



Appeal Decision

Site visit made on 2 June 2020

by Robin Buchanan BA (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2020

Appeal Ref: APP/Q1445/W/20/3244999

11 Cambridge Grove, Hove BN3 3ED

- 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 Michael Woodhead against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/02804, dated 17 September 2019, was refused by notice dated 13 November 2019.
 - The development proposed is the conversion of an existing vehicle repair workshop into a one bedroom flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on employment floorspace; and
 - Whether the proposed development would provide suitable living conditions for future occupiers, having particular regard to layout, circulation, natural light, ventilation, outlook, privacy and noise.

Reasons

Employment Floorspace

3. Despite part of the workshop not currently being in active use, there is no substantiated evidence before me that this part is genuinely redundant for the purposes of Brighton & Hove City Plan Part 1, March 2016 (the City Plan) Policy CP3(5). Nor has it been demonstrated that it is incapable of meeting the needs of any alternative employment use, as is also required by this Policy. Furthermore, the supporting text to this Policy explains that employment premises will be safeguarded (retained) to help meet the City's provision of employment floorspace. In this regard, the proposals would clearly result in the loss of employment floorspace. Even if reducing the size of the workshop, rather than losing it altogether, accorded with City Plan Policy EM11, this Policy is not a reason for refusal and, in any event, it is not the (same) matter in hand under City Plan Policy CP3(5).
4. Considering the above, the proposed development would result in the loss of half of the workshop and would therefore cause harm to the existing stock of employment floorspace. Consequently, it would not accord with City Plan Policy

CP3(5). It would also conflict with the National Planning Policy Framework 2019 (Framework) paragraphs 8(a) and 80 which seek to ensure sufficient economic land is available, taking into account local business needs.

Living Conditions

5. The Council does not have a development plan policy that makes use of Government standards for internal living spaces. In spite of having a relatively small floor area and although the bathroom would be accessed via the bedroom, the flat would have an efficient layout. There would, therefore, be sufficient space for normal domestic use and activity, including circulation, commensurate with this modest 1 or 2 person urban 'studio' style of living. A glazed front door and screens would provide a sense of spaciousness in the main living space, good outlook, daylight and ventilation. The bedroom would have an openable, obscure glazed window to provide adequate ventilation and natural light.
6. However, there is no substantiated evidence that the dividing wall (to an adjoining vehicle repair workshop) or the internal timber panel screen (to the workshop that would be retained) already are, or can be made, suitable for residential use and occupation of the proposed flat without undue noise intrusion. This matter is subject to specific policies of the Council's development plan and is a key material consideration for an 'in principle' decision to grant planning permission — consequently, it cannot therefore be relegated to a planning condition or Building Regulations.
7. Furthermore, a bedroom is a habitable room. This window would be at ground level on the common boundary next to the end of the rear garden of the dwelling at 31 Cromwell Road. Obscure glazing would prevent any meaningful outlook and result in an unduly confined and oppressive internal space and, when open, there would be direct, intrusive views through the window into the bedroom. Being in such close proximity would also result in significant noise intrusion, especially during normal sleeping hours. I appreciate that an opening door already exists in a similar boundary position for the retained part of the workshop, facing another rear garden, but it is not glazed and is not for residential purposes.
8. Considering the above, and notwithstanding my other findings on the main living space and bedroom, the proposed development would cause harm to the living conditions of future occupiers of the flat. Consequently, it would not accord with Brighton & Hove Local Plan 2005 (retained policies March 2016) Policies SU9, SU10 and QD27. These policies include that development should avoid detriment to human health, minimise noise impact and prevent loss of amenity for occupiers. It would also conflict with Framework paragraphs 127(f), 170(e) and 170(f) which include that development should avoid adverse effects from noise pollution and seek a high standard of amenity.

Other Matters

9. The mews buildings in Cambridge Grove are important to the character and appearance of the Willet Estate Conservation Area (CA).¹ The design of the proposed development would be in keeping with the mews and so result in a neutral impact on the character and appearance of the CA. Accordingly, I find

¹ The Willet Estate Conservation Area Character Statement.

that the proposed development would preserve the character and appearance of the CA.

Planning Balance and Conclusion

10. I recognise that the proposed development would result in a new home that would be accessible to social, employment and transport facilities and services and would make use of previously developed 'brownfield' land. I also acknowledge that there are similar employment premises in this mews that have been converted to similar residential use, though the details of those other developments are not before me and I have, in any event, considered this appeal on its individual planning merits.
11. Furthermore, it is common ground between the main parties that the Council has not met the Government's Housing Delivery Test and cannot demonstrate a five year housing land supply (5YHLS). Consequently, the so-called 'tilted balance' of Framework paragraph 11 is engaged.
12. The proposed development would cause harm to the existing stock of employment floorspace and to the living conditions of future occupiers of the flat. Consequently, the proposed development does not accord with the development plan overall. Even if I were to conclude that there is a 5YHLS shortfall on the scale agreed by the main parties, given the modest scale of the development proposed, the identified benefits would be limited, such that the adverse impacts of granting planning permission would significantly and demonstrably outweigh those benefits.
13. For the reasons given, the appeal does not succeed.

Robin Buchanan

INSPECTOR