



Appeal Decision

Site visit made on 31 March 2021

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2021

Appeal Ref: APP/Q1445/W/20/3262970 54A London Road, Brighton, BN1 4JE

- 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 JR Properties against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/02041, dated 22 July 2020, was refused by notice dated 19 September 2020.
 - The development proposed is the conversion of existing three bedroom maisonette (C3) at first and second floors to create 2no one bedroom flats (C3).
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing three bedroom maisonette (C3) at first and second floors to create 2no one bedroom flats (C3) at 54A London Road, Brighton, BN1 4JE in accordance with the terms of the application, Ref BH2020/02041, dated 22 July 2020, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: (08): 100 P1, 102 P1, 103 P2, 104 & 105.

Main Issue

2. The main issue is the effect of the proposal on the availability of suitable accommodation for families and housing mix generally within the city.

Reasons

3. The appeal proposal is as described above. The Council is concerned that the scheme would remove and not provide a unit of accommodation suitable for family occupation. Furthermore by creating only one-bedroom flats regard has not been paid to housing mix considerations which are informed by local assessments of housing demand and need.
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4. The Council cites Policy HO9 of the Brighton and Hove Local Plan (LP) and CP19 of the City Plan Part One (CP). The former policy seeks, amongst other matters, to ensure that in new conversion development at least one home is suitable for families and has a minimum of two bedrooms. There are caveats to this including when a proposal is poorly located to meet the needs of families. Policy CP19 aims to improve housing choice and ensure an appropriate mix to meet varied needs, to retain residential uses in the city, to contribute to mixed sustainable communities, and to provide good quality and sized accommodation.
5. The existing maisonette sits above commercial premises on the corner of a busy main road. It has a front door directly onto the footway with stairs immediately beyond within. Facing this door across the side street is a pub. There is no access directly or nearby to any domestic neighbours. To the rear is a somewhat unappealing mix of servicing areas for businesses and varied commercial premises. There is no outside amenity space associated with the dwelling. I conclude that whilst the property certainly has physical floorspace for a family, given its characteristics I would assess it as very far from ideal for the raising of children. As an aside, and not critical to the decision, I would observe that there was no evidence of family use at present or in the recent past.
6. In sum, I would not class any conversion of this property as the loss of a reasonable home to meet family needs. Furthermore, whilst new development in an ideal world in accordance with the Council's aspirations should include a new dwelling for a family it is simply not practicable within the constraints of the appeal property.
7. The question then falls as to what should reasonably be made of the space available. Some might explore an HMO type approach; the Appellant has submitted the appeal scheme for two flats. Physically this would work successfully and meet accommodation needs of a certain sector within the city. It would make positive use of a maisonette which presently stands as an anomaly. I can see from the evidence provided that if one was starting a new development here from scratch the focus might (or should) move away from one bed flats given the supply issues well documented in the Authority Monitoring Report and other appeal papers. However, the building here is what it is; it is too large to be a logical single unit and division into self-contained homes can only provide two one bed flats.
8. In the circumstances I have to take a pragmatic view of housing mix considerations and in any event investment in and use of two freshly converted flats in this largely commercial area would contribute to the objective of a creating mixed sustainable communities.
9. Both parties agree that the Council does not have a five year housing land supply. To my mind this adds weight to the case for approval of the scheme albeit I recognise that the additional contribution to dwelling numbers would be extremely modest.

10. Given the nature of the appeal premises, the prevailing planning circumstances and the details of the scheme I conclude that the proposal would not run contrary to either LP Policy HO9 or CP Policy CP19 as summarised in paragraph 4 above.

Conditions

11. I shall apply a standard commencement condition and one related to compliance with submitted plans as the Council suggests, to provide certainty. The suggested condition relating to refuse and recycling storage with no inbuilt requirements, approvals, or checks, is too vague and in any event unnecessary in my opinion; I am content to leave this amenity matter as one for the Appellant or subsequent owner(s) to resolve.

Overall conclusion

12. For the reasons given above I conclude that the appeal proposal would not have unacceptable effects on the availability of suitable accommodation for families and housing mix generally within the city. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR