



## Appeal Decision

Site visit made on 2 February 2015

by **Clive Tokley MRTPI**

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

Decision date: 12 February 2015

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**Appeal Ref: APP/Q1445/A/14/2218760**

**43 Freshfield Road, Brighton, BN2 0BJ.**

- 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 Dr M C Cole against the decision of Brighton and Hove City Council.
  - The application Ref BH2014/00552, dated 18 February 2014, was refused by notice dated 16 April 2014.
  - The development proposed is change of use of basement store (B8) to lower ground floor studio flat (C3) (Part retrospective).
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### Decision

1. The appeal is dismissed.

### Introduction and main Issue

2. I saw at my site visit that the basement is already in use as studio flat; however the windows proposed as part of the development have not been formed. The Council raises no objection to the principle of sub-division or to the insertion of the windows and I have no reason to take a different view. The main issue is the standard of accommodation within the proposed flat.

### Reasons

3. This part of Freshfield Road is fronted by two-storey terraced houses with full-height front bays. The houses have small front gardens and I noted that they all appeared to have basements with a number lit by windows or glazed doors in the bays below ground floor level. The application indicates that the basement has a separate B8 use independent of the house; however my impression was that whilst not accessible from within the house the basement provided ancillary storage for the house and therefore was not in a separate B8 use.
  4. Policy QD27 of the Brighton and Hove Local Plan 2005 (LP) indicates that development will not be permitted where "material nuisance and loss of amenity" would be caused to "proposed" users. The supporting text makes reference to effects on daylight, sunlight and outlook; however I have seen no policies or guidance in relation to the size or dimensions of accommodation. The objectives of Policy QD27 echo those of the National Planning Policy
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Framework (The Framework) which, more sweepingly, indicates in the section headed "Core planning principles" that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

5. The flat is entered through front doors of a restricted height and access to the room is beneath a low beam. The wet room at the rear and kitchen alcove at the front provide cramped basic facilities but both would require forced ventilation. The raised shelf area on the north side of the room offers space for storage and household items such as TV and audio equipment. Whilst this area cannot be easily accessed its use for those purposes frees up space within the remainder of the flat. The bedsit has sufficient space for a bed, small table and chairs and easy chairs; however the low ceiling height creates a claustrophobic feel to the accommodation.
6. The glazed doors and proposed small windows would provide a very restricted outlook into the stair well at the front of the building. The doors and windows would allow only limited light into the bedsit and the occupiers would be reliant on artificial light at all times. The provision of openable casements would allow some natural ventilation but there would no opportunity for a through-flow of air. In addition I consider that being close to the pavement at the front of the house their use could be compromised by concerns about security.
7. I have seen no evidence that the proposal would cause "material nuisance" (as referred to in Policy QD27) and I have no reason to believe that it would; however the accommodation would be of limited size with poor natural lighting, ventilation and outlook and I consider that it would not provide a good standard of amenity. The appellant points out that the proposal creates an opportunity to provide relatively inexpensive accommodation and I acknowledge that modern lighting and furnishings can assist in mitigating the physical limitations of the flat. However I consider that the shortcomings of the limited size of the flat and the very poor standard of natural lighting and outlook would not be outweighed by those mitigating factors.

### **Conclusion**

8. Taking account of all matters I have concluded that the accommodation within the proposed flat would be of an unacceptably low standard and that the proposal would conflict with the objectives of LP Policy QD27 and the Framework which seek to ensure that a good standard of amenity for existing and proposed occupiers should be sought. I therefore conclude that the appeal should not succeed.

*Clive Tokley*

INSPECTOR