



Appeal Decision

Site visit made on 23 November 2010

by J M Trask BSc (Hons) CEng MICE

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

Decision date: 21 January 2011

Appeal Ref: APP/Q1445/A/10/2136325

304 Portland Road, Hove, East Sussex BN3 5LN

- 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 Kitmarr Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/01960, dated 22 June 2010, was refused by notice dated 18 August 2010.
 - The development proposed is the conversion of the roof space to form a studio flat.
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Decision

1. I dismiss the appeal.

Preliminary Matter

2. The Council did not attend at the time of my site visit and I carried out an unaccompanied external inspection.

Main Issue

3. The main issue is whether the proposed development would provide satisfactory living conditions for future residents.

Reasons

4. The appeal site is an end of terrace building on a corner plot. The upper 2 floors have been used as a maisonette but planning permission has recently been granted for conversion to two 2 bedroom flats and at the time of my visit building works had commenced.
5. The proposal is for the creation of a new dwelling in the loft space. The floor area of the proposed flat would be constrained by the sloping ceilings around the sides and the area with a reasonable clear head room would be limited. The living space would be small and it has not been demonstrated that there would be sufficient space for furniture as well as adequate circulation space. Although the Council has no published standards relating to the size of self contained flats there are standards for Houses in Multiple Occupation (HMO) that give some guidance. There would be no separate kitchen and the floor space proposed for the living/kitchen area would be less than the minimum required for occupation by one person in an HMO. While not directly applicable, the proposal also falls far short of the advised minimum internal space standard in the English Partnerships' Quality Guidance Standards: Delivering Quality Places.

6. The arrangement of doors would be unusual and there would be restricted headroom, particularly when using the kitchen. While the provision of a wet room rather than a traditional bathroom is not necessarily sub standard, daylight and ventilation would also be limited since there would be no conventional windows, only rooflights. The living conditions would be constrained and, while there are public open spaces and recreational facilities some distance away, there would be no mitigation through the provision of private amenity space.
7. Policy QD27 of the Brighton and Hove Local Plan advises planning permission will not be granted where the development would cause a loss of amenity, including to proposed occupiers, and the supporting text includes the aim to protect the amenity of a development's future occupiers. Given the limited floor space it has not been demonstrated that the proposed development would have sufficient living space to provide satisfactory living conditions for future residents. Therefore the proposal conflicts with the aims of Policy QD27.
8. The Council has made clear that the requirements in terms Lifetime Homes standards and the provision of private amenity space were included to amplify the shortcomings of the scheme but there is no insurmountable direct conflict with Policy HO13 or Policy HO5 in this case.
9. While I have had regard to the fact that future residents would have the opportunity to evaluate conditions before deciding whether to take up residence, the possible acceptance of poor living conditions by future residents does not justify permitting sub-standard schemes.
10. I have also taken into account all other matters raised including the need for provision of a range of dwelling types, the provisions of Policy HO3, that loft conversions are common and the need to make the most of the existing built environment. However, in this case none carry sufficient weight to alter my conclusions on the main issue.
11. For the reasons given above I conclude that the appeal should be dismissed.

J M Trask

INSPECTOR