

## Appeal Decision

Site visit made on 12 September 2016

by **Grahame Gould BA MPhil MRTPI**

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

Decision date: 16<sup>th</sup> September 2016

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### **Appeal Ref: APP/Q1445/W/16/3151301 16 Riley Road, Brighton BN2 4AH**

- 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 Alex Squires of Squires Property against the decision of Brighton & Hove City Council.
  - The application Ref BH2016/00344, dated 1 February 2016, was refused by notice dated 13 April 2016.
  - The development proposed is conversion of existing garage to 1 no. studio apartment.
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### **Decision**

1. The appeal is dismissed.

### **Main Issues**

2. The main issues are the effect on: the living conditions for the occupiers of the development, with particular regard to outlook, light and external space; and the character and appearance of the street scene within Riley Road.

### **Reasons**

#### *Living Conditions*

3. The appeal premises comprise an integral garage at 16 Riley Road (No 16), a two storey, mid terrace property. The floor level of the garage is at a lower ground floor level in relation to the rest of No 16.
  4. The development would involve the conversion of the garage into a studio flat with a part mezzanine floor to the rear. To facilitate this conversion the garage door would be replaced with a domestic scale door and window, which would be capable of being screened by a sliding timber shutter. In addition the depth of the existing fanlight above the garage door opening would be increased. To the rear a door, with fanlight above, would be replaced by a pair of windows and some digging out of the floor would be undertaken to create headroom beneath the proposed mezzanine floor.
  5. I found the interior of the premises to be quite gloomy, with both the garage and rear doors open at the time of my mid-morning site visit, on what was a quite sunny day. I appreciate that the front mezzanine floor would be removed and that the new mezzanine floor would be of a lesser extent and that the dwelling would have a dual aspect. Nevertheless, I consider that the kitchen area beneath the new mezzanine level would receive an inadequate level of natural lighting, given the depth of the premises and the limited
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illumination that would be derived via the small high level window. I consider the inadequacy of the natural lighting within the kitchen area would be exacerbated by the fact that the illumination provided by the high level window would be via the constrained space between the garden wall marking the boundary between Nos 16 and 18 and No 16's two storey outrigger and this arrangement would in my judgement have significant implications for the receipt of light.

6. The outlook from the kitchen's window would be poor because of its high level and channelled nature, and when that is combined with the mezzanine floor above I find that the dwelling's interior at the rear would be quite claustrophobic.
7. The receipt of natural light and the level of outlook that would be possible to the front of the dwelling and at its mezzanine level would be better than the situation within the kitchen area. However, if for reasons of privacy the timber front screen was closed during the day time then both the level of natural lighting and outlook within the previously mentioned parts of the dwelling would be compromised. The possibility of sandblasting some of the glazing, while providing a means of privacy, would diminish the outlook that would be possible and is therefore something that I would not support.
8. While it is submitted that the dwelling '... would benefit from extremely high levels of natural light throughout the entire day' that assertion is not been supported by an objective lighting assessment. Accordingly, based upon the available evidence and my on-site observations, I am not persuaded that good levels of natural lighting would be available to the dwelling's occupiers.
9. In terms of external space it is submitted that the dwelling's occupiers would be able to use what would be a front yard, with an area of 3.6 square metres. This area would have a limited extent and would in part be occupied by two storage bins<sup>1</sup> and might be used for the parking of a bicycle, activities that would limit its utility as a sitting out area. This space, while being enclosed by walls to the front and sides, would nevertheless be open to view by passers-by and would therefore afford its users with little privacy. I therefore consider that the front yard would have very limited utility as an external space for the dwelling's occupiers and that it would inadequately meet their needs.
10. There is disagreement as to whether the dwelling would provide an adequate amount for floorspace. As the Council does not have an adopted floorspace standard either pre or postdating 1 October 2015 the 'Technical housing standards – nationally described space standard' of March 2015 cannot be relied upon. However, as I have found that the dwelling would be deficient in terms of the levels of natural lighting, outlook and outdoor space provision, the adequacy or otherwise of its internal floor area is not a decisive matter.
11. For the reasons given above I conclude that this dwelling would provide unacceptable living conditions for its occupiers. I therefore find that there would be conflict with retained Policies QD27 and HO5 of the Brighton and Hove Local Plan of 2005 (the Local Plan), insofar as the occupiers of the development would not be provided with an acceptable level of amenity, i.e. living conditions, both internally and externally.

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<sup>1</sup> As per the details shown on the proposed ground floor plan (drawing 110)

### *Character and Appearance*

12. The opening in the front elevation of the appeal premises is a large one and is quite unusual for the even numbered properties in Riley Road and the existing door has an undistinguished appearance. The creation of what would be a virtually fully glazed opening would maintain the uncharacteristic appearance of half of No 16's front elevation. However, I consider, on balance, that the proposed alterations would improve the appearance of No 16's front elevation, while having no negative effect upon the street scene in Riley Road. In this respect the reintroduction of a front boundary wall would help to assimilate this development into the wider street scene. I am therefore not persuaded that the fenestration alterations would have an inappropriate appearance within this particular context.
13. I therefore conclude that this development would not be harmful to the character and appearance of the street scene. In this respect I find there to be no conflict with Policy QD14 of the Local Plan and Policy CP12 of the Brighton and Hove City Plan Part One of March 2016 in that the alterations to the front of No 16 would not be harmful to their surroundings.

### **Conclusions**

14. While I have found that the external alterations would have an acceptable appearance, the dwelling would provide unacceptable living conditions for its occupiers, harm that I find to outweigh any benefits of this development. I therefore conclude that the appeal should be dismissed.

*Grahame Gould*

INSPECTOR

