



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/21/3276884 47 Elm Drive, Hove, BN3 7JA

- 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 P Heath against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/02977, dated 15 October 2020, was refused by notice dated 17 December 2020.
 - The development proposed is the subdivision of single dwellinghouse to create 2no. three bedroom dwellings (C3) with erection of single storey rear extension and fenestration changes to east side elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the subdivision of single dwellinghouse to create 2no. three bedroom dwellings (C3) with erection of single storey rear extension and fenestration changes to east side elevation at 47 Elm Drive, Hove, BN3 7JA in accordance with the terms of the application, Ref BH2020/02977, dated 15 October 2020, subject to the conditions on the attached schedule.

Preliminary Matter

2. I use the Council's description of the development which is more precise than the application form; I note that the Appellant also uses this on the appeal form.

Main Issue

3. 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

4. The appeal property is a semi-detached house in a street of established residential character with a pleasing variety of dwelling types. The building has a large side facing roof slope with extensive dormers. The appeal proposal is as described above.
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5. The Council cites Policy HO9 of the Brighton and Hove Local Plan (LP) in relation to this issue and the Appellant puts his side on how the policy should be applied. The policy is entitled *Residential conversions and the retention of smaller dwellings*.
6. A key aim of the policy, amongst other matters, is to protect the stock of small homes suitable for families and to create these within new developments. There is a recognition in the background explanation that the conversion of larger properties contributes to the provision of a wider range of properties and helps meet the needs of a growing number of smaller households. 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 least one unit of accommodation is provided which is suitable for family occupation and has a minimum of two bedrooms.*
7. There is no definition of 'original' in the policy and in any event in this case there is considerable uncertainty over how much floorspace, and how many bedrooms, would have been within the original built structure. This is because there has been roof level extension work at some point, clearly many years back, and not all of that is documented. Given the mists of time I cannot make a complete judgement on compliance or otherwise with the precise terms of Policy HO9. In an ideal world and on other cases I should be able to do so.
8. In the light of all of the above, I believe in this exceptional case that it is reasonable to take a pragmatic approach; with the question being would the proposal hinder or benefit the stated policy aim of providing family homes, particularly for smaller families? In this instance one reasonable family home is being lost and two are being created. There are no arguments against the quality, sizing, amenity, or any other issues associated with the two new planned homes and it is recognised that these 3 bedroomed properties would readily and acceptably accommodate smaller families. The scheme would also add, albeit very modestly, to the housing supply which is in deficit in the City.
9. in all the circumstances I conclude that the appeal proposal would be acceptable and, indeed, beneficial and would accord with the *objective* of LP Policy HO9 to safeguard or increase the supply of smaller homes for families.

Conditions

10. The Council puts forward a number of suggested conditions. The standard commencement period should apply. A condition that works are to be carried out in accordance with listed, approved, plans was not promoted but would be necessary to provide certainty. I agree in the interests of amenity that works for dealing with refuse and recycling should be implemented as should cycle storage to encourage sustainable travel.

Overall conclusion

11. For the reasons given above I conclude that the appeal proposal would not have unacceptable effects on the supply of dwellings suitable for family accommodation in the City. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR

SCHEDULE OF CONDITIONS (4)

1. The development to which this permission relates shall begin no 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: 1.3, 2.2, 3.4 & 4.2.
3. The storage of refuse and recycling shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and shall thereafter be retained for use at all times.
4. The cycle storage facilities proposed shall be fully implemented and made available for use by the occupants prior to occupation of the development and shall thereafter be retained for use at all times.