

Appeal Decision

Site visit made on 17 May 2016

by Nicola Davies BA DipTP MRTPI

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

Decision date: 6 June 2016

Appeal Ref: APP/Q1445/W/16/3142430

Land adjacent to 4 Clyde Road, Brighton BN1 4NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr J Patel against Brighton & Hove City Council.
 - The application Ref BH2015/02650, is dated 19 July 2015.
 - The development proposed is the conversion and extension of unused store to form a 1 bedroom dwelling.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. This appeal has been lodged following the Council's failure to determine the application. The Council in their appeal statement has put forward reasons for refusal had they been in a position to determine the application. I am aware that the policies QD1, QD2, QD3 and EM6 from the Brighton and Hove Local Plan referred to by the Council in its suggested reasons for refusal have been superseded by policies CP3, CP8, CP12 and CP14 (CP3 replacing policy EM6, policy CP12 replacing policies QD1 and QD2 and policies CP8, CP12 and CP14 replacing policy QD3) of the Brighton and Hove City Plan Part One which was adopted since the appeal was submitted. Policies QD14, QD27 and HO5 have been saved. Both main parties were given the opportunity to comment on the relevance of the new Plan policies.

Main Issues

3. The main issues raised in respect of the appeal are the effect of the proposal on: -
 - (a) The character and appearance of the area;
 - (b) The living conditions of future occupiers; and,
 - (c) The loss of an existing employment use.

Reasons

The character and appearance of the area

4. Whilst the proposed dwelling would pick up on some detailing of the adjoining terrace, such as timber sash windows and matching entrance door detailing, the width of the proposed dwelling and the flat roof design would be out of keeping with the adjoining terrace on Stanley Road. Furthermore, the repetitive frontage fenestration, including the ground floor bay windows, is not carried through to the design of the proposed dwelling either.
5. The adjacent row of terrace properties has a uniform appearance. The continuity of the proportions and design, alongside the retention of traditional features and facade detailing, all contribute to the pleasing appearance of this terrace. Although there is an existing structure that abuts 1 Stanley Road which I observed on site to be in some disrepair, this building is of simple storage type design and is subservient to the adjacent terrace.
6. The proposed dwelling would be two-storey and a height that would match the eaves of the adjoining terrace. The proposal would appear in the street scene as a continuation of the terrace. However, the proposed dwelling would not replicate the terrace in terms of its width, roof form and facade treatment and detailing. As a result the proposed dwelling would be a discordant feature disrupting the architectural rhythm of the terrace. In my opinion, the proposed development would be a visually poor addition to the terrace.
7. For these reasons I conclude that the proposed dwelling would be out of keeping with the uniformity of the adjoining terrace and would be harmful to the character and appearance of the area. The Council has referred to a number of policies of the Brighton and Hove Local Plan 2005 some of which are now superseded. I regard saved policy QD14 as the most relevant. The proposed development conflicts with policy QD14 of the Brighton and Hove Local Plan 2005 which seeks extension or alterations to be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area, amongst other matters.

The living conditions of future occupiers

8. The Department for Communities and Local Government 'Technical housing standards – nationally described space standard' sets standards for internal space within new dwellings. The proposal seeks a 1 bedroom dwelling laid out over 2 levels to which the standards require a minimum floor area of 58m² for the proposal. The Appellant has identified that the overall floor space would be 41m². The resulting floor area would fall significantly short of the Government's national described space standards. The living space within the dwelling would be extremely cramped and would not, in my opinion, achieve an acceptable standard of living accommodation for future occupiers. The open plan living space to the ground floor would be particularly small and uncomfortable.
9. I observed on site that the internal courtyard is accessed via the rear of the retail premises. The yard is currently being used for storage associated with the retail premises. The yard is also used to access the flat above the shop by

means of a metal staircase situated in the yard. Whilst the use of the yard for retail storage could be restricted, access to the first floor flat via the retail premises and the yard would remain. As a result, the occupiers of the proposed dwelling would not be provided a private outdoor amenity area.

10. For these reasons, I conclude that the proposed development would be harmful to the living conditions of future occupiers. The proposal is contrary to paragraphs 17, 56 and 58 of the National Planning Policy Framework which contains, amongst other matters, the requirement for high quality design and a good standard of amenity for future occupiers of buildings. The Council has referred to a number of policies of the Local Plan, however I regard saved policy HO5 as the most relevant. The proposed development conflicts with policy HO5 of the Local Plan 2005 which seeks to provide private useable amenity space in new residential development, amongst other matters.

The loss of an existing employment use

11. I observed on site that the building is currently being utilised for storage associated with the retail premises. The building would appear to be meeting a current storage demand. The Council is concerned that the appellant has not demonstrated that the building is unsuitable or redundant, and, as such, could not be put to an employment use as no justification for the loss of an employment generating use has been put forward. Notwithstanding my observations on site, there is no evidence before me to demonstrate that the unit is redundant or incapable of meeting an employment need.
12. As a result to release this unit without an assessment of the potential employment use to which the building could be put would not, in my opinion, justify the loss of the existing building at this site. For this reason, the proposed development would conflict with Policy CP3 of the Brighton and Hove City Plan Part March 2016 which resists the loss of unallocated sites or premises in, or whose last use was, employment use (Use Classes B1-B8) and indicates this will only be permitted where the site or premises can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses (Use Classes B1-B8), amongst other matters.

Other Matters

13. I acknowledge the present shortfall in future housing provision for the area. The proposal would provide one additional home within the urban area utilising a brownfield site in a sustainable location. Whilst the proposal would contribute a dwelling to the City's overall housing supply, this benefit would not outweigh the harm identified above.
14. Concern has been raised by the neighbouring occupier of the ground floor flat at 6 Clyde Road to overshadowing and overlooking (loss of privacy). Although the proposed dwelling would increase the height and bulk of development in this location, the amount of additional built development would not, in my opinion, be such that would cause harmful overshadowing. Although the proposal would introduce a bedroom at first floor level with oblique outlook toward the rear of properties on Clyde Road, an acceptable separation between respective neighbouring developments would be created. In my opinion, harmful overlooking or loss of privacy would not result.

Conclusions

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR