



Appeal Decision

Site visit made on 27 April 2011

by Joanna Reid BA(Hons) BArch(Hons) RIBA

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

Decision date: 19 May 2011

Appeal Ref: APP/Q1445/A/11/2146856

93 St Leonard's Road, Hove, East Sussex BN3 4QQ

- 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 Tony Camps-Linney against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/01930, dated 22 June 2010, was refused by notice dated 1 September 2010.
 - The development proposed is the conversion of the first floor flat to 2no studio flats.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect that the proposed development would have on the stock of smaller dwellings suitable for family accommodation within the city.

Reasons

3. The 2-storey building at 93 St Leonard's Road includes 2 flats, one on the first floor and one on the ground floor. Both flats have similar footprints, and as I saw at my visit, the ground floor flat has 2 bedrooms, although one bedroom is currently used as a home office/consulting room. Whilst some works, including the removal of some walls, fittings and chimney breasts, have taken place in the first floor flat, the application drawing No 785/011 shows its former layout to be a flat with 2 bedrooms. Even if it was last used as a one bedroom flat, the first floor is plainly capable of accommodating a 2 bedroom flat. As the application does not include the ground floor flat, it is the sub-division of the first floor flat only that is before me in this appeal.
4. Saved Policy HO9 of the *Brighton & Hove Local Plan 2005* (LP) permits the conversion of dwellings into smaller units of self-contained accommodation when a series of criteria are met. The supporting text recognises that the conversion of larger properties helps to meet the needs of a growing number of smaller households, but it will be important to retain the existing stock of smaller dwellings suitable for family accommodation, that is, those where the original floor area is less than 115m².
5. Criterion (a) to LP Policy HO9 says that the dwelling to be converted should have an original floor area greater than 115m², or 3 or more bedrooms as originally built. The floor area of the first floor flat is about 60m², and it would seem to have had less than 3 bedrooms as originally built as a flat. Because it

satisfies neither of the parameters in criterion (a), and because the floor area is substantially below 115m², the first floor flat cannot reasonably be considered to be a larger property which would be suitable for conversion.

6. Moreover, the conversion to 2 studio flats would fail to satisfy criterion (b), which states that at least one unit of accommodation should be provided, which is suitable for family accommodation, and has a minimum of 2 bedrooms. Whilst the appellant has shown that the proposed development would satisfy criteria (c), (d) and (e), and that criteria (f) and (g) are not applicable, these positive aspects would not outweigh the conflict with criteria (a) and (b), because all of the relevant criteria should be met.
7. Thus, the proposed development would fail to retain the stock of smaller dwellings suitable for family accommodation in the city. It would be contrary to saved LP Policy HO9.

Other matters

8. The appellant says that the first floor flat is not suited to family accommodation as it has no private outdoor amenity space, and none could be provided. Whilst this is contrary to current policy for new development, it is not unusual for existing conversions in urban areas. The proposed development could help to meet an identified need for one bedroom units, but there is also an identified need for smaller family dwellings. The development in my colleagues' decision, ref APP/Q1445/A/08/2083968, differs from the proposal before me because it included a small dwelling which would be suitable for family accommodation. My findings on the main issue are consistent with my colleagues' appeal decisions refs APP/Q1445/A/09/2118016 and APP/Q1445/A/10/2133373.
9. A certificate of lawful use or development for the proposed conversion of 2no flats into 1no dwelling house at 93 St Leonard's Road, ref BH2010/03352, was issued on 20 December 2010. The appellant asserts that the conversion of the building to a single dwelling house, and then to a 2 bedroom flat and 2 studio flats, is a viable fallback. I can attach little weight to this matter as that conversion has not been implemented, and any subsequent conversion would be subject to an application for planning permission and assessed in accordance with the policies relevant at the time.

Conclusion

10. For the reasons given above and having regard to all other matters raised, the appeal fails.

Joanna Reid

INSPECTOR