
Appeal Decision

Site visit made on 8 March 2016

by Andrew Steen BA(Hons) DipTP MRTPI

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

Decision date: 26 May 2016

Appeal Ref: APP/Q1445/W/15/3136968

2 Rock Street, Kemp Town, Brighton, East Sussex BN2 1NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Sandon Homes against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/03122, dated 15 September 2014, was refused by notice dated 23 April 2015.
 - The development proposed is conversion of existing store at rear to form 1 x 1 bedroom apartment.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Brighton & Hove City Plan Part One (CP) was adopted during the course of this appeal and policies within the plan supersede a number of policies contained within the Brighton & Hove Local Plan (LP). I asked the parties for their comments on the changes to planning policies and have taken these into account in coming to my decision. Policy QD27 of the LP, which was referred to in the Council's reason for refusal was not superseded and remains part of the adopted development plan.

Main Issue

3. The main issue in this appeal is whether prospective occupiers of the proposed apartment would enjoy satisfactory living conditions with particular regard to outlook.

Reasons

4. 2 Rock Street is located within the East Cliff Conservation Area, which comprises predominantly Georgian and Victorian terraced buildings on the streets behind the seafront. The property is located within a group of small shops and a public house, with a retail shop on the ground floor, flats on the two floors above and storage associated with the shop in the rear parts of the ground floor and lower ground floor. It is proposed to convert part of that storage area to a separate one bedroom apartment.
 5. The proposed apartment would be accessed through the existing building and then through a landscaped private courtyard area that would also form the
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- outside amenity space for occupants of the dwelling. All the windows for the flat would open onto that courtyard, such that this would form the outlook for the dwelling. Although the fire exit stair that fills much of the courtyard would be removed, it would remain a very small area.
6. The small courtyard is enclosed on three sides by the existing building and by a wall with fence above on the other side, such that the flat and courtyard would be dominated by the remainder of the building. As a result of this the outlook experienced by prospective occupiers would be oppressive.
 7. The Council have not referred to harm to neighbouring occupiers by reason of overlooking and have not suggested that the proposed dwelling would suffer from a lack of sunlight or daylight. I agree with their findings in these respects.
 8. For the above reasons, I consider that the living conditions of occupants of the proposed dwelling would be unacceptable due to the poor outlook. Consequently, the proposal is contrary to Policy QD27 of the LP that seeks to provide adequate living accommodation to existing or proposed occupiers.
 9. The proposal would not materially alter the external appearance of the building other than the removal of the fire escape stair at the rear. Consequently, the proposed development would preserve the character and appearance of the conservation area in accordance with Policy HE6 of the LP that relates to development within conservation areas and seeks to preserve or enhance their character or appearance.
 10. Letters provided by local estate agents suggest that there is demand for the accommodation, but the fact that there are potential occupants in this area of high demand cannot outweigh the poor quality of living conditions proposed.
 11. I note there has been a previous application on the site and the current proposal seeks to overcome the reasons for refusal on that application. I have considered the appeal on the basis of the merits of the current proposal however.
 12. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Andrew Steen

INSPECTOR