



Appeal Decision

Site visit made on 31 March 2021

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2021

Appeal Ref: APP/Q1445/W/20/3262502

37 Marine Parade, Brighton, BN2 1TR

- 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 Will Serrano against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/00964, dated 12 March 2020, was refused by notice dated 28 September 2020.
 - The development proposed is the conversion of basement to form 1no additional 1 bedroom dwelling unit (C3) and associated works incorporating replacement of grated lightwell grills with new glass walk over lightwell coverings.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of basement to form 1no additional 1 bedroom dwelling unit (C3) and associated works incorporating replacement of grated lightwell grills with new glass walk over lightwell coverings at 37 Marine Parade, Brighton, BN2 1TR in accordance with the terms of the application, Ref BH2020/00964, dated 12 March 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: Location Plan (rec'd by the Council 31 March 2020); Block Plan (rec'd 31.3.2020); Proposed Drawing Layout (rec'd 4.5.2020); Proposed Drawing (rec'd 4.5.2020); Material Schedule (rec'd 29.5.2020); Door Schedule (rec'd 29.5.2020); and Photographs (rec'd 4.5.2020).
 3. No development shall take place until details of the proposed glazed lightwell coverings to Wentworth Street, including sections, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is the effect of the proposal on the living conditions for future occupiers.
-

Reasons

3. The appeal relates to part of the basement area of a substantial and fairly typical building with an imposing frontage on Brighton's Marine Parade to the west of the main pier. The property is divided into flats and lies on a junction with its shared doorway access onto the narrow Wentworth Street. The basement area in question is under the rear part of the building. It appears to have been a laundry, most likely associated with a former hotel use. The basement area towards Marine Parade is a separate flat in its own right. The proposal is as described above.
4. The Council is concerned that the available internal area, layout, access to natural light and outlook would be cramped and oppressive for future occupiers.
5. Certainly the proposed flat would not be a generous one but nevertheless it would be a functional arrangement of rooms all set within a space which to my mind would not be overly restrictive and comparable to many locally and further afield in my experience. Three lightwells would be to hand and I can see that these would offer a not insignificant degree of natural light. Scope for external use would be tight but usable on occasion as the ground level of the lightwells effectively aligns with internal floor levels. One can readily envisage use being made of the promenade and beach which lie only across Marine Parade and green spaces are also close-by; the location is one of very good accessibility to facilities and city centre functions generally. Clearly being a basement situation there would not be an unrestricted outlook, but that is not to say that a householder could not be visually creative with the spaces beyond the windows / doors.
6. I am conscious that through emerging development plan work the Council would be aiming to adopt the Government's Nationally Described Space Standards (NDSS) and I give weight to this. In any event the NDSS are to my mind a useful guidance tool even when not adopted local policy. The proposed flat effectively reaches the sizing required for a one-person property. Where it would fall foul of strict interpretation is that the bedroom size indicates a two-person home. On this matter the variation is not particularly marked and, on this occasion, with an old building and re-arrangement restrictions given what lies above, I am minded to allow flexibility and not make this an over-riding determining factor.
7. Investment in this presently decrepit basement, improvement of the condition of presently drab external areas, and securing the long-term future of this space will enhance the block for existing residents. This breathing of new life into the space which has no other obvious function is a positive attribute to my mind. It is telling that no objections were received to the scheme from would-be neighbours. Furthermore, the provision of a new home adds some weight to the case for approval of the scheme. I say this recognising that the additional contribution to housing land supply, which the Council acknowledges presently lies at below five years, would be extremely modest.

8. Brighton & Hove Local Plan Saved Policies HO5 and QD27 are relevant. Taken together and amongst other matters they seek to ensure that new development would protect or provide for residential amenity and offer commensurate private amenity space. Given the foregoing I would conclude that the appeal scheme would not conflict with these policies. Policies in the National Planning Policy Framework have been considered in their own right and the development plan policies which I cite also mirror relevant objectives within that document.
9. On a final matter, the property is within a Conservation Area and is a listed building. The Appellant will no doubt take advice on the technical and legal position ahead of any works within this heritage asset framework. I am satisfied that the aims of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 on the Conservation Area front would be satisfied; both character and appearance would be preserved. I do not deal with the matter of listed building consent in this decision and obtaining this, which I do not pre-determine, will be a pre-requisite ahead of any commencement works.

Conditions

10. 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 details being submitted and agreed in relation to the Wentworth Street lightwell is also necessary in the interests of appearance and amenity.

Overall conclusion

11. For the reasons given above I conclude that the appeal proposal would not have unacceptable effects on living conditions for future occupiers. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR