

Appeal Decision

Site visit made on 4 May 2017

by **Grahame Gould BA MPhil MRTPI**

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

Decision date: 19th May 2017

Appeal Ref: **APP/Q1445/W/16/3164388** **49 Brunswick Street West, Hove BN3 1EL**

- 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 Ralph Bellamy against the decision of Brighton and Hove City Council.
 - The application Ref BH2016/01753, dated 15 May 2016, was refused by notice dated 24 August 2016.
 - The development proposed is described as 'conversion of an existing auto-garage to a two bedroom dwelling, to include raising the existing roof height to create an upper storey for the property. The materials will match the existing as far as is possible, with the aesthetics of the existing building retained'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would preserve or enhance the character or appearance of the Brunswick Town Conservation Area (the CA);
 - the effect of the development on the living conditions for the occupiers of the dwelling, with particular regard to outlook, privacy and internal space;
 - the effect of the development on the living conditions of the occupiers of 39C Brunswick Terrace (No 39C), with particular regard to outlook and light; and
 - the effect of the development on the supply of employment floorspace.

Reasons

Character and Appearance

3. The development would involve the conversion of a single storey, vehicle repair workshop into a two bedroom chalet bungalow. To facilitate the building's conversion it is intended that its eaves and ridge heights would be increased by around one metre¹, with front and rear dormers being installed in the newly formed roof.

¹ Dimension taken from the appellants' grounds of appeal

4. Brunswick Street West comprises a mixture of residential and non-residential premises, including mews style properties² in its southern half. This street is situated within the middle of what is a mixed use CA. The development site (No 49) backs onto the grade 1 listed, terraced properties, in Brunswick Square.
5. No 49 has a utilitarian appearance, being of no particular architectural merit, and the conversion scheme seeks to improve the building's appearance by adopting a contemporary design approach. To that end the lead clad, flat roofed, wall type front dormer, would in relative terms have a heavy appearance, which would only in part be relieved by the incorporation of the virtually full width glazed doors and Juliet balcony. The rear dormer while being considerably smaller than the front one, would also have a very heavy appearance, accentuated by its squat proportions. Both of the dormers because of their width and the comparatively low angles of the building's roof planes would interrupt the simple lines of the new roof's hips. I therefore consider that the dormers would be poorly proportioned relative to the scale of the roof and that the resulting building would be of poor and incongruous appearance.
6. While the streetscene within Brunswick Street West exhibits considerable variation in terms of the scale, age and design of individual buildings, I consider that the proposed dormers, in particular, would have an appearance that would not be respectful of their surroundings. The roof alterations to No 49 would form part of the setting to the rear elevation of the grade 1 listed properties in Brunswick Square and because of the incongruity of those alterations I consider they would not preserve the setting of these important listed buildings.
7. For the reasons given above I therefore conclude that the development would neither preserve nor enhance the appearance of the CA. There would therefore be conflict with saved Policy HE6 of the Brighton and Hove Local Plan of 2005 (the Local Plan) and Policies CP12 and CP15 of the Brighton and Hove City Plan Part One of 2016 (the City Plan). That is because the design of the development would not conserve or enhance the built heritage of the area and it would not preserve the CA's appearance. There would also be conflict with Policy HE3 of the Local Plan because the design and siting of the altered building would not preserve the setting of the adjoining listed buildings.
8. Given I have found that the design of the alterations to No 49 would be unacceptable I also consider that section 7 (requiring good design) of the National Planning Policy Framework (the Framework) provides no support for the development. While the harm to the significance of the CA would be less than substantial when considered within the context of paragraphs 133 and 134 the Framework, I consider that there would be no public benefits to the CA that would outweigh the harm that would arise to it.

Living conditions for the occupiers of the development

9. The only possible outlook from the rear bedroom would be via its dormer window. That window would be of a very limited depth and it would have obscured glazing to safeguard privacy. The limited dimensions of the dormer

² ie properties originally constructed with stables or garages with residential accommodation above

window and the obscuring of its glazing would mean that this window would provide no meaningful outlook for the users of the rear bedroom. The application drawing and the application form clearly indicate that it is intended that the dwelling would have two bedrooms and on that basis I do not consider that the rear bedroom should be treated as a 'secondary bedroom', as has been submitted for the appellant. I therefore find that the absence of a reasonable level of outlook for the users of the rear bedroom would provide unacceptable living conditions for the occupiers of the dwelling.

10. Concern has been raised that the users of the ground floor living area would experience an unacceptable level of privacy because of the proximity of this room's expanse of glazing to the back edge of the highway. While the living area would be illuminated by a large glazed area it would be possible for privacy screening in the form of blinds, net curtains or shutters etc to be installed. It is quite common for properties to have living room windows that are situated at the back edge of pavements or carriageways, with the occupiers of such properties electing whether to install some form of screening. I therefore consider that there would be nothing particularly unusual about the ground floor living area's window. I am therefore not persuaded that the occupiers of the dwelling would necessarily experience any unacceptable loss of privacy.
11. There is disagreement as to whether the dwelling would provide an adequate amount of 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's rear bedroom would be deficient in terms of its level of outlook, the adequacy or otherwise of the dwelling's internal floor area is not a decisive matter.
12. For the reasons given above I conclude that the dwelling's rear bedroom would provide an unacceptable level of outlook for its users, with the result that there would be harmful living conditions for the development's occupiers. The development would therefore be contrary to Policy QD27 of the Local Plan, because the occupiers of the dwelling would not be provided with an acceptable level of amenity, i.e. living conditions. There would also be conflict with the fourth core planning principle set out in paragraph 17 of the Framework because the development would not secure a good standard of amenity for its occupants.

Living conditions for the occupiers of No 39C

13. No 39C is a basement flat with a long depth floor plan. There are limited out opportunities from the interior of No 39C, not least because its front windows face directly onto a retaining wall supporting the pavement above. No 39C also has a small rear garden, which is highly enclosed, given the proximity of No 49 and the immediately neighbouring properties at Nos 47 and 51.
14. Although No 49's conversion would only involve a one metre increase in the building's height that change would nevertheless add to the sense of enclosure experienced by the occupiers of No 39C. I therefore consider that the resulting reduction in the outlook from No 39C's rear windows and garden would be harmful to the living conditions of the occupiers of that flat.

15. It is contended that the development would unacceptably reduce the receipt of daylight to the interior of No 39C. However, the rear of No 39C is already highly enclosed and I therefore consider that the increased height of No 49 would be unlikely to cause a significant reduction in the amount of light reaching No 39C's interior.
16. For the reasons given above I conclude that the development would be harmful to the living conditions of the occupiers of No 39C because of the loss of outlook they would experience. The development would therefore be in conflict with Policy QD27 of the Local Plan and the fourth core planning principle (paragraph 17 of the Framework) because the occupiers of No 39C would experience a loss of amenity (ie harm to their living conditions).

Employment Space

17. No 49 has a floor area of 30 square metres³ and is therefore a very small vehicle repair workshop, which I consider to be a Class B2 general industrial use rather than a Class B1c light industrial use. Policy EM11 of the Local Plan addresses the retention of mixed use mews and indicates that permission will not be granted for changes of use from industrial premises to residential unless ground floor employment space is retained. Policy CP3 of the City Plan addresses the provision of employment land for the duration of the City Plan and this policy's fifth criterion seeks to avoid the loss of unallocated Class B employment premises, unless it can be demonstrated that such premises are redundant and incapable of meeting the needs of an alternative Class B occupier. Policy CP3's supporting text explains that if a case for redundancy and/or unsuitability is to be advanced then evidence relating to matters such as the quality of the building, its accessibility and the premises' marketing should be submitted.
18. No 49 is currently occupied and no evidence relating to its marketing has been submitted. However, I saw the premises are not in a particularly good state of repair and, because of their size and the narrowness of the highway, I consider that they are not particularly well suited to vehicles manoeuvring in and out of them. I therefore consider that these premises would not be particularly suitable for use by a new Class B occupier. I also consider that the change of use of these very modestly sized premises would not undermine the Council's strategy for retaining and/or providing additional employment land. That is because the identified requirement for Class B space throughout the life of the City Plan has been put at 43,430 square metres⁴ and No 49's loss would have a minimal effect on the requirement.
19. I therefore conclude that the development would have an insignificant effect on the supply of employment floorspace and that the degree of conflict with Policy CP3's fifth criterion would not warrant permission being withheld.
20. Although conflict with Policy EM11 of the Local Plan has been cited, I consider this policy is not relevant in this instance. That is because I consider that No 49 is not a mews type property, given its single storey nature, and its siting in a section of Brunswick Street West that does not clearly exhibit the characteristics of a mews, unlike the southern half of this street.

³ Dimension taken from the Council's officer report

⁴ As referred to in paragraph 4.29 and Table 4 of the City Plan

Conclusions

21. I have found that the development would not cause an unacceptable loss of employment floorspace. However, the development would neither preserve nor enhance the appearance of the CA and it would cause unacceptable harm to its occupants' living conditions and those of the occupiers of No 39C. Given the harm I have identified I conclude that this would be an unsustainable form of development. The appeal is therefore dismissed.

Grahame Gould

INSPECTOR

