



Appeal Decision

Site visit made on 10 January 2012

by **D G T Isaac LLB**

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

Decision date: 23 January 2012

Appeal Ref: APP/Q1445/A/11/2162967
29 St Aubyns, Hove, East Sussex BN3 2TH

- 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 Alfred Haagman against the decision of Brighton & Hove City Council.
 - The application Ref. BH2011/02050, dated 9 July 2011, was refused by notice dated 9 September 2011.
 - The development proposed is described as conversion of roof space to form 2 no studio flats including alterations to roof and 6 no conservation style rooflights.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are: (i) the effect of the proposed development on the character and appearance of the Old Hove Conservation Area; and (ii) whether the proposed development would provide satisfactory living conditions for future residents of the proposed studio flats.

Reasons

3. The proposal would involve the construction of an extension which would significantly alter the appearance of the roof of the appeal building by replacing the existing distinctive roof valley with a new section of roof over and above it in order to create additional space within the building.
4. The Council's Supplementary Planning Guidance Note 1 *Roof Alterations and Extensions* (SPG) advises that where the roof space is too small and the ridge too low to create usable space within it, requests are often received to enlarge the roof area by raising the ridge height or reshaping the roof structure. It adds that this is a significant change which will be resisted where the existing roof form is an important element of the building's character.
5. The Council's Supplementary Planning Document, SPD09 *Architectural Features* (SPD) further advises that alterations to the shape of the roof can have a serious effect on the appearance and character of historic areas. It adds that with regard to conservation areas where a roof is visible from the street, its form and shape must not be altered.
6. I accept that there are numerous examples of other roof extensions and alterations in the surrounding area. However, some of the unsympathetic

additions that I saw when I visited the site and the surrounding area only serve to illustrate how roof alterations can have a serious effect on the character and appearance of an historic area. Moreover, I do not know the circumstances of any of the other extensions in the surrounding area and each application has to be considered on its individual merits in relation to the current development plan and any other material considerations.

7. In this case, I accept that views of the roof of the appeal building and the adjoining semi-detached building are restricted from street level. I was however able to see parts of the roof covering the pair of buildings from some viewpoints at street level when I visited the site. It is also likely that the roof would be visible from the upper floor windows of some nearby properties. In any event, notwithstanding the limited views of the roof that are available from street level, I consider that the distinctive roof form of the building is still an important element of the character of the building.
8. The style of the roof of this pair of semi-detached buildings is not typical of the immediately surrounding area and they do not form part of a group of buildings of similar design. Nevertheless, viewed as a pair these large semi-detached buildings have a balanced appearance which makes a positive contribution to the character and appearance of the conservation area, and the existing roof form of the buildings helps to maintain the balanced appearance of the buildings.
9. When viewed alongside the roof of the adjoining semi-detached building, the altered roof of the appeal building would detract from the balanced appearance of the pair of semi-detached buildings in a significant respect. It would give the roof of the buildings an unbalanced appearance to the detriment of the character and appearance of the appeal building and the pair of semi-detached buildings. It would also not satisfy the requirements of policy QD14 of the Brighton and Hove Local Plan (LP) which seeks to ensure, amongst other things, that extensions are well designed, sited and detailed in relation to the property to be extended and adjoining properties.
10. By detracting from the balanced appearance of the existing roof of the pair of semi-detached buildings and the character of the appeal building, the proposed extension would also fail to preserve or enhance the character or appearance of the conservation area and in that respect it would conflict with LP policy HE6 which advises that proposals within a conservation area should preserve or enhance the character or appearance of the area.
11. On the first main issue therefore, I conclude that the proposed development would not preserve or enhance the character or appearance of the Old Hove Conservation Area and that it would conflict with LP policies QD14, HE6 and with the advice in the SPG and the SPD.
12. Turning to the second main issue, each of the proposed flats would have a similar internal layout with the kitchen, living and sleeping areas contained within a single room. Although the overall floor area of each flat would be more than 40m² much of the floor area at this level of the building would be constrained by sloping ceilings and it was acknowledged in the Design and Access Statement that the usable floor area of each of the flats (where the head height is 1.8m or above) would be only some 24m².

13. The Council does not have any published standards relating to the minimum floor areas of self contained flats. However, in my opinion, the overall layout of each of the proposed flats and the limited amount of usable floor space available would result in unduly cramped living conditions for future residents with insufficient circulation space between the kitchen and sleeping areas. In addition it has not been demonstrated that there would be enough space to accommodate the furniture that future residents of flats such as these would be likely to need. The limited height of the ceiling in the parts of each flat where the WC would be located would also serve to highlight the unduly cramped living conditions that future residents would have to endure.
14. The appellant has referred to previous appeals in other areas where Inspectors have cited the advice in Appendix A of Circular 22/80 which indicates that functional matters such as internal space standards are for the most part a matter for developers and their customers. Reference has also been made to an appeal which was allowed in this area and to other applications for loft conversions which have been approved by the Council. However, I have not been provided with details of the layout or size of the floor areas in any of the other cases to which the appellant has referred and I am not satisfied that it has been shown that any of these cases are directly comparable with the current proposal. Moreover, I do not know the full circumstances of the other cases to which the appellant has referred and each application has to be considered on its individual merits in relation to the current development plan and all other material considerations.
15. In this case, as well as providing future residents with unduly cramped living conditions, the flats would not have any conventional windows, and in each flat the main studio room would have only two small rooflights in the roof slope. This would provide future residents with an extremely limited outlook from the flats. Moreover, when taken together with the unduly cramped living conditions that future residents would have to endure, I consider that the limited outlook from each of the flats would result in an unacceptable sense of enclosure within each of the flats.
16. I recognise that it is intended that each of the proposed flats would be occupied by a single person and I have noted the view expressed by the Inspector in the previous appeal in this area to which the appellant has referred that different standards of accommodation may be appropriate for different end users. Nevertheless, because of the unduly cramped living conditions and unacceptable sense of enclosure that future residents of the flats would have to endure in this case, the flats would not provide future residents with satisfactory living conditions and the proposal would be contrary to the aims of LP policy QD27 which amongst other things, seeks to protect the amenity of future residents.
17. On the second main issue therefore, I conclude that the proposed development would not provide satisfactory living conditions for future residents of the proposed flats and that it would conflict with LP policy QD27.
18. I have also considered all of the other matters raised and I have taken into account all relevant government advice including the advice in Planning Policy Statement 5: *Planning for the Historic Environment* to which reference has been made. I have considered what the appellant has said about the housing shortage in this area, the number of people on the Council's housing waiting list and the sub standard nature of much of the existing accommodation in the

area. I accept that the site is located within easy reach of a wide range of services and facilities and that there would be scope for imposing a condition requiring details of cycle parking facilities to be submitted. I have also taken into account what the appellant has said about many of the criteria within Lifetime Homes Standards not being applicable and some having been incorporated in this case. However, none of these or any of the other matters raised are sufficient to outweigh my conclusions on the two main issues which together provide sufficiently compelling reasons to dismiss the appeal.

19. For the reasons given above and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

D G T Isaac

INSPECTOR