



Appeal Decision

Site visit made on 6 December 2011

by **Ray Wright** BA(Hons) DipTP MRTPI

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

Decision date: 16 January 2012

Appeal Ref: APP/Q1445/A/11/2161337

22 Queens Road, Brighton BN1 3XA

- 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 Stephen Rodger (First People Recruitment) against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/00767, dated 7 February 2011, was refused by notice dated 12 May 2011.
 - The development proposed is 'conversion and change of use of lower ground floor stores to form 1 No. 1 bed flat.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposal would provide satisfactory living conditions for prospective occupiers of the flat.

Reasons

3. No. 22 Queens Road has three storeys over a basement and is part of a terrace on the west side of Queens Road. The ground floor is used as a recruitment agency. The appeal proposal relates to the basement area which is currently used for file storage.
 4. The site visit revealed that the basement area currently has poor natural lighting. Artificial lighting was required even at midday (albeit in winter) to clearly view the current internal arrangements. Following an earlier refusal of permission due to concerns about lack of daylight and poor outlook this proposal is supported by a daylight assessment to enable a more objective judgement to be made. The assessment confirms that the front part of the basement receives adequate daylight for use as a bedroom and, with a glazed door, a living room: albeit both with supplementary electric lighting. Conversely, the existing window arrangement does not permit enough daylight to enter for the rear of the basement to meet the recommendations for a residential room. Two houses have recently been erected on land to the rear, but these appear to have only marginally worsened the original position.
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5. The daylight assessment suggests appropriate measures required for the whole basement to be used as a residential flat. Crucially, it recommends a largely open-plan layout to allow the rear to benefit from light from the front window and the glazed front door. This requirement severely inhibits the amount of subdivision that can be carried out in order to reach the recommended standard.
6. The appeal plans do not follow the conclusions of the daylight assessment. The proposal shows a central shower and toilet area sub-dividing the basement and, an enclosed hallway at the main entrance. In my view this layout would negate the other measures that are proposed to be taken in accordance with the report to improve the daylighting to this unit. With no borrowed light from the front, the living room would be relatively dark and uninviting. As such, for the flat to function properly with the proposed arrangement, future occupiers would rely very heavily on artificial lighting. I consider this unsatisfactory.
7. This situation would be compounded by the fact that the flat, with views of only the entrance steps to the front and the very small, enclosed yard to the rear, would also have a poor and limited outlook. There would also be no associated, practical or useable outdoor space associated with the flat, with anything placed in the rear yard area liable to further restrict the light received by adjoining rooms. The new houses to the rear exacerbate the situation, though not to any significant extent.

Other Matter

8. The site is located in the West Hill Conservation Area. There would be no significant external alterations to the property. Nor would the proposal introduce an inappropriate use into the area. Thus, the character and appearance of the Conservation Area would be preserved.

Conclusion

9. For the above reasons, and having regard to all other matters, I conclude that the proposal would not provide satisfactory living conditions for its intended occupants, contrary to Policy QD27 of the Brighton and Hove Local Plan, and that the appeal should be dismissed.

Ray Wright

INSPECTOR