



Appeal Decision

Site visit made on 14 December 2021

by Gareth W Thomas BSc (Hons) MSc (Dist) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2022

Appeal Ref: APP/Q1445/W/21/3273913

24, Holland Road, HOVE BN3 1JJ

- 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 Avante Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH/2020/03272, dated 8 December 2020, was refused by notice dated 13 April 2021.
 - The development proposed is Change of use from existing language school (F.1) to 10no bedroom visitor accommodation (sui generis). External alterations comprising of new access to kitchen at the rear, two juliette balconies to first floor rear elevation, new railings and gate to front elevation and the removal of the existing fire escape stairs & door on the north elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from existing language school (F.1) to 10no bedroom visitor accommodation (sui generis). External alterations comprising of new access to kitchen at the rear, two juliette balconies to first floor rear elevation, new railings and gate to front elevation and the removal of the existing fire escape stairs & door on the north elevation. at 24, Holland Road, Hove BN3 1JJ in accordance with the terms of the application, Ref BH/2020/03272 , dated 8 December 2020, subject to the conditions in the Schedule to this decision.

Main Issues

2. The main issues in this appeal are firstly, whether the location of the appeal site is suitable for visitor accommodation having regard to local planning policies and secondly, the effects of the proposed development on the living conditions of neighbouring properties in terms of noise.

Reasons

Suitability of location

3. Policy CP6 of the Brighton and Hove Local Plan Part One (Local Plan) seeks to ensure the provision of a sufficient and wide-ranging type of visitor accommodation and specifically seeks to direct new hotel accommodation into the Central Brighton Area (CBA). Formerly a language school, the proposed change of use would see the two storey Victorian building located just outside of the CBA being used as a 10-bed visitor accommodation unit. In the report to Committee, the Council's officers described the use as being Sui Generis rather than a hotel as the unit would not provide the usual services offered by a mainstream hotel (C1 use). Officers accepted that it had been demonstrated that the previous community use is no longer viable following a period of

marketing. I would agree with their assessment that self-catering accommodation would be unlikely to directly compete with the more traditional hotel and guest house offer in Central Brighton.

4. From my site visit, I observed that the former school building is located close to the corner of Holland Road with Western Road, which is a principal commercial thoroughfare leading westward from Brighton. The area is vibrant and contains a great number of shops, cafes, restaurants and hotels. The immediate area is well served by public transport and allows for easy access to other facilities and attractions in Central Brighton.
5. I am cognizant that there is a need to respond to the rapid changes in the retail and leisure industries within town centres and this will become more important as the nation responds to the effects of the Covid-19 pandemic. It is clear that the effects of the last two years have seen the hospitality sector being hardest hit, which has led to potentially permanent, irreversible impacts on global travel. Evidently, the demands placed upon the domestic holiday market will be likely to change in response to this environment with the need to enhance the variety and quality of the tourism offer. Policy CP6 of the Local Plan already advocates support for the provision of a sufficient and wide ranging type of visitor accommodation in Brighton.
6. Given the site's sustainable location, the type of accommodation to be provided and the Government's ongoing commitment to applying a more flexible approach to retail and leisure uses in town centres together with the in-built flexibility contained within LP Policy CP6, I find there to be no conflict with the Council's Development Plan policies.

Living conditions – noise

7. The nature of the Council's concerns with regards to noise and disturbance relate principally to the comings and goings of visitors and the possibility of large gatherings taking place presumably within the garden terrace area to the rear of the building. Neighbours have previously complained about the occasional disruption caused by students gathering at social events, which are not presently controlled.
8. However, the Council offered no clear evidence to demonstrate that the proposal would result in a significant adverse effect on the neighbourhood. Indeed, the Council's Environmental Health Officer raised no objection favouring that a condition be imposed requiring the submission and approval of a noise management plan to control the use of the outdoor space and preclude its use as an outdoor event space with amplified sound. There would therefore be no significant material adverse effect on noise and disturbance to residents from activity within and outside the building.
9. Given the above I conclude that there would be no material adverse effect on the living conditions of the occupants of properties in the surrounding area, with particular reference to noise and disturbance. Consequently, the proposal would not conflict with Policies SU10 and QD27 of the Local Plan which seek to ensure future developments do not result in adverse effects on health and environmental quality through appropriate design and attenuation measures.

Other Matters

10. The appeal site is within the Brunswick Park Conservation Area and whilst I have had regard to section 71(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area, the reasons for refusal do not relate to the effect on the Conservation Area. I have had regard to the Council's favourable assessment of the proposed external alterations to include a new access to the kitchen at the rear, the construction of balconies to first floor rear elevation, new railings and gate to the front elevation and the removal of the fire escape stairs and door on the north elevation. I have no reason to disagree with such assessment and conclude that the proposed development would preserve the character and the external alterations would lead to an enhancement to the appearance of the Conservation Area.
11. Third parties have raised concerns regarding parking constraints. However, this matter was not raised by the Council and I have no evidence before me to demonstrate that a problem exists. I recognise however that the appeal site is located in a highly sustainable area of Brighton offering excellent public transport links. Moreover a condition is attached requiring bicycle storage facilities to be provided in order to encourage alternative transport modal use.

Conditions

12. The Council's officer report contained a list of conditions and I have assessed these against the advice contained within the Government's Planning Practice Guidance. In addition to the standard time limit for commencement of development, a condition is included that specifies the approved drawings to provide certainty. Conditions specifying the use of timber in any replacement windows and the painting of the new railings in an appropriate colour are included to ensure satisfactory appearance. A condition is imposed to ensure that the use of the visitor accommodation will be for short-term lets in line with the Council's policy. Similarly, a condition is included that specifies the maximum number of residents in order to protect the living conditions of neighbouring occupiers. I have also included a condition requiring the submission and approval and subsequent implementation of a noise management plan to protect the amenity of neighbours. Finally, a condition is included requiring the provision of cycle parking facilities to encourage travel by means other than the private motor vehicle.

Conclusion

13. For the above reasons and having regard to all other matters raised, the appeal is allowed.

Gareth W Thomas

INSPECTOR

SCHEDULE

List of 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: YO426-061; YO426-062; YO426-001; YO426-002; YO426-050 A; YO426-051; YO426-052 and; YO426-060.
3. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing nos YO426-50A, YO426-51 and YO426-52 and shall be retained as such thereafter. The communal areas shall be retained as communal space at all times and shall not be used as bedrooms
4. All new windows and doors indicated on the approved plans shall be constructed of timber and shall have a painted finish to match the existing windows.
5. The development hereby permitted shall not be occupied until the railings shown on the approved plans have been painted black and shall thereafter be retained as such.
6. The visitor accommodation hereby approved shall be used for the purpose of short-term accommodation only and occupation by a person or persons shall be limited to less than 7 consecutive days and nights and shall be so maintained.
7. The visitor accommodation hereby approved shall only be occupied by a maximum of twenty (20) persons.
8. The development hereby permitted shall not be first occupied until a noise management plan to control the hours of use of the terrace and preclude its use as an outdoor event space with amplified sound has been submitted to and approved in writing by the local planning authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.
9. Notwithstanding the approved drawings, the development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.