



Appeal Decision

Site visit made on 21 January 2013

by **S J Papworth DipArch(Glos) RIBA**

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

Decision date: 25 January 2013

Appeal Ref: APP/Q1445/A/12/2180654

7 Brunswick Street West, Hove, East Sussex BN3 1EL

- 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 R Rigg against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/00762, dated 6 March 2012, was refused by notice dated 24 May 2012.
 - The development proposed is conversion of ground floor to form self contained flat (resubmission of BH2011/03354).
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Decision

1. I allow the appeal and grant planning permission for conversion of ground floor to form self contained flat at 7 Brunswick Street West, Hove, East Sussex BN3 1EL in accordance with the terms of the application, Ref BH2012/00762, dated 6 March 2012, subject to conditions 1) to 11) on the attached Annex.

Reasons

2. The conversion of the premises as proposed is acceptable in principle, and as far as is necessary to consider it in this planning appeal, the effect on the listed building accords with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The effect on the Brunswick Town Conservation Area is acceptable and this is all as set out in the Officer's Report. The remaining issue is the effect of the development on the living conditions of prospective occupiers with particular regard to sunlight, daylight and outlook, the subject of Local Plan Policy QD27.
3. The Officer's Report made clear that, as compared with the previous scheme, the fitting of the light tube would *'improve the amount of daylight reaching the rear of the kitchen/lounge area such that this area would not now become overly reliant on artificial lighting'*. The paragraph went on to suggest that a condition would be required to ensure the placing of the light tube. The Officer maintained their objection to the lighting and outlook of the rear bedroom and said that *'for this reason the proposed development is considered to represent a poor standard of accommodation'*. However, the Council's Appeal Statement states an objection to both parts of the scheme.
4. Having regard to the amount of glazing at the front, the low level and distance of buildings opposite and the contribution of the light tube, it is concluded that sufficient light would reach the rear of the lounge and kitchen. The arrangement would not be of the poor quality sought to be avoided by Policy

QD27. The provision of a bathroom with only powered ventilation is not an uncommon feature in a tight urban situation.

5. Turning then to the rear bedroom, this is south facing but affected by the height and proximity of other buildings on three sides, the window giving onto a courtyard. The need to obscure-glaze the window to avoid overlooking down onto that courtyard appears a reasonable requirement; whilst there are other clear-glazed windows looking onto the courtyard, this new development can be controlled and there is a good planning reason to do so. There would be no need to treat the upper sash. With that provision, there would be a view out and a reasonable amount of daylight would be likely. Having regard to this being a bedroom, the effect on both existing and future occupiers would be acceptable and the arrangement would accord with Policy QD27 on protecting amenities.

Conditions

6. Works were being carried out at the premises at the time of the site inspection, but it is right that this permission should include a full set of necessary conditions. In view of the Grade 1 Listed status of the building and its location within the Brunswick Town Conservation Area, control of fixtures on the outside is reasonable. The previous use as a garage could give rise to contamination and conditions are required to provide for this possibility to be addressed. The need for the rear window to be part-obscure-glazed has been referred to as has the need for the light tube to be provided as an essential part of the development. In addition, a scheme is required to ensure that residents do not have access to a car parking permit, being reasonable in this closely developed area with ready access to shops and services.
7. Provision of refuse storage facilities is to be approved, but there is no indication of a cycle store on the plans, contrary to the wording of the suggested condition, and this requires a varied wording to achieve approval of this matter. Details have been provided of the shutters, but in view of the particular requirements of the Conservation Officer and the objection of other consultees, formal approval still should be provided by the Council pursuant to a condition. A condition is required to secure development to Lifetime Homes standards and to ensure implementation of sustainability measures, although on the latter the ability for the Council to agree alternatives appears reasonable in view of the nature of the proposal and the area. Finally, a condition is required to list the plans and requiring that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

Conclusions

8. The development would be in a sustainable location and would make good use of a listed building assisting in securing its future preservation. With conditions to secure essential features the development would not adversely affect future or present occupiers and the requirements of Policy QD27 would be satisfied. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR

ANNEX

CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, unless subject to further approval pursuant to a condition: the site plan and block plan, 1 drawing received on the 13th March 2012, and the amended plan received on the 3rd May 2012.
- 3) No cables, wires, aerials, pipework, meter boxes or flues shall be fixed to any elevation fronting a highway.
- 4) The lower sash of the window in the rear/south elevation shall not be glazed otherwise than with obscured glass and shall thereafter be permanently retained as such.
- 5) The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The scheme shall be implemented as approved.
- 6) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and obtained written approval from the Local Planning Authority for a method statement to identify risk and to assess and address contaminants.
- 7) No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority;
 - 1) 1:20 Elevations and sections and 1:1 scale sectional profiles of the new ground floor glazed doors and fanlight, and their cills, thresholds and steps
 - 2) Full details of the shutter doors including 1:20 elevations and sections, 1:1 scale sectional profiles, hinges, and materials where required;
 - 3) Full details of the proposed light tube including 1:10 sections through the roof, means of capping, and external materials where required.All timberwork shall be painted and thereafter retained as such at all times.

The development shall not be occupied until the glazed doors, shutters and the light tube have been incorporated into the development and are operational and these items shall be retained and maintained operational thereafter.
- 8) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

- 9) No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the extent to which the Lifetime Homes standards are to be accorded with. The approved provision shall be implemented prior to occupation of the dwelling and shall be retained thereafter.
- 10) The development hereby permitted shall not be occupied until details have been submitted to and approved in writing by the Local Planning Authority showing how Policy TR14 of the Brighton and Hove Local Plan and the requirement for cycle storage is to be complied with. The approved scheme is to be implemented prior to occupation of the dwelling and retained thereafter.
- 11) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until the sustainability measures detailed within the sustainability checklist received on the 21st March 2012 have been fully implemented, and such measures shall thereafter be retained.