



Appeal Decision

Site visit made on 28 September 2010

by **John Millard DipArch RIBA FCI Arb**

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

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Decision date:
21 October 2010

Appeal Ref: APP/Q1445/A/10/2128221 126 Lewes Road, Brighton BN2 3LG

- 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 Gary Ablewhite against the decision of Brighton & Hove City Council.
- The application (Ref: BH2009/03036) dated 10 December 2009 was refused by notice dated 15 March 2010.
- The development proposed is change of use of the basement storage to residential and creation of front access.

Decision

1. I dismiss the appeal.

Preliminary Matters

2. The plans submitted with the planning application and considered by the Council in refusing permission are numbered 5568/A/1 revision 1 and 5568/A/2 revision 1. Included in the appellant's submission for the appeal is an amended plan numbered 5568/A/2 revision 2 but, as this involves material changes from the original scheme, it is a matter for consideration and determination by the Council in the first instance. I have accordingly reached my conclusion on the basis of the original scheme.
3. I noted at the site visit that conversion of the basement accommodation was well advanced but that work had been suspended pending the outcome of this appeal.

Main Issues

4. The two main issues in this appeal are, firstly, the effect of the proposal on the living conditions of future occupiers of the development with particular reference to daylight and, secondly, whether the proposal would provide appropriate facilities to encourage the use of cycling as an alternative means of travel to the private car.

Reasons

5. The appeal property is a two storey mid terrace building within a group of broadly similar properties on the east side of Lewes Road. It comprises a retail shop and residential upper part, with a full basement that appears to have once provided ancillary storage space for the shop. However, partially completed alteration works have severed any previous physical connection

- between the shop and the basement, and there is presently no usable access to this part of the property.
6. Being in a sustainable location, close to public transport links and local services, the property is considered by the appellant to be suitable for conversion to residential use, especially for students attending Brighton or Sussex Universities. The basement accommodation extends to an area of about 55m² which it is proposed to convert into a flat comprising a double bedroom, living room, kitchen/dinning room and shower room. Access would be by way of a new external staircase from street level and there would be a modest courtyard garden at the rear. The kitchen and living room would be located at the back, with windows facing onto the courtyard, while the bedroom would be at the front, facing onto what is described as a light well but which, in reality, would be no more than a 762mm wide access corridor.
 7. From what I saw at the site visit, and in the absence of a technical daylighting analysis such as is recommended by the Building Research Establishment in its widely used publication '*Site Layout Planning for Daylight and Sunlight*', it is clear that the bedroom window would receive very little daylight and would almost certainly fall well short of the standard required to comply with BS 8206-2 (2008) – *Lighting for Buildings. Code of Practice for Daylighting*.
 8. For kitchens and living rooms, the BS recommends daylighting factors of 2% and 1.5% respectively compared with a factor of 1% for bedrooms. Whilst I am satisfied that the daylighting levels to the kitchen and living room in this case would be markedly higher than that to the bedroom, I am not persuaded, without the support of a full technical appraisal, that they would meet the BS recommendations.
 9. Policy QD27 of the adopted Brighton & Hove Local Plan 2005 (LP), with its supporting text, seeks to ensure that the amenities of future occupiers of residential development are not harmed by, among other things, an absence of adequate daylight. For the reasons outlined above, I find that the proposal would not accord with this Policy QD27 objective, and conclude that the change of use proposed is unacceptable.
 10. LP Policy TR14 requires cycle parking provision which, where practicable, should be secure, convenient, under cover and readily accessible at street level. The proposal in this case includes space for parking one cycle in a newly created basement storage room beneath the shop's forecourt area. Access would be by way of the narrow stairs down from pavement level and the equally narrow access corridor to the flat entrance, so that manoeuvring the cycle into and out of the designated space would be extremely difficult.
 11. Accordingly, whilst the arrangement proposed would offer secure covered storage, it would fall a long way short of being convenient and would certainly not be readily accessible at street level. In short, it would not provide a cycle parking facility suitable for regular daily use and would therefore not satisfy the policy objective of encouraging cycle use. Whilst I note the appellant's suggestion that, as an alternative, a wall mounted attachment could be provided at street level within the curtilage of the property, this would not offer any protection to the cycle from the elements and would be unlikely to achieve a satisfactory level of security.

12. My conclusion, therefore, on the second main issue is that the proposal would not provide appropriate facilities to encourage the use of cycling as an alternative means of travel to the private car, and would thus not accord with the environmental objectives of LP Policy TR14.
13. I have considered all other matters raised and noted the amendments proposed in the appellant's revised scheme. I have, however, found nothing in relation to the scheme submitted to the Council for planning permission that changes the balance of my decision that the appeal should be dismissed.

John G Millard

INSPECTOR

