



Appeal Decisions

Site visit made on 6 February 2018

by **S J Buckingham BA (Hons) DipTP MSc MRTPI FSA**

an Inspector appointed by the Secretary of State

Decision date: 16th March 2018

Appeal A Ref: APP/Q1445/W/17/3189350

15 Gladys Road, Hove BN3 7GL

- 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 Brighton Property Partners Ltd. against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/02413, dated 21 December 2016, was refused by notice dated 31 October 2017.
 - The development proposed is change of use from a C3 dwelling to a sui generis HMO.
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Appeal B Ref: APP/Q1445/W/17/3184687

15 Gladys Road, Hove BN3 7GL

- 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 Brighton Property Partners Ltd. against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/02411, dated 22 December 2016, was refused by notice dated 5 September 2017.
 - The development proposed is conversion of six bedroom dwelling (C3) to 4 no. flats including removal of existing lean-to structure and creation of new entrance with canopy above, removal of existing garage, and erection of single storey side extension and other associated works.
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Decisions

1. **Appeal A:** the appeal is dismissed.
2. **Appeal B:** the appeal is dismissed.

Preliminary Matters

3. The description of development in Appeal B has been changed by the Council from that given in the original application form, and as it is clearer, I have taken it into account in my decision.
 4. The appellant has submitted amended drawings in respect of Appeal B, and I have considered whether the development would be so changed that to take them into account would deprive those who should have been consulted on the changed development the opportunity of such consultation. As the changes would comprise minor alterations to the internal layout of the scheme, I conclude that it would not. I have therefore taken these plans into account in reaching my decision.
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Main Issues

5. The main issues in respect of both appeals are:-
 - the effect of the development on the character and appearance of the area; and
 - the effect on the living conditions of future occupiers with respect to living space, and additionally, in respect of Appeal B, outlook.

Reasons

Character and Appearance

6. The appeal dwelling is a modest, two storey, detached house in an area of similar properties. A dormer window has been constructed which occupies nearly the full width and height of the rear roof slope, and is flat roofed with a vertical face. As a consequence it dominates the roof structure of the appeal building, and appears obtrusively bulky and boxy in relation to other roofs in the vicinity, on which there are only a small number of modest dormer extensions.
7. The evidence before me indicates that the building was in use as a C3 dwelling no later than the middle of 2015, after which it remained vacant. Following its acquisition by the appellant it was internally stripped out and the dormer constructed. Applications made in 2016 for the prior approval for the extension of the dwelling were refused, as the appellant had failed to demonstrate to the Council its continuing use as a single dwellinghouse. It was also in 2016 the subject of two unsuccessful applications, for subdivision to flats and conversion to a house in multiple occupation (HMO) respectively. Both relied, as do the appeal developments, on the presence of the dormer to achieve accommodation within the roof space, and at the time of my site visit works for the subdivision of the building to a number of smaller units, including two rooms in the roof space, was underway.
8. On the basis of this evidence I conclude that, although the dormer was completed before the previous applications were submitted, it has a clear association with the sought subdivision of the house to four flats or conversion to an HMO, rather than with its former C3 use, and that it is not, as a result, permitted development. Accordingly, I have considered the appeals on the basis that the dormer is part of the proposed developments before me.
9. I conclude therefore that both developments are harmful to the character and appearance of the area, and conflicts with the requirements of policy QD14 of the Brighton and Hove City Plan Part 1, 2016 (LP) and the guidance contained in Supplementary Planning Document 12, Design Guide for Extensions and Alterations, which seek to secure well-designed extensions.

Living Conditions

10. It has been put to me that both developments do not meet the Government's Nationally Described Space Standards. However, the Written Ministerial Statement of 25 March 2015 makes it clear that such standards can only be applied where there is a relevant current local plan policy. In this case there is no relevant current policy and consequently, this is not a matter which in itself carries any significant weight against the proposal.

11. In respect of Appeal A, the proposed HMO would have nine bedrooms. The communal space to be provided would be in the form of a kitchen area with sinks, storage and ovens, and a gallery dining space situated in a narrow side extension to the building on the site of the former garage. The space to be provided within individual rooms is reasonably generous, and they could feasibly be occupied as double bedroom units. While the rooms could also provide an element of living space, this would not remove the need for some communal areas, particularly in relation to preparing and eating food.
12. The floorspace of the kitchen and dining areas would be, in total, of a satisfactory size, but the layout would be awkward, with the kitchen area compact and an elongated and narrow dining area running off it. As a result I conclude that even were the number of occupiers limited by condition to nine, the kitchen would prove difficult for any more than a small number of occupants to use satisfactorily at the same time. The layout of the dining area would be awkward to access and provide unsatisfactory space for ordinary use or for socialising. These elements of the development would therefore be harmful to the living conditions of future occupiers.
13. In respect of Appeal B, the ground floor, one-bed flat is almost single aspect, with the main living space at the rear of the building lit only by a double door leading out into a narrow and enclosed outdoor space which, given its orientation, would be likely to be in shade for most of the time. Thus, while this flat would overall be of an acceptable size, it would as a result have a very limited outlook and very poor levels of natural light in the living area, which would provide a highly unsatisfactory living space for its occupiers.
14. The amended plan shows that a significant portion of the internal area of the second floor flat would be taken up by a cupboard, while the living/dining area, which would also contain kitchen facilities, would be constrained by the area of sloping roof to the front of the building. The usable space available for activities and circulation would therefore be modest, and would overall provide harmfully cramped accommodation.
15. The proposed accommodation in both developments would therefore fail to comply with policy QD27 of the LP, which seeks to avoid development which would cause material nuisance and loss of amenity to proposed occupiers.

Conclusion

16. For the reasons given above therefore, I conclude that both appeals should be dismissed.

S J Buckingham

INSPECTOR

