



Appeal Decision

Site visit made on 25 January 2011

by Christopher Gethin MA MTCP MRTPI

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

Decision date: 16 February 2011

Appeal Ref: APP/Q1445/A/10/2140268

2 Withyham Avenue, Saltdean, Brighton BN2 8LF

- 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 Lureland Properties Ltd against the decision of Brighton and Hove City Council.
 - The application ref. BH2010/01051, dated 9 April 2010, was refused by notice dated 7 July 2010.
 - The development proposed is a studio flat above an existing flat-roofed garage.
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Decision

- 1 I dismiss the appeal.

Main Issues

- 2 The principal issues are
 - a) the effect of the proposed development on the character and appearance of the host building and the area
 - b) its effect on the living conditions of the occupiers of the adjoining first-floor flat at 7 Longridge Avenue
 - c) the acceptability of the proposed flat by reference to the Council's policy and Planning Advice Note regarding accessible housing and lifetime homes.

Reasons

- 3 The appeal site is at the rear of a three-storey building containing shops at ground floor level and flats above. The building occupies a roughly triangular corner site, with the flats accessed via a flight of steps on the side elevation which fronts on to Withyham Avenue. The proposal is for a small flat-roofed bedsit flat sharing this access: it would be formed partly by converting an unused sunroom into living accommodation, and partly by building over a terrace and a flat-roofed garage at the tapering rear of the site.
 - 4 I consider that the proposed development would appear in keeping with the existing three-storey building and would improve its existing massing. It would, accordingly, enhance the street scene. Although none of the adjoining
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properties along Longridge Avenue have two-storey extensions, the corner location and the rising ground make the subject extension visually acceptable.

- 5 I conclude that the proposed development would accord with the relevant parts of 'saved' policies QD1 and QD14 of the 2005 Brighton and Hove Local Plan.

Living conditions

- 6 The proposed extension would introduce a wall on the northeast side of the stairwell which at present opens out onto a terrace. The wall would be about 3m from the only window for the rear bedroom of the adjoining first-floor flat. I consider that the proposed extension would intrude to an unacceptable degree into the outlook from this window.
- 7 I conclude that the proposed development would harm the living conditions of the occupiers of the adjoining first-floor flat at 7 Longridge Avenue, in terms of loss of outlook, contrary to policies QD14 and QD27 of the Local Plan.
- 8 The occupiers of 4 Withyham Avenue express concern that their property would be overlooked from the proposed bedsit. French windows would give access to a balcony about 0.9m deep, with oblique overlooking of no.4. The nearest point of the tapering garden of this property would be about 12m from the balcony, and the nearest part of the dwelling would be about 28m away. Bearing in mind that the garden is already overlooked at a closer distance by the first-floor windows of nos 11 to 21 Longridge Avenue, I consider that the additional oblique overlooking which would result from the proposed development would not constitute a reason for refusal.

Lifetime Homes

- 9 Policy HO13 of the Local Plan distinguishes between new dwellings, which must be built to a lifetime homes standard if planning permission is to be forthcoming, and conversions or changes of use to provide residential accommodation, where the applicant will be expected to demonstrate that (wherever practicable) lifetime homes criteria have been incorporated into the design. The policy does not refer to extensions, or schemes which include part-conversions: in my view, the subject proposal has more in common with the 'conversion/change-of-use' category than with the 'new dwellings' category. I am therefore inclined to the view that the design of the proposed bedsit, incorporating (where possible) the relevant criteria, is acceptable by reference to policy HO13. Although the staircase giving access to the proposed first-floor flat would not appear to comply with these criteria, it would not be practicable to alter it.
- 10 If this issue were the only matter standing in the way of planning permission, I might have concluded that the shortcomings of the access stairway would be outweighed by the benefits from providing a small, cheap unit of accommodation in a sustainable location. However, the harm to residential amenity is the decisive issue in this case.
- 11 For the above reasons, and taking all other matters into consideration, I conclude on balance that the appeal should not succeed.

Christopher Gethin INSPECTOR