



Appeal Decision

Site visit made on 17 August 2023

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2023

Appeal Ref: APP/Q1445/W/23/3317256

Garages, Adjacent Wick Hall, Furze Hill, Hove, BN3 1NF

- 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 Baron Estate Management Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2022/03429, dated 2 November 2022, was refused by notice dated 8 February 2023.
 - The development proposed is the conversion of garages to create 4no self-contained flats (C3) with alterations to fenestration.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbours and future residents.

Reasons

3. The appeal property is a single-storey (with lower ground floor) detached building on the southern side of Furze Hill located close to the north western end of the large flatted development, Wick Hall. Both floors of the building have been garaging for residents of Wick Hall but at the time of my visit the upper floor was in use as an ad hoc furniture and equipment storage area by the management company. It is principally accessed by via short steep ramp from Furze Hill. The proposal is as described above and relates to the upper level of the appeal building.

Living conditions

4. In many ways the appeal scheme is a thoughtful conversion project. The front two flats taken in isolation would be suitably arranged and access, cycle storage and general circulation would be satisfactory. However, to my mind the scheme must fail on its approach to the provision of windows for Flat 4's kitchen/living space and bedroom 1 and for Flat 3's studio room fenestration. Quite simply these windows are too close to other windows and balcony arrangements at Wick Hall flats and the proximate intervisibility would result in unacceptable mutual overlooking and lack of privacy for all pertinent parties. The fact that some of these windows are already in situ on the appeal building is irrelevant to my mind, a garage use is very different from a home.
 5. I should add that obscure glazing would not be a 'solution' I could countenance as this would not be a suitably innovative resolution to the provision of glazing
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for the rooms / flats in question - it would have an unacceptable adverse impact on would-be residents within the conversion. For this reason, a planning condition along these lines would not resolve matters.

6. Policies DM1 and DM20 of the City Plan Part Two are pertinent. Taken together they seek to protect residential amenities. Given the foregoing I would conclude that the appeal scheme would run contrary to these policies.

Other matters

7. The Council's Decision Notice refers to concerns over possible failure to comply with the Nationally Described Space Standards. However subsequently the Council has withdrawn this concern given evidence provided by the Appellant. I would agree that there is no issue here and I need not take this matter any further.
8. I also note that the Council and Appellants are one on matters such as the loss of the garage use, the general principle of residential accommodation here, the benign visual impacts, amenity space and sustainable transport accessibility and I would concur.
9. I fully recognise the housing supply shortfall in this Council area and the contribution that this scheme would make towards supply. However, to my mind the social difficulties in the form of unacceptable living conditions for neighbours and future residents indicates that this appeal scheme would not qualify as sustainable development. On the question of balance, a small addition to the housing supply would not outweigh this factor.
10. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
11. I confirm that policies in the National Planning Policy Framework have been considered; and the Council's policies which I cite mirror relevant objectives within that document.

Overall conclusion

12. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on the living conditions of neighbours and future residents. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR