
Appeal Decision

Site visit made on 28 July 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2020

Appeal Ref: APP/Q1445/W/20/3251278

Girton House, 193 Kingsway, Hove BN3 4FB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr P Brotherton of Maxiwood Limited against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/00035, dated 6 January 2020, was refused by notice dated 9 March 2020.
 - The development proposed is the erection of roof extensions to create two x one-bedroom apartments.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of roof extensions to create two x one-bedroom apartments at Girton House, 193 Kingsway, Hove BN3 4FB in accordance with the terms of the application, Ref BH2020/00035, dated 6 January 2020, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - The effect on the living conditions of neighbouring occupants in Girton House, with regard to light and outlook
 - The effect on the living conditions of future occupants, with regard to space and outlook.

Reasons

Neighbouring occupants

3. The development would add an additional floor to each of two existing rear wings at Girton House, the western wing being a little taller than the eastern wing. The additional floors would increase the eaves heights of both wings by a little over 2.2m and the ridge heights by a similar amount.
4. The development would cause some loss of light and outlook to two third floor windows. However, the resultant relationship between these windows and the wings would be similar to that which exists between the rear facing windows on the ground, first and second floors and the wings. All these windows have light and outlook restricted to some extent, in particular those that lie between the

two wings, but they function adequately in providing light and aspect to their respective rooms.

5. Having regard to the similarity in relationship between the wings and other adjacent windows in the rear elevation, I consider that the reduction in light and outlook to the third floor windows would not be so significant or adverse as to cause harm. While occupiers of the third floor flats would experience a change to their light and outlook, the resultant juxtaposition of their windows to the wings would be little different to that currently experienced by other flats at the rear of Girton House, and in my view would be acceptable.
6. Windows on lower floors of the rear elevation would be less affected by the development as their aspect would not change, and while there may be some effect on light it would be minimal.
7. I conclude that the proposed development would not harm the living conditions of neighbouring occupants in Girton House, and would therefore comply with policies QD14 and QD27 of the Brighton & Hove Local Plan, which amongst other criteria seek to prevent a significant loss of outlook or daylight to neighbouring properties from new development.

Future occupants

8. Light and outlook to each flat would be provided by a window and two roof lights to the living space, and a dormer window and two roof lights to the bedroom. I consider these would provide suitable light and ventilation to the proposed living accommodation. Although the Council considers outlook would be poor for the living spaces, in my view adequate views out would be obtained for each flat both from the window, which is shown to be positioned close to the seating areas on the submitted plans, and the roof light on the opposite side of the room. Future occupiers would be able to view outside the flats by these windows and would therefore have a reasonable outlook and connection with the outside world.
9. Criticism has also been raised by the Council to the size of the bedroom for the eastern flat. Although the bedroom is annotated as 22.3m², due to the sloping nature of the roof the Council calculate that the floorspace with headroom over 1.8m high would only be 11.8m², including the staircase.
10. The nationally described space standard¹ for a double bedroom is a minimum of 11.5m². The Council does not have any local space standard and has not yet adopted the nationally described space standard so whether the proposed bedroom is acceptable is a matter of judgement based on the individual circumstances. In this case, while a proportion of the bedroom's floorspace would be partly restricted by the slope of the roof, in my view there would still be sufficient space with adequate headroom for occupiers to move about and access the remaining space. I therefore consider the bedroom to be adequate for its intended purpose.
11. I conclude that the living conditions of future occupants would be satisfactory both in terms of the amount of outlook afforded to both flats, and the amount of space associated with the bedroom of the eastern flat. The development would therefore comply with policy QD27 of the Brighton & Hove Local Plan,

¹ DCLG Technical housing standards – nationally described space standard, March 2015.

which resists development that would otherwise cause material nuisance and loss of amenity to its occupants.

Other Matters

12. Girton House lies within the Sackville Gardens Conservation Area. The development has been designed to match in form, scale and detailing the existing building, and the wings would remain subservient to the main range. It would not alter the principal façade facing the seafront. I consider that the development would have a neutral effect on views of the property and would therefore conserve the character and appearance of the Conservation Area. I note that the Council's Heritage team reached the same view, subject to conditional controls over the detailed design of the fenestration and external materials. I consider these later in my decision.
13. There are understandable concerns from residents about whether the structure is strong enough to accommodate the addition of extra floors to the building, particularly given the subsidence that Girton House has suffered in the recent past, and structural problems experienced at the former Sackville Hotel nearby. However, structural stability and building construction are matters that are assessed through Building Regulations procedures and are not issues that are for determination as part of this appeal. The same applies to the issue of ensuring adequate means of escape in the event of fire, as raised by the Council's Environmental Health Officer.
14. Third parties have also raised concerns about noise and disturbance during construction, potential for damage to communal areas, and additional pressure on social facilities. The Council has not raised objection to the scheme on these grounds, and I see no reason to do so either. The effect of the development on property values is not a material planning issue, and I have not taken it into account in reaching my decision.

Conditions

15. I have considered the conditions suggested by the Council in the light of the tests set out in paragraph 55 of the National Planning Policy Framework. I consider the conditions meet these tests, subject to minor rewording in the interests of clarity and consistency.
16. In addition to the standard time limit, I have imposed a condition listing the approved plans in the interests of certainty.
17. I have imposed conditions requiring approval of detailed window design, roof light design, and requiring roof tiles, external render and paint finish to match the existing building in the interests of the character and appearance of the building and wider Conservation Area.
18. I have imposed a condition requiring approval of a scheme to limit demand for parking permits to minimise pressure for on-street parking. In doing so I have had regard to the fact that the site lies within a controlled parking zone and that there is evidence of an existing high uptake of parking permits as set out in the Council's report. If demand for on-street parking were not controlled it could lead to overspill parking outside the controlled parking zone, with attendant congestion and highway safety issues.

Conclusion

19. I conclude that the appeal is allowed.

Guy Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: 19018GH - EX01 existing elevations, 19018GH - EX02 existing ground floor plan, 19018GH - EX03 existing first floor plan, 19018GH - EX04 second floor plan, 19018GH - EX05 existing third floor plan, 19018GH - EX06 existing fourth floor plan, 19018GH - EX07 existing roof plan, 19018GH - PR01 proposed elevations, 19018GH - PR02 proposed ground floor, 19018GH - PR03 proposed first floor, 19018GH - PR04 proposed second floor, 19018GH - PR05 proposed third floor, 19018GH - PR06 proposed fourth floor, 19018GH - PR07 proposed fifth floor (mezz), 19018GH - PR08 proposed roof plan, 19018GH - PR09 existing and proposed block and location plan.
- 3) The new windows hereby permitted shall not be installed until full details of their reveals and sills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted and shall be retained thereafter.
- 4) Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to and approved by the Local Planning Authority to provide that the residents of the new flats hereby permitted, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.
- 5) The tiles on the roof of the extensions hereby permitted shall match in material, size and colour those of the main roof of the host building.
- 6) All new render finishes shall be smooth, lime based, wet render without external beads, stops, bell drips or expansion joints. Prior to first occupation of the development hereby approved the render shall be painted to match the paintwork of the surrounding elevations of the building.
- 7) The rooflights hereby approved shall have steel or cast metal frames, colour finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

***** End of conditions*****