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## Appeal Decision

Site visit made on 10 May 2017

**by Rory MacLeod BA MRTPI**

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

**Decision date: 14 June 2017**

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**Appeal Ref: APP/Q1445/W/17/3168795**  
**24 Old Steine, Brighton BN1 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 D Frizzell of Steeple Construction Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2016/05355, dated 20 September 2016, was refused by notice dated 2 December 2016.
  - The development proposed is conversion of existing undercroft / basement to form a studio flat.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed development on
  - (a) the living conditions of future occupiers of the studio flat with respect to light, outlook and usability, and
  - (b) the living conditions of the occupiers of the adjacent basement flat with respect to outlook and the amount of amenity space.

### Reasons

3. The appeal relates to a mid-terrace property that fronts on to Old Steine and has a rear access on to Steine Street. At the time of my site inspection the property was covered in scaffolding and undergoing works to provide several flats following a grant of planning permission. The site lies within the Valley Gardens Conservation Area and is a Grade II Listed Building.

#### *The proposed studio flat*

4. The proposal is to provide a studio flat at the rear of the site at basement level. The flat would be located below two ground level parking spaces and would include two small vaulted areas that extend under the carriageway of Steine Street. The vaulted areas would provide a shower room and a kitchen. The main living area would have a new external wall with door and window openings on to a small courtyard facing bedroom and living room windows in a previously consented basement flat. A planted screen is proposed between these units. Access to the basement flat would be gained via a new staircase rising to a point behind surface level parking spaces fronting Steine Street.

5. There would be a head height of only approximately 1.8m within both the kitchen and shower rooms, and whilst the flat overall would be in compliance in terms of area with the Department of Communities and Local Government's Technical Housing standards nationally described space standard, the height restriction would seriously restrict the usability of these areas. The main living area for the flat would face a subterranean courtyard, its only source of natural lighting. Furthermore, the outlook from the studio flat would be towards the terrace rather than towards an open aspect, and the terrace would cast a shadow towards the courtyard in afternoon hours. Overall, I consider that the flat would benefit from relatively poor levels of natural lighting.
6. The nature of the planted screen between the proposed and consented basement flats is not clear from the plans. However, a low level screen would not maintain adequate privacy levels between the units as the separation is only some 6m. If the screen is to be of sufficient height to safeguard privacy, then outlook from both the proposed and consented flats would be significantly impaired, given the screen's proximity to habitable room windows at both units.
7. As such, the proposed studio flat would result in a poor standard of accommodation for future occupiers. In my opinion it would be in conflict with Policy QD27 of the Brighton and Hove Local Plan 2005 (Saved Policies), a policy that seeks to protect residents in relation to factors including privacy, natural lighting and outlook.

*The adjacent basement flat*

8. The subdivision of the basement courtyard would result in a screen very close to the rear windows of the consented basement flat. As consented, the occupiers of this flat would have benefitted from use of the whole of the courtyard, but the proposal would significantly reduce the amenity space available. Furthermore, the screen would also compromise outlook from the habitable room windows facing the courtyard. In these respects the proposal would be contrary to policy HO5 of the Brighton and Hove Local Plan 2005 (Saved Policies), which seeks to ensure the provision of adequate useable private amenity space, and to Policy QD27 in relation to the compromise on outlook.
9. The appellant points out that the unit would comply with Building Regulations in relation to the size of the glazed area. Furthermore, that prospective purchasers of either the proposed studio flat or the consented basement flat can determine the adequacy of the accommodation to suit personal needs. I also note that there have not been any third party objections to the proposals. However, to my mind, these factors do not outweigh the concerns about the effect of the proposed development on the living conditions of future occupiers of the studio flat with respect to light, outlook and usability, nor on the living conditions of the occupiers of the adjacent basement flat with respect to outlook and the amount of amenity space.

**Other Matters**

10. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 stipulates a statutory duty for decision takers in relation to listed buildings to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it

possesses. I am aware that the Local Planning Authority has granted consent for other works at the site and find nothing in the evidence before me that the special character would be harmed by the present proposals. I have no reason to disagree with the findings of the Local Planning Authority that the special character of the building would be preserved.

**Conclusion**

11. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Rory MacLeod*

INSPECTOR

