



Appeal Decision

Site visit made on 4 August 2022

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/Q1445/W/22/3294312

82 Goldstone Villas, Hove, BN3 3RU

- 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 David Miele against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/03711, dated 18 October 2021, was refused by notice dated 10 December 2021.
 - The development proposed is the conversion of loft to create 1no. self-contained studio flat (C3), associated alterations including front and rear rooflights.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of loft to create 1no. self-contained studio flat (C3), associated alterations including front and rear rooflights at 82 Goldstone Villas, Hove, BN3 3RU in accordance with the terms of the application, Ref BH2021/03711, dated 18 October 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: 02-1, 02-2, 02-5, 02-6, 02-7 & 02-8.
 3. The rooflights to the front elevation hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Main Issues

2. The main issues are the effect of the proposal on a) the character and appearance of the locality and b) the living conditions for future occupiers.

Reasons

Character and appearance

3. The appeal property is a three-storey over basement terrace on the western side of Goldstone Villas. The rear of the site, with less imposing elevations, fronts onto Ethel Street with a separate frontage including a single-storey structure. The site is a mixed-use building comprising commercial on the
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ground and basement floor of the main Goldstone Villas frontage, residential (C3) on the first and second floors and a single-storey office (E) to the rear fronting Ethel Street. The locality is of vibrant mixed character, with collective and individually interesting architecture and detail, and a varied generally pleasing appearance. The appeal proposal is as described above.

4. The site lies within the Hove Station Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reflected within Saved Policy HE6 of the Brighton and Hove Local Plan (LP) which also includes a range of relevant design criteria for proposals within Conservation Areas. Similarly, the thrust of S72(1) is, amongst other matters, included in Policy CP15 of the City Plan Part One (CP1).
5. The Council is concerned that the proposed rooflights, given their number, positioning within the roof-slope, and alignment relative to the fenestration below, would have a harmful impact upon immediate and wider character and appearance.
6. I would agree that the frontage roof-slope should be treated with care but I consider that the scheme before me has not gone past the threshold for suitable change. Roof-lights do feature in substantial numbers locally, the geometry of the building and street is such that these would not be widely seen, and they would not be of inordinate scale. The nature of the front elevation is such that to have meaningful function true alignment would not be an easy task. However, I consider in this instance the most important fact is that the ornate two storey bay arrangement will remain as the dominant feature on the appeal property and as a matching format with adjoining buildings. The roof-lights will play as neutral in the scene.
7. On the rear elevation the roof-scape is more eclectic and less sensitive than the front and I am satisfied that roof-lights as planned would not impact upon the building's or the locality's aesthetic qualities and would be neutral in Conservation Area terms.
8. Given the nature of the scheme I conclude that the proposal would not run contrary to the aims of S72(1) of the Act or with LP Saved Policy HE6 and CP1 Policy CP15. It would also not conflict with LP Saved Policy QD14 and CP1 Policy CP12 which, taken together and amongst other matters, seek well designed development that should protect the character and visual quality of an area and respect local distinctiveness.

Living conditions

9. The Council is concerned that the planned studio flat would have a limited internal area and headroom, along with sloping ceilings, and thus provide a cramped and oppressive living environment to the detriment of future occupiers. The Council has moved to using the Nationally Described Space Standards (NDSS) and makes the case that the scheme would fail to accord with this.

10. The NDSS does not offer a scaling for a studio flat but by extrapolation of the single bedroom flat figures it would seem reasonable to assess this scheme as not providing an ideal arrangement for a studio in terms of floorspace and ceiling heights. However, numerically it would not be far off and importantly in the practical sense, given its regular shape and good dual aspect natural light and ventilation, along with a degree of internal interest, a full bathroom, and suitable storage, my opinion is that this space would make a reasonable one-person studio. I recognise that conversions of older buildings will not always accord with a standard approach. In this instance I would find it reasonable to take a pragmatic stance. Crucially, I am not persuaded that a person living here would find the home unduly cramped or feel that the living environment was oppressive.
11. In passing, I note that the Council's Environmental Health Officer for Private Sector Housing had 'no comments to make' when presented with this scheme.
12. I would underline that the provision of a new home adds some weight to the case for approval of the scheme. I say this recognising that the additional contribution to housing land supply, which the Council acknowledges presently lies at well below five years, would be extremely modest.
13. LP Saved Policy QD27 and Policy DM1 in the City Plan Part Two are relevant. Taken together and amongst other matters they seek to ensure that new development would protect or provide for residential amenity. Given the foregoing I would conclude that the appeal scheme would not conflict with the relevant objective of these policies.

Other matters

14. Policies in the National Planning Policy Framework have been considered in their own right and the local policies which I cite also mirror relevant objectives within that document.

Conditions

15. No suggested conditions have been put forward by the Council or the Appellant. I shall apply a standard commencement condition and one related to compliance with submitted plans, to provide certainty. I would deem it important in the interests of visual amenity that 'conservation style' roof lights are used on the front elevation and I will consequently apply a planning condition that this type is used.

Overall conclusion

16. For the reasons given above I conclude that the appeal proposal would not have unacceptable effects on the character and appearance of the locality or on living conditions for future occupiers. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR