



Appeal Decision

Site visit made on 25 November 2008

by **Andrew M Phillipson** BSc CEng FICE
MIHT

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

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Decision date:
18 December 2008

Appeal Ref: APP/Q1445/A/08/2077344 174 Portland Road, Hove BN3 5QN

- 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 Bill Packham against the decision of Brighton & Hove City Council.
- The application Ref BH2008/00655, dated 31 January 2008, was refused by notice dated 28 April 2008.
- The development proposed is the conversion of the upper floors maisonette into one one-bedroom flat and one two-bedroom flat; a rear single-storey extension to provide a store for the ground floor shop and refuse and cycle stores for the flats above; insertion of rear rooflight; and extension to the rear dormer.

Decision

1. I allow the appeal, and grant planning permission for the conversion of the upper floors maisonette into one one-bedroom flat and one two-bedroom flat; a rear single-storey extension to provide a store for the ground floor shop and refuse and cycle stores for the flats above; insertion of rear rooflight; and extension to the rear dormer at 174 Portland Road, Hove in accordance with the terms of the application, Ref BH2008/00655, dated 31 January 2008, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until details of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issues

2. The main issues are (i) the effect the development would have on the City's stock of smaller dwellings suitable for family accommodation and (ii) the effect the proposed extension to the rear dormer would have on the character of the property.

Reasons

3. The development plan for the area includes the Brighton and Hove Local Plan 2005. Policy HO9 deals with residential conversions and the retention of smaller dwellings. It aims, amongst other matters, to retain the City's stock of

smaller dwellings suitable for family accommodation and to that end contains a presumption against conversion of existing dwellings with an original floor area of less than 115m² into smaller units, unless the dwelling as originally built had more than three bedrooms.

4. The appeal premises comprise a shop, above which is a two-storey maisonette. It is common ground that the floor area of the maisonette is slightly less than 115m². It does not have more than three bedrooms. Accordingly, there is no dispute that the proposed subdivision of the maisonette into two flats would be in breach of Policy HO9 of the Brighton and Hove Local Plan.
5. Notwithstanding this, it seems to me that there are, in this case, material considerations which together indicate a decision otherwise than in accordance with the development plan on this point. These are:
 - (a) **The suitability of the present maisonette for families.** It is common ground that the purpose of policy HO9 is to retain a stock of smaller dwellings in the City suitable for families. This is clear from the text of paragraph 4.55 of the Local Plan and indeed from the Council's reason for refusal of the application now subject to the appeal. This raises the question as to whether the present maisonette is indeed suitable as family accommodation. In this regard it is, without doubt, large enough. It is now entirely separate from the shop below, however, and appears to have been so for many years. Accordingly, there is no access between the maisonette and the courtyard/garden area to the rear of the shop; indeed the only access to the maisonette is from a busy shopping street, via a steep staircase with no storage space available at ground floor level for bicycles, prams and the like (or indeed refuse). Also, whilst the maisonette does have a small roof terrace, this is at second floor level. It is not, in my opinion, an area that is suitable for children to play on. There are furthermore no obvious nearby parks or other areas of public open space suitable for children to play in. Given these collective shortcomings, it seems to me very unlikely that the present maisonette would be occupied by a family. I therefore conclude that the conversion proposed would not undermine the policy aim of retaining small dwellings in the City suitable for family use.
 - (b) **The nature of the residential accommodation that would be created.** The proposed alterations would provide one one-bedroom flat and one two-bedroom flat. Access to both would remain via a stairway and the suitability of either unit for family occupation would, in my opinion, remain questionable for many of the same reasons as those outlined above with regard to the present maisonette. Both flats would nonetheless have outside terraces and, importantly, secure storage for cycles and refuse would be provided at ground level. Whilst some of the rooms would not be large, they would, in my opinion, provide suitable accommodation for smaller households in the City, the proportion of which I note is expected to sharply rise in the Plan period (Brighton and Hove Local Plan, paragraph 4.16).
6. Turning to the dormer extension, the proposal is to enlarge the present rear dormer, bringing it to the edge of the roof and the back of the roof terrace. As the Council note, this would disrupt the original roof form and in many circumstances I agree such an alteration would be undesirable. In this case,

however, the dormer in question is so positioned that the alterations would be barely visible from any public vantage point. Any impact on the character and appearance of the terrace would be minimal and, provided that suitable materials are used to build it (which could be secured by condition), I am satisfied that the alterations would not be such as to bring the proposal into conflict with the development plan. My conclusions on this matter are reinforced by the Council's lack of any objection in this regard to a similar dormer alteration proposed in 2007 as part of an alternative scheme to that now the subject of the appeal.

Conclusion

7. In conclusion, I find no reason to refuse planning permission for the proposed dormer alterations. I further conclude that, notwithstanding the policy presumption against the loss of the City's smaller dwellings, the material considerations in this case are such as to indicate a decision other than in accordance with the development plan. I have therefore allowed the appeal.
8. The conditions attached follow those recommended, without prejudice, by the Council.

Andrew M Phillipson

Inspector

