
Appeal Decision

Site visit made on 21 November 2013

by Timothy C King BA(Hons) MRTPI

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

Decision date: 9 January 2014

Appeal Ref: APP/Q1445/A/13/2203470

Blockbuster Video Express, 48 Blatchington Road, Hove, East Sussex, BN3 3YH

- 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 Weatherstone Properties Group against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/01192, dated 25 March 2013, was refused by notice dated 24 June 2013.
 - The development proposed is '*Proposed change of use, conversion and extension to vacant first floor premises to form 2 x 1 bedroom units at 48 Blatchington Road, Hove, East Sussex, BN3 3YH.*'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal process the Supplementary Planning Guidance Note, SPGBH1, referred to by the Council, in its second reason for refusal, was superseded by Supplementary Planning Document, SPD12: 'Design guidance for extensions and alterations'. I have determined the appeal on this basis.
3. The proposal involves several different elements. The Council has only objected to the scheme as regards the standard of conversion in the creation of the first floor rear flat and also the formation of an area of flat roof at first floor level. It has accepted the principle of the property's change of use, the creation of a self-contained maisonette unit, and also the erection of a second floor dormer roof extension to the rear.

Main Issues

4. The main issues in this appeal are:
 - 1) whether the proposed development would provide for a satisfactory standard of living conditions for the future occupiers of the rear first floor flat, with particular regard to it receiving sufficient natural light and also its outlook; and
 - 2) the effect of the proposal on the character and appearance of the area.
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Reasons

Living conditions

5. The property, in Hove Town Centre, was previously used as a retail unit with first floor accommodation. It is currently vacant and undergoing refurbishment works. The building is of significant depth and, in addition to its original roof form, has a mono-pitched roof to the rear covering an extensive two storey addition. Besides the proposed maisonette to the front of the building, involving the utilisation of the original building's roofspace for habitable purposes, a one bed flat would be created to the rear of the building. Its main living space and bathroom would accommodate the roofspace in the building's rear section, although its bedroom would be set in the main part of the building below the top floor of the maisonette. There would be a side corridor link between the flat's two sections and, whilst the bedroom would be lit from a proposed window in its rear wall, the flat's combined lounge/kitchen/diner would be served only by a low level window in the sloping roof plane. The bathroom would benefit from a rooflight.
6. The rear roof slope has a shallow pitch and the rear end of the flat would have head height limitations. Whilst it would have a southern aspect and, in my opinion, would provide the flat with adequate natural light, the window's angle would significantly inhibit the flat's rear outlook. Future occupiers would not be afforded a degree of outlook that one could reasonably expect from a first floor self-contained flat with a normal vertical window arrangement. The appellant accepts this but also considers that the outlook provided by the flat would be satisfactory. I disagree with this assertion.
7. Although the bedroom window would face south it would look straight out onto the rear wall of the flat's main section. This is an awkward arrangement and further suggests that the flat's creation, largely within the space below a sloping roof, would not, in this instance, allow for a suitable conversion with a satisfactory standard of accommodation provided within.
8. On the first main issue, whilst I consider that the proposed flat would receive an adequate amount of natural light, I conclude that the outlook provided would be particularly poor and the proposal would not provide for a suitable standard of living conditions for its future occupiers, contrary to the objectives of Policy QD27 of the Brighton & Hove Local Plan (BHLP).

Character and appearance

9. The building's front and rear sections are currently linked by an area of flat roof. However, the proposed physical alterations which involve the formation of a small flat-roofed extension, would provide the link between the flat's two sections and a section of horizontal ceiling in the flat's main part. The Council has raised concerns about its design and that it would be visible from neighbouring properties. The flat roof and general alterations would be visible from windows to the rear of No 46, but I do not consider that the extension's physical appearance, especially if finished with appropriate materials, would be particularly unsightly or harmful in its contextual setting.
10. On the second main issue I therefore conclude that the proposal would not cause harm to the character and appearance of the area, and the objectives

of BHLP Policies QD1 and QD14 and also those of SPD12 would not be compromised.

Other matters

11. The appellant refers to the National Planning Policy Framework (the Framework) and the presumption in favour of sustainable development. I agree that this is a sustainable location but the presumption is not at the expense of complying with the requirements of other policies and, in this instance, I have identified a development plan objection.
12. I note also the references to the Council being unable to demonstrate a five year housing land supply. In this respect the BHLP is not up to date. However, I consider that BHLP Policy QD27 is consistent with the Framework. Paragraph 14 of the Framework indicates that where a relevant policy is out of date planning permission should be granted unless any adverse effects would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. I have identified that the proposal would give rise to such adverse effects which would outweigh the benefits of creating an additional housing unit, including those to the local economy that might be generated therefrom.
13. The appellant indicates that the proposal's design is in response to advice previously received from the Council which brought about the withdrawal of a previous application. However, no evidence has been provided of such and I afford this little weight.

Conclusion

14. Although I do not consider that the proposal would adversely affect the character and appearance of the area the harm that I have found which would result on the first main issue outweighs this and is compelling. For the above reasons, and with regard to all matters raised, I conclude that the appeal should be dismissed.

Timothy C King

INSPECTOR