



# Appeal Decision

Site visit made on 17 February 2010

by **Simon Poole BA(Hons) DipArch MPhil MRTPI**

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

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**Decision date:**  
**1 April 2010**

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## Appeal Ref: APP/Q1445/A/09/2111729 45-46 North Street, Brighton BN1 2SG

- 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 M Sanidad against the decision of Brighton and Hove City Council.
- The application Ref BH2009/01439, dated 9 June 2009, was refused by notice dated 21 August 2009.
- The development proposed is the conversion of, and extension to, the upper floors to provide 9 self-contained flats.

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### Decision

1. I dismiss the appeal.

### Procedural Matter

2. Internal building works have commenced and I was able to view some of the partly completed flats during my site visit.

### Main Issues

3. I consider the main issues in this case to be:
  - i) whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to the standard of accommodation, Lifetime Homes standards and private amenity space provision;
  - ii) the effect of the proposal on the character and appearance of the host property and the street scene, and whether it would preserve or enhance the character or appearance of the Old Town Conservation Area.

### Reasons

#### *Living Conditions*

4. The proposal comprises the conversion and extension of the upper floors of a pair of narrow adjoining properties to provide 6 self-contained studio units and 3 self-contained 1-bedroom flats. The dwellings would be accessed via a street level entrance formed within the North Street elevation. All of the studios would provide less than 15sqm of living space inclusive of kitchen areas. There would be limited scope for any furniture other than beds within these areas resulting in cramped accommodation, which I consider would fail to provide satisfactory living conditions for future occupants. I conclude that the proposal would therefore be contrary to Brighton and Hove Local Plan (LP) Policy QD27,

under which the Council will not grant planning permission where development would cause loss of amenity for future users of development.

5. LP Policy HO13 states that conversions and changes of use to provide residential accommodation will be expected to demonstrate that, wherever it is practicable, Lifetime Homes criteria have been incorporated. There is no evidence before me to demonstrate that Lifetime Homes standards have been considered or that the scheme would, where possible, meet the standards. I therefore conclude that the proposal would be contrary to LP Policy HO13.
6. Having regard to the number of dwellings proposed and the standard of internal space proposed, I consider that the absence of amenity space in this case would unacceptably exacerbate the poor quality living conditions for future residents identified above. I conclude therefore that the proposal would be contrary to the aims of LP Policy HO5, which seeks private amenity space in residential development where appropriate to the scale and character of the development.
7. The Council has referred to LP Policies HO3 and HO4 in its first reason for refusal. Amongst other matters these policies seek residential development that provides a mix of dwelling types and sizes to reflect the Council housing needs. There is no information before me relating to the Council's preferred mix of housing in the city centre. However, as I have concluded that the studio units would provide cramped accommodation I also consider that, in this respect at the least, the proposal would also be contrary to LP Policies HO3 and HO4. Although I note the appellant's view that the layout of the existing buildings prevents the provision of larger flats, there is nothing before me to demonstrate that this is the case.

#### *Character and Appearance*

8. The street frontage, of which the appeal properties form part, is located within the Old Town Conservation Area and is characterised by a varied mix of building styles, heights and scales. In particular, the smaller buildings within the frontage, such as the appeal properties, make a significant contribution to the street scene. These aspects of the Conservation Area are characteristics to which I attach significant weight.
9. The proposal would involve the erection of an additional storey on 46 North Street. Although the height of the extended street frontage would be slightly below that of No.45, I consider that this levelling-up of neighbouring building heights would have an unacceptable effect on the varied appearance of the street scene. Although I note that some neighbouring buildings have regular proportioned windows, I consider that the effect of the additional storey combined with the proportions and detailing of the new and replacement windows would be detrimental to the appearance of No.46 and the street scene.
10. For the reasons set out above, I conclude that the proposal would be contrary to the aims of Supplementary Planning Guidance Note 1: *Roof Alterations and Extensions*, which seeks the retention of varied roof lines where these are an important aspect of an area's character, and LP Policy QD14, which states that planning permission for extensions and alterations will only be granted where proposed development takes account of the character of the area. For the

same reason I also conclude that the proposal would fail to preserve the character or appearance of the Old Town Conservation Area and would therefore be contrary to the aims of LP Policy HE6.

**Other Matters**

11. I note that the proposal would create new residential accommodation in a town centre location and the appellant's view that there is a high level of demand for small units in this location. However, neither of these matters is sufficient to outweigh my conclusions on the main issues above.

**Conclusions**

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

*Simon Poole*

INSPECTOR

