



## Appeal Decision

Site visit made on 5 August 2013

**by D Lamont BSc(Hons) MBA MRTPI MCMi**

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

**Decision date: 12 September 2013**

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**Appeal Ref: APP/Q1445/A/13/2192748**  
**81 St Aubyn's, Hove, East Sussex BN3 2TL**

- 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 Toussi against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/02102, dated 8 July 2012, was refused by notice dated 27 November 2012.
  - The development is conversion of former dining and kitchen areas on the lower ground floor to 2 studio units and reduction in the depth of the existing single storey rear extension.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The development has been completed, and the appeal has been determined on this basis.

### Main Issue

3. The main issue is the effect of the development on the living conditions of the building's residents, in respect of floorspace and layout of two of the units and lack of access to external amenity space for all units except one.

### Reasons

4. The appeal relates to alterations undertaken at the lower ground floor of a large terraced House in Multiple Occupation (HMO). They include a re-arrangement of the layout of a former kitchen and dining room, to the rear, which had been the subject of an earlier planning permission to create two bedsits. Although the units in question are larger than those previously approved, they include internal shower/WC rooms to create self contained studios.
  5. The middle and rear units are small with narrow principal rooms. The effect of limited floorspace is exacerbated by the layout, position of doors and in the case of the middle unit, the lack of separation to the kitchen area. This provides inadequate and poorly arranged living space.
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6. Access to wider communal space makes a particularly valuable contribution to the living conditions of residents of HMOs, bedsits and studio apartments. The appeal scheme removes the building's direct access, except the middle lower ground floor unit, to the communal rear outdoor space. While the existing occupiers may not use the outdoor space, the lack of access to outdoor amenity space would have a detrimental effect on the living conditions of the residents of the front and rear units and upper floors. It is also contrary to Brighton and Hove Local Plan 2005 (Local Plan) Policy HO5, which requires provision of private amenity space appropriate to the scale and character of residential development. The availability of local public open space does not justify the harm to loss of direct access to communal outdoor amenity space.
7. For these reasons, I conclude that the development is cramped and makes inadequate provision for meaningful interior floor space, by virtue of size and layout for self-contained residential apartments; and erodes the accessibility of the large private rear external space. This would provide a poor quality of residential environment and cause unacceptable harm to the living conditions of the building's residents; contrary to Local Plan Policies QD27 and HO5, which seek to protect residents against development which would cause unacceptable harm to living conditions and deliver private amenity space.
8. Given the nature of the development, the Council is satisfied that there would be no harm to the character or appearance of the Conservation Area. I share this view.
9. For these reasons, and having had regard to all other matters raised, including the appellant's comments in respect of fenestration and the rear extension representing a reduced length of a former built element, I conclude that the development would cause unacceptable harm to the living conditions of the building's residents, in respect of inadequate provision of floorspace and layout of the middle and rear lower ground floor units and loss of direct access to external amenity space for all units except one, contrary to Local Plan Policies QD27 and HO5, and dismiss the appeal.

*D Lamont*

INSPECTOR