



Appeal Decision

Site visit made on 8 December 2021

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th December 2021

Appeal Ref: APP/Q1445/W/21/3276208

53 Goldstone Road, Hove, BN3 3RG

- 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 Weatherstone Properties Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/01091, dated 25 March 2021, was refused by notice dated 18 May 2021.
 - The development proposed is the conversion of two-bed maisonette into 2 flats (1no. two-bed flat and 1no. studio flat), incorporating the installation of 1no. south facing rooflight, 1no. north facing rooflight and the erection of a rear dormer.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the supply of smaller dwellings suitable for family accommodation in the City.

Reasons

Supply of smaller dwellings suitable for family accommodation

3. The appeal property is part of a terraced building in a street of similar traditional housing frontages. Within this building there is a semi-basement / rear ground floor garden flat and the appeal relates to the maisonette premises above that which is presently a two-bed property over two floors. The appeal proposal is as described above and would incorporate creating a bedroom in the attic.
 4. The Council cites Policy HO9 of the Brighton and Hove Local Plan (LP) in relation to this issue and the Appellant puts its side on how the policy should be applied. A key aim of the policy, amongst other matters, is to protect the stock of small homes suitable for smaller families and to create these within new developments. This policy permits the conversion of dwellings into smaller units of self-contained accommodation subject to a number of criteria being met, which include: *a) The original floor area being greater than 115 sqm or having more than 3 bedrooms as originally built; and b) At*
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least one unit of accommodation is provided which is suitable for family occupation and has a minimum of two bedrooms. There is no definition of original in relation to the floor area and the Appellant relates it back to the whole building i.e. the flat and the maisonette.

5. I am sure that the policy was not written with the intent that 'salami slicing' over a long period was to be allowed or encouraged but it is a fact that the wording is open to some interpretation. However, taking a pragmatic approach, given that the lower-level flat was separated off in the mid-1980s, it seems to me reasonable to assess the appeal property as it has stood for some decades – a two bedroomed maisonette measuring about 96 sqm. Appreciably less than 115 sqm. The maisonette sits only some 5 steps above street level and its layout is unexceptional and functional with separate living, dining and kitchen rooms below and two bedrooms and a bathroom over. In my assessment that property with its sizing, disposition, and layout would be eminently suitable for smaller family occupation and its removal would be the loss of a family dwelling. This is an important starting point in my opinion.
6. Turning to the proposed replacement homes. A 1 bedroomed 'ground floor' flat, described as a studio by the Appellant, is planned. This is clearly not a family home. Above that the scheme for unit 2 is for conversion of the first floor to a main living area (a single roomed kitchen/living/dining room), with a bathroom and one bedroom, along with provision of a new single bedroom in the attic conversion space. The floor area of this upper-level flat would be some 70sqm. The limited overall floorspace, the configuration of this arrangement, and the tight and in parts awkward staircasing all lead me to the conclusion that this home would not offer a family, smaller or otherwise, a good quality dwelling place. In my assessment the scheme would not provide for a new family home to replace what would be lost by the development.
7. in all the circumstances I conclude that the appeal proposal would not be acceptable and would not accord with the objectives of LP Policy HO9 to safeguard small family homes and to provide new suitable accommodation for families within any new development scheme.

Other matters

8. I appreciate the Appellant's point about the provision of new homes in a City which requires additional dwellings to assist with the recognised shortfall; the scheme would numerically add only one property. It is apparent that there are appreciable numbers of conversions to be found locally; I do not know the planning history of those. I would agree with the Appellant that the planned dormer window would be non-controversial.
9. I noted the debate between the two principal parties over the question of the application of Nationally Described Space Standards. Reference to these did not form part of the refusal reason, and might only be a guide given the prevailing development plan position in any event, and I see no need to get into the fine detail on the figures. I use my planning judgement on the

suitability of the upper floors for family accommodation in this case and in the appeal site's specific context.

10. I have carefully considered the above factors and all the other points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.

Overall conclusion

11. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on the supply of smaller dwellings suitable for family accommodation in the City. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR