



Appeal Decision

Site visit made on 19 July 2010

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

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**Decision date:
13 August 2010**

Appeal Ref: APP/Q1445/A/10/2123651 200 Poplar Avenue, Hove BN3 8PY

- 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 Charlie Hickey against the decision of Brighton & Hove City Council.
- The application Ref BH2009/02315, dated 24 September 2009, was refused by notice dated 11 December 2009.
- The development proposed is conversion of loft space into 1 x 1 bedroom flat.

Decision

1. I allow the appeal and grant planning permission for the conversion of the loft space into 1 x 1 bedroom flat at 200 Poplar Avenue, Hove BN3 8PY in accordance with the application reference BH2009/02315, dated 24 September 2009 subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the layout and details shown on Drawing No 125-03/1 dated 16 January 2009.
 - 3) The external finishes of the dormer windows hereby permitted shall match in colour and texture those of the existing building.
 - 4) No development shall take place until the full details of the refuse, recycling and secure cycle storage have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented as approved prior to occupation of the flat hereby permitted and shall be retained thereafter as approved.
 - 5) No development shall take place until details of "Lifetime Home" measures to be incorporated into the scheme have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter as approved.

Main Issues

2. The main issues are whether the conversion would:
 - a) result in material harm to the Council's policy to retain modest sized family accommodation within the city;
 - b) achieve the "Lifetime Homes" standards.

Reasons

Provision of accommodation

3. Poplar Avenue is characterised by two-storey terraced properties which are purpose built flats. No 200 is a first floor flat comprising of a living room with a study accessed from it and two bedrooms. The proposal seeks to re-arrange the internal layout of the existing flat to enable retention of two bedrooms whilst providing access via a new staircase to the loft space so that this unused space could be converted into a one bedroom flat.
4. Policy HO9 of the Brighton & Hove Local Plan recognises the contribution that the sub-division of larger dwellings can make to meeting local housing needs. The policy supports conversions into smaller dwellings provided that a series of criteria are met. The first of these criteria is that the sub-division of dwellings with a floor area of less than 115 sq. metres or less than 3 bedrooms is not normally permitted. The size of No 200 falls well below these thresholds since it has a floor area of 72 sq. metres and originally only had 2 bedrooms. However, neither of these existing attributes would be fundamentally affected by the appeal proposal. The proposed layout would retain 2 bedrooms, albeit marginally smaller than the existing ones, and would result in about 4 sq. metres of floor space being lost to provide for a new staircase into the loft area. I therefore consider that the proposal cannot be described as a conversion into two smaller units, especially as the loft space is currently unused and would provide new, additional accommodation. The proposal, therefore, does not undermine the thrust of the objectives of criteria (a) or (b) of Policy HO9.
5. The Council has not raised any objection to the proposal in relation to its effect on the living conditions of adjoining properties. In this respect the proposal would meet criteria (c) of Policy HO9. It seems to me that the remaining criteria which are relevant in this case, relating to need to provide adequate refuse and secure cycle storage, could be met through the imposition of conditions which have been suggested by the Council in the event that the appeal was to succeed.
6. I therefore conclude that the proposal would not result in the loss of a small unit of family housing nor would it be contrary to the Council's policy to retain modest sized family accommodation in the City.

"Lifetime Homes" standards

7. The Council is seeking to ensure that new dwellings, wherever practical, comply with "Lifetime Homes" standards to improve the quantity and quality of accommodation that is accessible for those with mobility difficulties. To my mind, however, it would be difficult for a one bedroom flat in a roof space, accessed by two flights of stairs to fully meet these requirements and it should not therefore provide justification for the withholding of planning permission. Nevertheless, the Design and Access Statement indicates an intention to comply with several elements of the standards and these could be achieved through the imposition of an appropriate condition. I therefore conclude that, subject to such a condition, the proposal would comply with the objectives of Policy HO13 of the Local Plan which seeks to promote provision of Lifetime Homes Standards within new development as far as practical.

Other matters

8. I note that the Council consider that the proposal would comply with other local plan policies relating to the quality of the living space and provision of outdoor amenity area and that a number of local residents support the provision of this type of housing to meet the needs of local people. These considerations add weight to my conclusions that the proposal is acceptable.

9. I appreciate that the Council is concerned to avoid the creation of sub-standard and cramped accommodation elsewhere in the City. However, the Council retain the right to consider individual proposals on their merits, as I have done here, taking into consideration all the appropriate policies and circumstances of the particular case.
10. Although lack of provision of any contribution towards sustainable transport infrastructure was not included in the reasons for refusal I am mindful of the Council's request for a condition to secure details of a scheme to support the demand for travel generated by the development. Saved Policies SU15 and QD28 of the Local Plan seek to ensure that new development meets the need for infrastructure either through conditions or planning obligations. I note that a justification relating to the scale of financial contribution that might be secured through a legal agreement was included in the evidence. However, no specific scheme has been identified towards which any contribution would be put and consequently I am not satisfied that the condition suggested would meet the tests of Circular 11/95. Neither could a condition specifically request a financial contribution. Accordingly, I am not convinced that the development would undermine the provision of sustainable transport infrastructure in the area.

Conclusions

11. Having considered these and all other matters raised, I conclude that the appeal should be allowed subject to conditions. In addition to the standard time limit I have imposed a condition specifying the plans for the avoidance of doubt and in the interests of good planning. I have considered the other conditions suggested by the Council and imposed them where they meet the tests set out in Circular 11/95. A materials condition is justified in the interests of the appearance of the building. The provision of satisfactory storage for refuse and recycling is required in the interests of the appearance of the development and to encourage participation in recycling schemes. Provision of secure cycle storage is justified to encourage ownership and use of bikes by residents. I have modified the wording of the condition relating to the provision of Lifetime Homes standards to provide the parties with an opportunity to formally agree the commitments set out in the Design and Access Statement.

Sheila Holden
INSPECTOR

