

Appeal Decision

Site visit made on 5 December 2016

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

Decision date: 9th December 2016

Appeal Ref: APP/Q1445/W/16/3155097

6 Beaconsfield Road, Brighton BN1 4QH

- 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 Ms Carly Houston against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/00416, dated 5 February 2016, was refused by notice dated 1 April 2016.
 - The development proposed is conversion of existing six bedroom house to form 2no 1 bedroom flats and 1no 3 bedroom maisonette, including construction of external staircase to rear.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) whether the proposed conversion would provide satisfactory living accommodation for future residents;
 - b) the effect of the proposed rear staircase on the living conditions of neighbouring occupants in relation to privacy.

Reasons

Living conditions of future occupants

3. No 6 is a three-storey terraced property with a rear projection, which also has accommodation on three floors. It appears likely to me that the original layout was a house with four bedrooms. The insertion of a dormer window at the rear and rooflights at the front has enabled the provision of two extra bedrooms within the roofspace. The proposal seeks to sub-divide this large single dwelling into three units of self-contained accommodation.
 4. Saved Policy HO9 of the Brighton & Hove Local Plan sets out a series of criteria in relation to conversions of dwellings into smaller units of self-contained accommodation. Whilst the property clearly meets criterion (a) of the policy, criterion (b) requires that at least one unit is suitable for occupation by a family. However, the policy does not provide specific details about how the suitability of any unit will be assessed; each case therefore has to be determined on its individual merits.
-

5. The proposed three bedroom maisonette would be on the second and third floors of the building. The kitchen would be within the rear projection and would be separated from the living area by a short flight of steps. A shower room would be provided between the proposed living room and bedroom on the second floor. The two bedrooms within the roofspace are of modest proportions. The bedroom at the front of the building has a reasonable floor area, but its headroom is restricted by the roof slope. It has limited outlook as it is reliant on rooflights. Although there is also a small shower room on the top floor, the maisonette would not have a family bathroom.
6. It seems to me that locating the larger unit towards the top of the building would make it impractical and inaccessible for a family with small children. It would require future residents to negotiate several flights of stairs, which would be difficult with children, shopping and possibly a pushchair. The arrangement of the accommodation would also present potential problems for a family. The kitchen would be separated from the living room by a corridor and a flight of steps and there is nowhere in the unit to store a pram or pushchair.
7. The largest bedroom is on the second floor, making it is more likely that any children would sleep on the top floor, which would make any night-time care more difficult and inconvenient. In addition, while the lack of a bathroom would be acceptable for adults who might choose to share, I consider that a bathroom is essential to care for a baby and/or small children. This combination of factors demonstrates that the accommodation would not be satisfactory to meet the needs of a family.
8. Although not cited in the Council's decision notice, my attention has also been drawn to saved Policy HO5 of the Local Plan, which requires all new residential development to provide private useable amenity space. The existing house has a modest sized rear garden. However, it is proposed that this would be available to the occupants of the units on the ground and first floors, rather than the family unit. This adds further to my concerns that the unit would not be suitable to meet the needs of a family.
9. I will now move on to consider the accommodation that would be provided in the units on the ground and first floors. I am aware that the Council does not have adopted minimum space standards for new units of accommodation. Any assessment of the size of the proposed flats is therefore a matter of judgment. Nevertheless, one of the core principles of the National Planning Policy Framework (the Framework) is to ensure a good standard of amenity for all existing and future occupants of land and buildings.
10. The existing rooms on the ground and first floors at the front of No 6 are a reasonable size for a living room. However, in order to provide a shower room on each floor it would be necessary to take space away from both rooms. Not only would this reduce their size but it would also make them a more awkward shape. This would make these rooms less useable and flexible in terms of their capacity to be suitable for a variety of day-to-day activities. Even the living room on the ground floor would have only limited space for furniture and storage. However, the good size of the kitchen/dining room would make the unit as a whole more acceptable.
11. I consider the lack of space would be particularly acute in the proposed first floor unit where the front room would serve as a living and dining room, as the kitchen would be too small to accommodate a table. This cramped layout

would be compounded by the physical separation of the kitchen from the living/dining room by a corridor and short flight of steps. In addition, the bedroom within the first floor unit would be significantly reduced from its existing size in order to provide the space necessary for the segregated staircase serving the unit on the upper floors. Although the plan shows that the bedroom could accommodate a double bed, the circulation and storage space would be very limited. These factors demonstrate that the first floor unit would provide inadequate living space for its occupants.

12. I note that the parties have provided different figures for the floor areas of the prospective ground and first floor flats. The floor space of the proposed ground floor unit would appear to be either just under or just over the national space standard of 50m². Whilst this amount of floor area cannot be required by the Council in the absence of a specific local policy, I consider this standard provides a useful guide and it is appropriate for me to have regard to it in making my assessment.
13. It seems to me that taking account of its size and proposed layout, the ground floor flat would provide a reasonable standard of accommodation for future occupants. However, both parties agree that the floor area of the first floor flat falls well below the 50m². In addition, I have identified significant practical inadequacies in terms of the proposed layout. I therefore consider that this unit would be unsatisfactory for future occupants.
14. The plans determined by the Council included a staircase from the first floor flat which would provide access into the rear garden. In view of the Council's concerns about the effects of this walkway and staircase on the adjoining occupants the appellant submitted a revised plan removing it and replacing the door with a window. The Council has not commented on this amendment. However, in my view the loss of access to any private amenity space for the occupants of the first floor flat adds to my concerns about the inadequacy of the unit as a whole. I have therefore not accepted the amended plan in my overall assessment of the proposal.
15. I conclude that the proposed conversion would provide unsatisfactory living conditions for future occupants of the second and third floor maisonette and the first floor flat. The proposal would therefore fail to comply with saved Policy HO9 of the Local Plan, which requires conversions to provide at least one unit of accommodation suitable for a family. It would also be contrary to saved Policy QD27 of the Local Plan which seeks to protect the living conditions of existing and future occupiers of development.

Living conditions of neighbouring occupiers

16. The proposed staircase from a door in the first floor flat would include an elevated walkway projecting out from the rear elevation of the property. This would provide open views of the adjoining gardens, especially No 4. I consider this would appear highly intrusive for the occupiers of No 4 resulting in an unacceptable loss of privacy, even if only used on an occasional basis.
17. I therefore conclude that the proposal would be harmful to the living conditions of the occupants of No 4, contrary to saved Policies QD14 and QD27 of the Local Plan, which seeks to protect the privacy of adjoining occupiers.

Planning balance

18. The Government is seeking to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development.
19. In economic terms, the proposal would create some short-term construction-related employment. As this would be a small benefit in this case, it attracts little weight in my assessment. The units could generate additional Council tax receipts and New Homes Bonus (NHB). However, Council tax is simply a means for the Council to cover its costs and infrastructure needs arising from an increase in the local population. The NHB is an incentive for local planning authorities to provide additional housing in their areas, but I am not aware of any direct beneficial link between the NHB grant and spend in Brighton. These financial matters therefore carry little weight in terms of benefits arising from the appeal proposal.
20. In environmental terms, I acknowledge that the site is in an accessible location close to a wide range of services and facilities, which can be reached on foot, by bike or by using public transport. This is a matter which attracts moderate weight.
21. The proposal would result in a net addition of two units of accommodation. In social terms this would make a small contribution to the city's housing need. This is a factor to which I attach moderate weight. However, weighed against this is the harm that would arise from the creation of poor quality accommodation that would be cramped and unsuited to meeting the need for family housing. These are matters to which I attach significant weight.
22. In my view this significant harm would not be outweighed by the economic and environmental benefits of the scheme. This leads me to conclude that the proposal would not be a sustainable development.

Conclusion

23. I have concluded that the proposal would be contrary to the requirements of the Local Plan and there are no material considerations that outweigh the conflict with the development plan.
24. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR