
Appeal Decision

Site visit made on 14 April 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 JUNE 2025

Appeal Ref: APP/Q1445/W/24/3357381

2A Shanklin Road, Brighton & Hove, Brighton BN2 3LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nigel Hughes against the decision of Brighton & Hove City Council.
 - The application Ref is BH2024/01860.
 - The development proposed is conversion of existing garage/store into three storey house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposal would provide acceptable living conditions for the future residents in terms of the provision of internal living space.

Reasons

Character and Appearance of the Area

3. The appeal site is an existing one and a half storey garage/store which projects above the neighbouring garaging with a flat roof, rendered elevations and double doors to the front. The building footprint is smaller than the surrounding residential properties and it is set slightly forward within the street scene. The building is located between two single storey garage/stores with flat roofs and within a residential area surrounded by traditional two-storey brick terraced properties with protruding bay windows, pitched roofs and of relatively uniform design, positioning within the street, grain of development and appearance. Due to its forward projection and height when compared to neighbouring garaging, the building appears prominent within the street scene and detracts from the overall character and appearance of the area.
4. The proposal is for the conversion and extension of the existing building to a three-storey dwelling with part pitched, part flat roof, associated alterations including a new front door and windows and the removal of the vehicular crossover. The property is to be finished in painted render.

5. The appellant acknowledges that the existing building is not in keeping with the surroundings, however, the proposal would not emulate the proportions, style or detailed characteristics of neighbouring dwellings, nor would it be specifically designed to integrate with the existing character of the area. The proportions of the proposed windows do not resemble those of neighbouring dwellings, despite being designed with a sash style. The third floor is based on a 'room in the roof' but differs from the neighbouring properties which typically have pitched roofs within which additional accommodation could be provided rather than adding a part pitched and part flat roof to provide the necessary space for the proposed accommodation.
6. Due to the height of the proposed development when compared to the adjoining garaging, its forward position in the street scene and unusual roof form and fenestration that is not in keeping with neighbouring properties, the proposal would appear cramped and out of character with the design, height, pattern and grain of surrounding development. The proposal would stand out as a prominent and visually dominant and discordant addition to the street that would detract from its existing coherent character and appearance.
7. I conclude that the proposal would have a significant detrimental effect on the character and appearance of the area and would be contrary to Policies CP12 and CP14 of the Brighton & Hove City Plan (Part One) 2016 (CP Part One) and Policies DM18 and DM21 of the Brighton & Hove City Plan (Part Two) 2022 (CP Part Two) which aim to secure a high standard of design and development which respects the site constraints and existing character of the area.

Living Conditions for the Proposed Occupants of the Dwelling

8. The proposed development would not meet the Nationally Described Space Standard (NDSS) with regards to overall floor area for a three-bedroom dwelling providing only 68m² of accommodation which falls well below the minimum size (99m²) for a three storey, three-bedroom unit. The proposed single bedroom also falls under the minimum standard providing 6.9m² of accommodation and the minimum standard is 7.5m². The appellant's comments on bedroom 2 being an additional room/study are noted, however, this room is clearly shown as a bedroom on the plans.
9. It is noted that the ground floor layout and accommodation is less cramped than the upstairs accommodation, however I have not been presented with any evidence that this accommodation exceeds that accepted by the Local Authority in other house/flat conversions. The proposal would therefore be likely to result in substandard accommodation and cramped conditions for the occupants of the dwelling which could lead to a moderate degree of harm to their physical and mental health overall.
10. For these reasons, I conclude that the proposal would not provide acceptable living conditions for the future residents in terms of the provision of internal living space. The proposal is therefore contrary to Policies DM1 and DM20 of the CP Part Two which seek to secure a good standard of amenity for future occupiers of the proposed development.

Planning Balance

11. The proposed development would conflict with the development plan due to its impact on the character and appearance of the area and the living conditions for the proposed occupiers of the proposed dwelling. The development plan policies relevant to these issues are consistent with those of the National Planning Policy Framework (Framework) and therefore I have attached the policy conflicts and harms significant weight.
12. The Council concedes that it is unable to demonstrate a five-year supply of deliverable housing sites (the Council have the equivalent to a housing land supply of 3.3 years), therefore the policies which are most important for determining the appeal are out of date for the purposes of the Framework. Paragraph 11(d) of the Framework indicates that in such circumstances permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
13. The benefits of the development are the provision of a single dwelling in an accessible location, which would make a modest contribution to the supply of new homes given the housing shortfall. There would also be benefits to the local economy during construction and for the lifetime of the development through additional spending by occupants of the development in local shops and businesses. The provision of bike racks is noted, and the appellant also mentions the provision of bin storage, but this is not shown on the proposed plans. I have attached these benefits moderate weight.
14. In the overall planning balance, the adverse impacts of granting permission in terms of impact on the character of the area and the living conditions for the proposed occupants of the dwelling would significantly and demonstrably outweigh the benefits. As a result, the proposal does not constitute sustainable development in terms of the Framework and the presumption in favour of sustainable development does not apply. The proposal conflicts with the development plan taken as a whole and the material considerations in this case do not indicate that the decision should be taken other than in accordance with the development plan.

Conclusion

15. For the reasons given above, the appeal should be dismissed.

C Coles

INSPECTOR