



Appeal Decision

Site visit made on 12 May 2021

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2021

Appeal Ref: APP/Q1445/W/20/3272365 67 Preston Street, Brighton, BN1 2HE

- 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 Hikmat Abbas against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/03746, dated 30 November 2019, was refused by notice dated 7 April 2020.
 - The development proposed is the change of use for first and second floor north side from office use to residential use.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the availability of office space in the city and on living conditions for future occupiers.

Reasons

3. The appeal proposal is as described above with the plans showing the creation of two flats with one bedroom each. The flats would be on the upper floors of a building with retail space at ground floor and lying within a busy city centre location with a range of commercial uses in proximity.

Office availability

4. The authorised use of the two floors in question is for office purposes. In the interests of protecting the economy the Council's planning policies include CP3 in the Brighton & Hove City Plan Part One (CP). This policy seeks to protect existing employment space and supporting text explains that a reasonable marketing period will be necessary if one is seeking to demonstrate redundancy or unsuitability of premises and wishing to change a use or redevelop a site.
 5. There has been a considerable passage of time since the planning application was first submitted to the Council in November 2019. It may be that with time passing the Appellant is closer to the period of marketing sought in the
-

Policy CP3 context. I note that the Appellant indicates that the premises have been vacant since June 2019 and implies that a major letting agent has been used since then. However, I would need more evidence on this point. For example, I have no way of telling if any rent quoted was of a reasonable figure, or what other terms were sought. I have no indication of what level of interest had been generated and, if that has not materialised or been followed through to letting, the explanation that a property professional would give for this. I have not been made aware of local vacancy rates, other availability, or market comparisons. There is no professional view given on the type or quality of the space available at the appeal premises. There is no commentary provided as to what, if any, relevance the pandemic may have.

6. In short, and even if I were minded to treat matters with a degree of flexibility, I simply do not have enough information to satisfy me that the Appellant has addressed the important objectives of CP Policy CP3 which is to meet the economic needs of the City and support job creation. I have to conclude that the proposal would run contrary to this policy.

Living conditions

7. The Council cites Brighton & Hove Local Plan Saved Policy QD27 (LP) on this matter; the policy seeking protection of amenity for future residents in any development. The debate is whether the flats would offer reasonable one bedroomed accommodation as put by the Appellant or cramped unsatisfactory spaces and layout as argued by the Council.
8. I am conscious that through emerging development plan work the Council would be aiming to adopt the Government's Nationally Described Space Standards (NDSS). In any event the NDSS are to my mind a useful guidance tool even when not adopted local policy. On the face of it here, and contrary to the Council's stance, I deduce that the flats could be at about the standard for a one person one bedroom home. However once again I am lacking sufficient information from the Appellant on this front. The floor plans are somewhat sketchy, room sizes are hard to quantify with any precision, the plans lack clarity; I simply cannot rely on scaling the floor areas or accepting the range of figures being quoted by the principal parties. Added to this I have no detail on sound proofing, ventilation, ceiling heights or other such living condition related factors.
9. In these circumstances I have to conclude that there would be conflict with LP Saved Policy QD27.

Other matters

10. I acknowledge the shortfall in housing supply within the City and certainly provision of new homes would weigh in favour of the scheme. I recognise the fears expressed over squatters and the frustrations and financial implications which have fallen to the site owner. However, whilst I have carefully considered all planning context and points raised by the Appellant these matters do not outweigh the concerns which I have in relation to the main issues identified above.

11. The property is within a Conservation Area and is a listed building. I note that the Council's Heritage Officer had no objections to the proposal. Against this background and for the specific purposes of this appeal given that my decision is not to allow the scheme, I do not need to take the matter of heritage assessment any further. The Appellant will no doubt take advice on the important issue of heritage protection if minded to submit further proposals for this building.

Overall conclusion

12. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on the availability of office space in the city and on living conditions for future occupiers. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR