



# Appeal Decision

Site visit made on 29 January 2010

by **M C J Nunn BA BPL LLB LLM BCL MRTPI**

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

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**Decision date:**  
**3 March 2010**

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## Appeal Ref: APP/Q1445/A/09/2110301

### 18b Salisbury Road, Hove, East Sussex, BN3 3AD

- 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 Paul Boden against the decision of Brighton and Hove City Council.
- The application Ref BH2009/00915, dated 14 April 2009, was refused by notice dated 3 July 2009.
- The development proposed is the conversion of existing flat into two separate dwellings.

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### Decision

1. I dismiss the appeal.

### Main issue

2. I consider the main issue to be whether the existing flat should be retained as a single residence, having regard to local policy on residential conversions and smaller family dwellings.

### Reasons

3. The appeal property comprises a three bedroom lower ground floor flat within a substantial semi-detached Victorian residence that has been sub-divided into flats. The appeal flat has a private garden to the rear. The other neighbouring properties on the western side of the road are similar substantial Victorian residences, many of which appear to be converted into flats. On the opposite side of the road, near the appeal site, are more modern purpose built apartments. The site falls within the Willett Estate Conservation Area.
4. I am required to determine this appeal in accordance with the development plan, unless there are convincing reasons for doing otherwise. The Council has cited, in its grounds for refusal, Policy HO9 of the Brighton and Hove Local Plan 2005 (BHLP). This policy sets out the Council's approach to residential conversions and the retention of smaller dwellings. It requires that various criteria must be met when converting dwellings into smaller units of self-contained accommodation. The supporting text explains the rationale of the policy: amongst other things, it states that there remains a high level of demand for smaller dwellings which are suitable for family accommodation, and that it is important to retain the stock of such properties.
5. The first criterion of Policy HO9 states that planning permission will be granted for the conversion of dwellings into smaller units of self-contained accommodation if the original floor area is greater than 115sqm or the dwelling has more than 3 bedrooms. The Council has calculated that the appeal

- property has a floor area of 102.17sqm whereas appellant says it is 117sqm, if a storage area adjoining the existing kitchen is included in the calculation.
6. The Council has not commented on the appellant's calculations or whether the storage area should be included. In view of this difference of opinion, it is difficult for me to decipher with certainty whether the flat's area falls above or below the 115sqm threshold. However, I note that in ascertaining whether a property is suitable for conversion, there are other considerations to take into account, and its floor area is not the sole criterion to be applied.
  7. For example, the second criterion of Policy HO9 requires that in conversions, at least one unit of accommodation should be provided which is suitable for family occupation and which has a minimum of two bedrooms. The appeal proposal would result in a studio flat to the front and a two bedroom flat to the rear. The front studio would use the existing front entrance, and have a combined bed/living area, and a separate kitchen and bathroom. The rear two bedroom flat would be entered via an access way running down the side of the property to an existing rear door. In addition to the two bedrooms, there would be a combined living/dining/kitchen area and separate bathroom, with a hall providing access between them.
  8. In my view, the existing flat provides spacious accommodation ideally suited for a single family, and is a property of the type the Council is seeking to retain. The existing flat provides a good standard of accommodation with generously proportioned rooms, a lounge/living room, a separate kitchen, a large double bedroom and two smaller bedrooms, as well as a good sized private garden area to the rear. By contrast, the proposed conversion would result in two flats substantially smaller in size, providing far more restricted and limited accommodation. I appreciate that the rear flat would provide two bedrooms, complying with the minimum required by Policy HO9, and would retain the rear private garden. However, there would be only one living/dining room that would also serve as a kitchen. In my judgement, this would provide a poorer and more cramped environment, making it much less attractive for occupation by families than the existing flat.
  9. I acknowledge that a combined open plan living/dining/kitchen area is a common arrangement in both conversions and new build flats. However, I am not convinced that such an arrangement combined with the very substantially reduced overall floor area would make it attractive for family occupation, as compared with the existing flat.
  10. In my deliberations, I have noted all of the appellant's submissions in support of the appeal. I acknowledge the appellant's contention that many of the lower ground floor flats in Salisbury Road have been sub-divided into two separate flats although I have not been provided with any detailed information on this point. I also do not doubt that the converted units would provide housing attractive for both sale and letting; and I note the appellant's contention that there is a high demand for studio flats, as well as for smaller two bedroom flats, as is proposed here.
  11. I also have no reason to doubt that adequate storage could be incorporated at the converted two bedroom property, and that adequate ventilation could be provided to the internal bathroom. I am aware that the Council's Transport

Planning Department raised no objections to the proposal subject to conditions. I note the Council has no objections relating to living conditions of existing or future residents, and no objections were received from third parties. I also accept that the proposal would comply with various other criteria within Policy HO9.

12. On the other hand, I must have regard to the Council's established development plan policy on protecting smaller sized family accommodation. Overall, it seems to me that the existing flat is a type of property that Policy HO9 is specifically seeking to retain. It would provide accommodation more suited to family occupation than that proposed in either the two bedroom unit or studio flat. This being so, I can see no sound reason to depart from, or override, the requirements or the thrust of Policy HO9, or the overall aims of the housing objectives of the BHLP which seek to protect smaller dwellings suitable for family accommodation. Consequently, I consider that the appeal should fail.

### **Other matters**

13. The Council has raised no concerns in terms of the effect of the proposal on the character and appearance of the Willett Estate Conservation Area. Since no external alterations are proposed, I see no reason to disagree. I am satisfied the proposal would preserve the character and appearance of the Conservation Area. However, this does not alter my conclusion that the appeal should be dismissed.
14. In reaching my decision, I have had regard to Government policy which encourages the most efficient use of previously developed land and buildings, as well as the need for additional housing and the importance of house conversions in meeting that need. I acknowledge the appeal site's highly sustainable and accessible location. However, in this instance, I consider that the benefits that would accrue from allowing the appeal would not outweigh the harm I have identified.

### **Conclusion**

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

*M C J Nunn*

INSPECTOR

