



Appeal Decision

Site Visit made on 13 October 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 NOVEMBER 2021

Appeal Ref: APP/Q1445/W/21/3270882

24A Gloucester Road, Brighton BN1 4AQ

- 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 Tim and Soly Price and Daneshmand against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/02583, dated 11 September 2020, was refused by notice dated 5 February 2021.
 - The development proposed is to construct a new extension to the southwest side of the property, 3no. new windows, 3no. reinstated windows, 3no. rooflights and internal reconfiguration to provide 2 separate flats above 24 Gloucester Road.
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Decision

1. The appeal is allowed and planning permission is granted to construct a new extension to the southwest side of the property, 3no. new windows, 3no. reinstated windows, 3no. rooflights and internal reconfiguration to provide 2 separate flats above 24 Gloucester Road at 24A Gloucester Road, Brighton BN1 4AQ in accordance with the terms of the application, Ref BH2020/02583, dated 11 September 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: 20026-E-001, 20026-P-102A, 20026-P-103A.
 - 3) The development hereby approved shall not be occupied until full details of all new windows on the North and East elevations as shown on drawing 20026-P-103A have been submitted to and approved in writing by the Local Planning Authority. The details shall include their reveals and cills, 1:20 scale elevational drawings and sections and 1:1 scale joinery sections. The windows shall be painted timber double hung vertical sliding sashes with hidden trickle vents. The development hereby approved shall not be occupied until the windows are implemented and completed fully in accordance with the approved details and shall be retained as such thereafter.
 - 4) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
 - 5) The chimney stack on the west elevation shall be retained during the development and retained as such thereafter.
 - 6) A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Main Issue

2. The main issue is the effect of the proposed development on the stock of smaller dwellings for family accommodation.

Reasons

3. Policy HO9a) of the Brighton and Hove Local Plan 2005 (the Local Plan) requires that where the conversion of dwellings into smaller units is proposed the original floor area should be greater than 115sqm or have more than three bedrooms. This is, in part, in order to retain the existing stock of smaller dwellings for family accommodation, for which there is high demand. I have no reason to dispute the Council's statement that the original floor area of this residential unit is 92.7sqm. Therefore, the proposed development would conflict with this policy.
4. The property does not have access to any external amenity space. Furthermore, it is located in a busy commercial area with shops, cafes, restaurants and pubs in close proximity. Although the internal space and layout would be appropriate as a three bedroom unit, the matters set out above lead me to conclude that it is unlikely that this particular unit would be occupied by a family.
5. I have considered the appeal decisions at 4 Rochester Gardens¹ 10 Edinburgh Road² and 84 Hollingbury Road³. However, these are located some distance from the appeal site in residential areas and therefore have notably different circumstances to the proposal before me now.
6. Although the material considerations above indicate that there would not be a harmful effect on the stock of smaller dwellings for family accommodation, the proposed development would nevertheless conflict with Policy HO9 of the Local Plan, the details of which are set out above.

Other Matters

7. The appeal site is within the North Laine Conservation Area (the CA), which derives its significance as a whole from its historic pattern of development and its varied mix of uses. The traditional appearance and mix of commercial and residential use at the host property makes a positive contribution to the CA. There are windows at the appeal site that have been bricked up, although their cills and openings remain evident. This results in a slight negative effect on the significance of the CA.
8. The proposed extensions would create more symmetry to the appearance of the building and the opening up of the windows would restore the traditional appearance of the host property. Although the scale of the alterations would be small, this would nonetheless result in an enhancement to the CA.

Planning Balance

9. The Council cannot demonstrate a 5 year supply of deliverable housing sites, and it states that it has a 2.2 year supply. Therefore paragraph 11(d) of the Framework is engaged.

¹ APP/Q1445/W/19/3231995

² APP/Q1445/W/18/3199033

³ APP/Q1445/W/20/3244547

10. The proposed development does not comply with Policy HO9a) of the Local Plan. However, given my findings above, it would not result in the loss of a smaller dwelling for family accommodation. Therefore, any harm with regard to the supply of housing needed for different groups in the community would be minimal.
11. The resultant development would create two suitably sized two bedroom units and would result in a small but nevertheless important contribution to the Government's aim to significantly boost the supply of homes. Furthermore, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA and the proposed development would result in an enhancement to the CA.
12. Therefore, the minimal adverse effects of the proposal arising from the conflict with Policy HO9 would not significantly and demonstrably outweigh the important benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development applies in this case.

Conditions

13. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, including ensuring that the conditions would not unnecessarily delay the delivery of development.
14. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord.
15. Conditions requiring materials to match the existing building, the retention of the chimney stack, and the submission of details of the windows are required in the interest of the character and appearance of the surrounding area including to preserve and enhance the character and appearance of the CA. A bee brick is also required in order to enhance biodiversity.

Conclusion

16. The proposal would not wholly accord with the development plan. However, in this case the other considerations set out above outweigh this limited conflict. Therefore, for the reasons set out above, and subject to the conditions listed, this appeal should be allowed.

H Miles

INSPECTOR