



Appeal Decision

Site visit made on 9 May 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2022

Appeal Ref: APP/Q1445/W/21/3288797

Hot Potato Cafe, 71 St. James's Street, Brighton BN2 1PJ

- 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 Graham Constantine of Digital Freelance against the decision of Brighton & Hove City Council.
- The application Ref BH2021/01786, dated 13 May 2021, was refused by notice dated 23 September 2021.
- The development proposed is Conversion of basement store (E class) to a studio flat (C3).

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed flat would provide acceptable living conditions for its occupants.

Reasons

3. No 71 St. James's Street is a 4 storey building with an office at ground floor and residential units above. The proposed studio flat would be created in a disused basement which extends the full depth of the building. The accommodation would cover 45 m² and, apart from a shower room, it would be open plan with defined areas for living, sleeping and cooking/dining.
4. The front section of the flat containing the living and sleeping area would be served by three new lightwells, one in the pavement and the others either side of the building. The rearmost part would be served by a new window and door, both fully glazed from floor to ceiling, facing onto a yard at the base of a flight of steps. Access to the flat would be via these steps and a passageway which connects with the street.
5. The appellant has submitted a daylight report which concludes that the flat would meet the standards set out in the British Standard for daylight in buildings¹. Whilst I have no reason to question the accuracy of this report, it does not seek to address sunlight or other important components of living conditions. Occupants of the proposed flat would have no outlook from the lightwells and views from the new window and door would be onto walls at close quarters. The external yard is small and highly enclosed, meaning that it would not be an attractive space for sitting out. This area is more likely to be used for bicycle or refuse storage. The proximity of the site to the seafront

¹ BS EN 17037:2018 Daylight in buildings

does not mitigate for the lack of good quality external amenity space and this weighs against the scheme.

6. I acknowledge that the internal floor space would exceed the Nationally Described Space Standard². However, qualitative aspects are also important. The subterranean flat would provide oppressive living conditions for its occupants with restricted outlook and, in all likelihood, poor levels of sunlight. Overall, I find that the standard of accommodation would be inadequate. There would be conflict with Policy QD27 of the Brighton & Hove Local Plan 2005. This policy is consistent with the National Planning Policy Framework in seeking to ensure that developments promote health and well-being, with a high standard of amenity for existing and future users.

Planning Balance and Conclusion

7. The Council is unable to demonstrate a 5 year supply of deliverable housing sites, with the current supply figure standing at 2.1 years. This represents an acute housing shortage. Nevertheless, the adverse impacts arising from the poor living environment in this case would significantly and demonstrably outweigh the benefits of creating a single dwelling, notwithstanding that the location in central Brighton would provide occupants with easy access to services and facilities.
8. For the reasons given above I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR

² Technical housing standards – nationally described space standard, 27 March 2015