions, with particular regard to overall floor space, light and outlook.

Reasons

4. The appeal site comprises a three storey mid-terrace property in a residential area of Hove. The existing floor plans illustrate that the existing building is in use as seven self-contained studios, and two bed-sitting rooms which share a

bathroom. The proposal seeks to create a self-contained room in the existing loft space.

5. Both parties have submitted their views on the standard of accommodation proposed with the Council stating that the total overall floor space proposed is 19.5sq.m, whereas the appellant contends that this would be 25.18sq.m. Given the confined space within the loft area, with the angle of the roof slope considerably limiting the head height and overall usable floorspace, the proposed self-contained room would fail to provide sufficient circulation space and space for furniture (bed, sofa, dining table and storage for future occupiers). Consequently, the proposal would result in a cramped and claustrophobic environment to the detriment of the living conditions of future occupiers, that would not be a pleasant environment for in which occupiers could relax.
6. With regards to light and outlook for future occupiers of the development, only limited information has been provided regarding the proposed two rooflights. In particular, no proposed section drawing has been submitted, such that it is unclear what height these rooflights would be relative to the finished floor levels of the room. Notwithstanding this, given their position on the sloping roof, it appears most likely that there would be limited outlook from these rooflights. Furthermore, no daylight and sunlight assessment has been submitted to demonstrate that future occupiers of the room would benefit from acceptable levels of daylight and sunlight. For the above reasons, I am unable to conclude that the proposed dwelling would provide acceptable living conditions for future occupiers with regards to light and outlook.
7. The appellant refers to existence of other studios on the lower floors in support of their proposal. However, I was not provided access to all of the units within the existing building and from those studios where access was provided, the layouts appeared cramped with very limited space for furniture, storage and circulation. As such I do not consider that the existing layouts of the building, which were implemented some time ago, provide support for the current proposal. Furthermore, since those studios were constructed, the current National Planning Policy Framework, 2019 (Framework) has been adopted, which requires a high standard of amenity for existing and future users.
8. In conclusion, whilst I cannot conclude that the proposed dwelling would provide acceptable living conditions for future occupiers with regards to light and outlook, the proposal would fail to provide acceptable living conditions, with particular regard to overall floor space. In this respect the proposals would conflict with the Policy QD27 of the Brighton and Hove Local Plan, 2005 (LP), which amongst other things states that planning permission will not be granted where it would cause material nuisance and loss of amenity to the proposed occupiers. The proposal would also conflict with paragraph 127 of the Framework, as outlined above.

Other matter

9. The Council has not raised any concerns about the design of the proposal, and I agree that given the modest changes proposed to the rear elevation of the building, it would preserve the character and appearance of the Sackville Gardens Conservation Area. It would therefore comply with LP Policies QD14 and HE6.

Planning Balance and Conclusions

10. There is no dispute that the Council cannot demonstrate a 5 years housing land supply (HLS) and the Council advise that they currently have a 4.5 years HLS. Irrespective of the extent of any shortfall the proposed development would provide a net gain of only one additional dwelling. As such, its contribution to the HLS would be modest and therefore I consider that it would only be of small benefit in this regard. Although I note that the site is in an existing residential location with access to local shops and services, the adverse impacts of the proposed development in terms of the harm to the living conditions of future occupiers would significantly and demonstrably outweigh the small benefit of one additional unit.
11. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

Rajeevan Satheesan

INSPECTOR