



Appeal Decision

Site visit made on 11 January 2022

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17TH January 2022

Appeal Ref: APP/Q1445/W/21/3279411

2 Cowdens Close, Hove BN3 8FB

- 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 Mrs Georgette French against the decision of Brighton and Hove City Council.
 - The application Ref BH2021/01088, dated 25 March 2021, was refused by notice dated 19 May 2021.
 - The development proposed is subdivision of single dwelling into 2 new dwellings including a single storey rear extension and dormer windows to the front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for subdivision of single dwelling into 2 new dwellings including a single storey rear extension and dormer windows to the front elevation at 2 Cowdens Close, Hove BN3 8FB in accordance with the terms of the application, Ref BH2021/01088, dated 25 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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:
 - Location Plan 229-02-00
 - Proposed Block Plan 229-02-02
 - Proposed Ground and Loft Plan 229-10-00
 - Proposed Elevations 229-10-01
 - 3) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
 - 4) No extension, enlargement or alteration of the dwellinghouses or provision of buildings incidental to the enjoyment of the dwellinghouses within their curtilages as provided for within Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the local planning authority.

Main issues

2. The main issues are:

- the effect of the proposal on the supply of smaller dwellings; and
- whether the proposal would provide satisfactory living conditions for future occupiers.

Reasons

The effect of the proposal on the supply of smaller dwellings

3. The Brighton and Hove Local Plan (BHLP) recognises that the conversion of larger dwellings helps to meet the needs of a growing number of smaller households, consistent with the objective of making best use of urban land. At the same time, the BHLP notes that there is still a high level of demand for smaller dwellings suitable for family accommodation. Policy HO9 seeks to retain the existing stock of such dwellings. It states that permission will be granted for converting a dwelling into smaller units where the original floor area is greater than 115sqm. The policy goes on to set out further criteria for such conversions.
4. The appeal property was originally built as a two bedroom dwelling with an internal area of about 72.5sqm. It is located next to the turning area at the end of a cul-de-sac, with a plot width that is significantly wider than nearby plots. This has enabled the dwelling to be extended with side and rear extensions. There has also been a loft conversion. As a result of these extensions, the property now has five bedrooms plus a study that could be used as a bedroom. The floor area is over twice that of the original dwelling. The proposal would include a further rear extension and two small dormer windows to the front. There would be two new dwellings, a two bedroom unit of 78sqm and a three bedroom unit of 114sqm.
5. The proposal conflicts with the first criterion of Policy HO9 because it involves the subdivision of a dwelling that was originally less than 115sqm. However, when the purpose of the policy is considered, it is clear that the property as it stands today is far from being a smaller dwelling as defined in the plan. Moreover, the proposal would create two small dwellings, one of which would be eminently suitable for family use, consistent with the purpose of the policy.
6. I have no doubt that there are many instances where smaller dwellings have, over time, crossed the threshold of 115sqm, perhaps due to the addition of extensions or conservatories, or the conversion of loft space or integral garages. In many cases such dwellings could still reasonably be regarded as smaller dwellings suitable for family occupation. However, where the scale of the present building is so far removed from the original as it is here, it seems to me that the planning purpose of the policy is less clear cut.
7. It is also relevant to consider the other criteria of Policy HO9. As noted above, the proposal would create at least one unit suitable for family accommodation. There would be no impact on the amenities of adjoining properties and there would be satisfactory provision for refuse storage, cycle storage and car parking. The proposal would therefore meet all other relevant criteria of the policy.

8. I conclude that the proposal would add to the supply of smaller dwellings, although it would conflict with Policy HO9 with regard to the size of the original dwelling.

Whether the proposal would provide satisfactory living conditions

9. The Council's second reason for refusal refers to BHP Policy QD27. This policy does not deal specifically with space standards but does refer to the amenity of future occupiers. The Council has not yet adopted the Nationally Described Space Standards (NDSS) into the development plan. However, Policy DM1 of the draft City Plan Part 2 proposes that the NDSS are adopted. The emerging plan has been submitted to the Secretary of State. Whilst the NDSS do not yet form part of the development plan, achieving these standards would be consistent with national policy and I therefore consider that moderate weight can be attached to them.
10. The Council has no concerns regarding the space standards for the three bedroom unit. Nor is there any dispute that the two bedroom unit would meet the overall minimum floor requirement. The Council is concerned that neither of the bedrooms would be of sufficient size for two-person occupation. However, the plans show that the first floor bedroom would be connected to an area labelled as "dressing room/nursery" by an archway. I think it would be reasonable to include this space in the calculation of the floor area of the bedroom. On that basis, the standard would be met.
11. All habitable rooms would be of regular shapes, with access to natural light and a good outlook. Although I have not been referred to any specific standards for external amenity space, it is relevant to note that both units would have good-sized rear gardens. My overall assessment is that the scheme would create functional and attractive living spaces. The proposal would accord with Policy QD27.

Other matters

12. The proposed dormers would be modestly scaled and well-contained within the roof slope. Dormers are a common feature in the locality and these dormers would not look out of place in this context. There is currently an extensive area of hard-standing in front of the property. The proposal would result in this area being broken up by new planting, with space for some tree planting. This would bring about a modest improvement to the street scene.
13. The Council cannot currently demonstrate the five year supply of housing sites required by the National Planning Policy Framework (the Framework). The officers' report states that the current supply is equivalent to 2.8 years of the requirement. Given this shortfall, the net gain of one unit would be a benefit of the proposal.

Conditions

14. The Council has suggested conditions which have been agreed by the appellant. I have considered the conditions in the light of Planning Practice Guidance. A condition requiring development to be in accordance with the plans is necessary in the interests of clarity and certainty. A condition requiring provision of cycle parking is necessary in the interests of sustainable transport. A condition restricting permitted development rights is justified given that the original property has already been substantially extended.

Conclusion

15. The proposal would conflict with Policy HO9 with respect to the size of the original dwelling. It would accord with Policy QD27 with respect to the living conditions of future occupiers. No other conflicts with the development plan have been identified. Even so, I consider that the proposal should be considered as being in conflict with the development plan as a whole.
16. As a result of the housing land supply position, the approach to decision making set out in paragraph 11(d) of the Framework applies. The benefits of the proposal include that there would be a small contribution to housing land supply (a net gain of one unit). There would also be a modest improvement to the street scene. In my view the most significant benefit would be the creation of two smaller dwellings, for which a particular need has been identified, at least one of which would be suitable for family accommodation. These would be of good quality, providing functional and attractive living spaces.
17. The only adverse impact that I have identified is the conflict with the first criterion of Policy HO9. I conclude that this adverse impact would not significantly and demonstrably outweigh the benefits. The application of the Framework is therefore a matter weighing in favour of the appeal. In my view this is sufficient to indicate a decision other than in accordance with the development plan. The appeal should therefore be allowed.

David Prentis

Inspector