
Appeal Decision

Site visit made on 2 July 2020

by John Woolcock BNatRes(Hons) MURP DipLaw MRTPI

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

Decision date: 20 July 2020

Appeal Ref: APP/Q1445/W/20/3246606

1A South Street, Portslade BN41 2LE

- 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 & Mrs Harding against the decision of Brighton & Hove City Council.
 - The application No: BH2019/02645, dated 3 September 2019, was refused by notice dated 5 November 2019.
 - The development proposed is a two storey side extension to form a new one bed maisonette, retention of existing first floor flat and ground floor shop unit.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Harding against Brighton & Hove City Council. This application is the subject of a separate Decision.

Main issue

3. The main issue in this appeal is whether the proposed development would provide acceptable living conditions for future occupiers, with particular reference to its size and layout.

Reasons

4. The Council refused the application because the proposed dwelling, by virtue of the limited size of the unit, awkward layout and limited circulation space at first floor level and lack of sufficient private and usable amenity space, would provide a cramped and inadequate standard of accommodation for future occupiers.
5. The Council has not adopted the Nationally Described Space Standards (NDSS). Furthermore, the NDSS does not specify any gross internal area (GIA) for dwellings like the appeal scheme that are for single occupancy but are on two floors. Therefore, the appeal scheme cannot accord with, or contravene, any recognised standards. Nevertheless, both parties refer to the NDSS. If it does provide some useful guidance in helping to come to a judgement about whether a scheme would be likely to provide acceptable living accommodation,

then I do not consider that the NDSS assists the appellants' case for the following reasons.

6. There is a dispute between the parties about the GIA of the proposed maisonette. The appellants' determination is 42.5 m², whereas the Council measured the GIA at 41.47 m². If the appellant is correct, then the GIA would be 3.5 m² more than the NDSS's minimum requirement of 39 m² for a 1-storey 1-person dwelling. However, applying this standard would make no allowance for the provision of stairs and associated circulation space. The stairs proposed for the maisonette would wrap around to minimise the floorspace they occupied, and the space under the stairs is designed to be used for storage. Nevertheless, the inclusion of stairs and reasonable circulation space would add to the minimum acceptable GIA if the logic in the NDSS were to apply here. The Council points out that the NDSS for a 2-storey dwelling with 1 bedroom for 2 persons provides for an uplift of 8 m² in the GIA above that which would be required for the same accommodation within a 1-storey dwelling.
7. The maisonette's kitchen, dining and living space would be on the first floor, with the bedroom and bathroom on the ground floor. The proposed layout includes steps down to the kitchen that are located close to the top of the stairs. I do not consider that this arrangement, given the proposed GIA, would provide adequate circulation space needed for the stairs within the proposed maisonette. Given the limited size of the proposed unit, along with its awkward layout and restricted circulation space at first floor level, I do not consider that the proposed development would provide acceptable living conditions for future occupiers.
8. The maisonette would have access to private and usable amenity space. Future occupiers could decide how to use this space. I find no conflict with Brighton & Hove Local Plan (BHLP) retained Policy HO5, which requires provision of private usable amenity space in new residential development where appropriate to the scale and character of the development.¹
9. The addition of one dwelling would gain support from local and national policy, especially as the Council cannot demonstrate a 5-year housing land supply.² However, the appeal scheme would provide cramped and inadequate accommodation for future occupiers. It would not make much of a contribution to the Government's objective of significantly boosting the supply of homes, especially as National Planning Policy Framework (NPPF) paragraph 127 notes that planning decisions should ensure developments, amongst other things, create places that promote well-being, with a high standard of amenity for future users. The tilted balance applies here, but in my judgement, the adverse impacts of granting planning permission in this case would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
10. On the main issue, I find that the proposed development would not provide acceptable living conditions for future occupiers because of its size and layout. The proposal would conflict with BHLP retained Policy QD27, which provides that planning permission will not be granted, amongst other things, where it would cause loss of amenity to the proposed occupiers. This policy conflict is sufficient to bring the proposal into conflict with the development plan as a

¹ Brighton & Hove Local Plan 2005 Policies Retained on adoption of the Brighton & Hove City Plan Part One 2016.

² The Council advised that the latest SHLAA indicates a 4-year housing land supply.

whole. There are no material considerations indicating that the appeal should be determined other than in accordance with the development plan.

11. Permission was granted in July 2019 for a two-storey side extension with the same scale, massing, form and materials as the appeal scheme. I therefore find that the proposed development would preserve the character and appearance of Portslade Old Village Conservation Area. For similar reasons, the proposal would not significantly affect the setting of nearby listed buildings. I have taken into account all the other matters raised in the evidence, including details about other single occupancy dwellings in the locality. There is insufficient evidence about the circumstances that applied in those cases to establish that they are directly comparable to the appeal scheme. These dwellings do not establish a precedent that should be followed in deciding this appeal, which I have determined on its own merit. Neither these, nor any of the other matters raised, are sufficient to outweigh my conclusions on the main issue, which have led to my decision on this appeal.
12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Woolcock
Inspector