



Appeal Decision

Site visit made on 26 February 2009

By David J Rose BScEcon MA HonMRTPI

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

**Decision date:
10 March 2009**

Appeal Ref: APP/Q1445/A/08/2089602 29 Shanklin Road, Brighton BN2 3LP

- 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 H Hussain against the decision of Brighton and Hove City Council.
- The application Ref BH2008/00725, dated 22 February 2008, was refused by notice dated 24 September 2008.
- The development proposed is to split the house into two flats.

Decision

1. I dismiss the appeal.

Main issue

2. This is whether the proposed development would result in an acceptable loss of family accommodation.

Reasons

3. The appeal property is a 2 storey house with a basement. It currently comprises a dwelling described by the appellant as having 4 bedrooms and by the Council as having 3 bedrooms. The proposal is to create two self contained flats, a 3 bedroom flat on the ground and first floors and a 1 bedroom flat in the basement. No external alterations are proposed so there would not be an increase in the size of the property and therefore in the number of residents that it could accommodate.
4. The Council maintains that the property has an internal floor area of 114 square metres whilst the appellant suggests it is 120 square metres. I have not myself inspected the inside of the property but, having scaled the submitted plans, conclude that the internal floor area is less than 115 square metres. The Council seeks to protect small family dwellings from conversion as there is a high level of demand for such dwellings in the City. Policy HO9 of the Brighton & Hove Local Plan 2005 (the Local Plan) includes a number of criteria which must be satisfied to permit the conversion of dwellings into smaller units. These include (a) that the original floor area is greater than 115 square metres or the dwelling has more than 3 bedrooms as originally built. Evidence has not been presented to me that enables me to conclude that the property meets either test of size. I therefore conclude that the proposal would result in an unacceptable loss of family accommodation, contrary to Local Plan Policy HO9.

5. Criterion (b) of the Policy is that at least one unit of accommodation is provided which is suitable for family occupation and has a minimum of two bedrooms. The maisonette on the ground and first floors would have a minimum of two bedrooms with a small terrace of 8 square metres accessed from the ground floor that would provide amenity space. Although, the proposal meets this criterion, this is outweighed by the size of the property not meeting the test in criterion (a).
6. The proposal does not provide secure covered cycle parking as sought by criterion (d) of the Policy and by Local Plan Policy TR14. I observed on my visit that cycles were stored against the railings of numbers of nearby properties. The appellant has offered to make a contribution to cycle parking nearby but proposals have not been put to me where such cycle parking might be located. However, I consider that an appropriate condition could address the objectives of the Local Plan Policies H09 (d) and TR14.
7. The property is located within 100 metres of a bus stop in Hartington Road and is close to the public transport links, cycle lanes and local facilities in Lewes Road. It is therefore a location suited to the use of public transport, walking and cycling. The property does not have any off-street parking spaces but is not located within a controlled parking zone and, on my visit, on-street parking was easily available. The Council is not seeking to restrict the permission on transport grounds but has sought a contribution towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area of the site. However, the property would not be extended to accommodate an increase in the number of residents and the Council has not presented evidence to me that the proposal would create additional demand for travel and have an adverse impact on transport so requiring remedial measures as sought by Local Plan Policy TR1.
8. I have noted that there would be limited impact on residential amenity and that there were not any objections from neighbours. I have further noted that, subject to compliance with the Building Regulations, the proposal could provide two small units with satisfactory accommodation. Nevertheless, these considerations do not outweigh the harm that I have identified from the loss of family accommodation. I therefore conclude for the reasons given above and having regard to all other matters raised that the appeal should be dismissed.

David J Rose

INSPECTOR