



Appeal Decision

Site visit made on 23 July 2009

by **John Chase** MCD Dip Arch RIBA MRTPI

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

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Decision date:
3 August 2009

Appeal Ref: APP/Q1445/A/09/2099838

33 Sackville Road, Hove, East Sussex, BN3 3WA

- 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 and Mrs Colasurdo against the decision of Brighton & Hove City Council.
- The application Ref BH2008/03952, dated 13 December 2008, was refused by notice dated 12 February 2009.
- The development proposed is the conversion of single dwelling into 1x2 bedroom flat, 2x1 bedroom flats, and 1 studio flat including a front roof light and refuse/recycling store.

Procedural Matter

1. The appellants' description of the development has been amended to reflect that on the decision notice, and this is the form I have used.

Decision

2. I allow the appeal, and grant planning permission for the conversion of single dwelling into 1x2 bedroom flat, 2x1 bedroom flats, and 1 studio flat including a front roof light and refuse/recycling store at 33 Sackville Road, Hove, East Sussex, BN3 3WA in accordance with the terms of the application, Ref BH2008/03952, dated 13 December 2008, and the plans submitted with it, 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 flats shall not be occupied until the refuse, recycling and bicycle storage facilities have been completed in accordance with the approved drawings, and they shall thereafter be retained for their designated uses.
 - 3) The roof light serving the kitchen of the second floor flat shall be of a 'conservation' style, fitted flush so as not to project above the adjoining roof surface.

Main issue

3. I consider that the main issue is the effect on the living conditions of the future residents in terms of the provision of internal living space, external amenity space, and the potential for disabled access and facilities.

Reasons

4. With respect to the quantity of living space in each flat, the Council has drawn particular attention to the small proportions of the bathroom and kitchen in Unit 3, and to the restricted size and headroom of the kitchen in unit 4. It is certainly the case that these areas are of a minimum size. However, I accept that compromises are necessary in adapting existing property, and that the flats in question are intended for one or two people, rather than families. I consider that it would be possible, by imaginative and specific design solutions, to accommodate the necessary fittings and storage to provide adequate facilities for the residents. In particular, the open plan character of unit 3 would help to avoid an unduly constricted environment, and the limited headroom in unit 4 would not prevent the functional use of the kitchen.
5. The existing garden would be allocated to unit 1 which, in being larger than the other flats, would be more likely to accommodate a family. Whilst it would be desirable for the other flats to have private amenity space, I accept that there would be practical difficulties in making the provision. Policy HO5 of the Brighton and Hove Local Plan (LP), adopted 2005, recognises that the requirement for open space should be appropriate to the scale and character of the development. In this case, having regard to the nature of the upper floor units, which would not be suitable for families, and that there is open space at the sea-front within a short walking distance, I consider that the absence of on-site provision would not unduly diminish the living conditions of the residents.
6. In the case of conversions, LP Policy HO13 requires that Lifetime Homes criteria should be incorporated in the design wherever practicable. Whilst it would be possible to make wheelchair access to the ground floor flat, difficulties would arise in making similar provision in the upper floor units. Their restricted floor areas, and the structural limitations imposed on them by the existing building, would diminish the ability to meet the needs of people with disabilities. Similar problems would arise in adapting the existing staircase, especially if adequate ambulant access and escape were to be maintained. In these circumstances, I consider that it would not be practicable to fully meet the Lifetime Homes standards, but that this would not be a sufficient reason to require dismissal of the appeal.
7. I conclude on the main issue that the development would not have a detrimental effect on the living conditions of the future residents in terms of the provision of internal living space, external amenity space, and the potential for disabled access and facilities. In these respects it would satisfy the requirement of LP Policy QD27 by maintaining the amenity of the occupiers. The circumstances of the scheme would justify the flexible approach implied by the wording of Policies HO5 and HO13.

Conditions

8. I have considered the conditions put forward by the Council in the light of the advice in Circular 11/95. I shall apply a condition to require the construction of refuse, recycling and bicycle storage, for the benefit of sustainability, and to maintain the appearance of the development. Subject to the inclusion of a condition to control the appearance of a roof light at the front of the building, I
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consider that the development would preserve the character and appearance of the Old Hove Conservation Area.

9. I take note of the Council's Supplementary Planning Document concerning Sustainable Building Design. However, having regard to the scale and nature of the development and the existence of other legislation, along with the difficulties of enforcement, I consider that the approval of further sustainability details would not be necessary in this instance. It is clear that the scheme for the provision of transport infrastructure is intended to secure a financial contribution, but I am not satisfied that the submitted information makes a compelling case that such a contribution would be essential for the development to proceed, nor that it could be properly secured by a condition along the lines proposed.

John Chase

INSPECTOR

