



## Appeal Decision

Site visit made on 12 September 2014

**by Julie Dale Clark BA (Hons) MCD DMS MRTPI**

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

**Decision date: 23 September 2014**

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**Appeal Ref: APP/Q1445/A/14/2221337**

**29 Egremont Place, Brighton BN2 0GA**

- 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 S Simmonds, The Property Shop against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/00882, dated 19 March 2014, was refused by notice dated 23 May 2014.
  - The development proposed is conversion of single dwelling to three self contained flats.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The appeal site is within the Queen's Park Conservation Area and whilst I have had regard to section 71(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area, the reasons for refusal do not relate to the effect on the Conservation Area. Therefore, I consider that the main issue is the effect of the proposal on the living conditions of future occupiers of the proposed ground floor flat.

### Reasons

3. The ground floor flat would have two bedrooms and provide a reasonable amount of internal living accommodation for a small family. However, the only external amenity space would be a very small courtyard. Light to the two bedrooms would also only come from this courtyard. The courtyard itself is enclosed on all four sides and due to the proximity of external walls the effect is more of a small lightwell. The addition of glazed screens to an upper floor balcony and a terrace would further tunnel natural light.
4. The existing property is a substantial one with six bedrooms, including a ground floor bedroom in a previous extension and includes a bedroom in the loft. The Council has not objected to the principle of sub-dividing it and Local Plan<sup>1</sup> policy HO9 is positively worded to allow conversions of dwellings into smaller units subject to a set of criteria.

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<sup>1</sup> Brighton & Hove Local Plan 2005, Adopted July 2005.

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5. The policy acknowledges that the conversion of larger properties contributes towards the provision of a wider range of housing and helps to meet the needs of a growing number of smaller households. This is consistent with the National Planning Policy Framework<sup>2</sup>.
6. However, the Framework also requires local planning authorities to identify sites sufficient to provide five years worth of housing plus an additional buffer of either 5% or 20%. The Council state that it is unable to demonstrate a five year supply. The appellant contends that Local Plan policy HO9 therefore is out of date and the advice in the Framework that housing applications should be considered in the context of the presumption in favour of sustainable development should point to this scheme being acceptable.
7. However, policy HO9 is not strictly about the supply of housing land but specifically allows residential conversions and the retention of smaller dwellings. Amongst other things, it requires at least one unit of accommodation in a conversion to be suitable for family accommodation and has two bedrooms. I consider that a combination of the lack of useable amenity space together with the limited natural light to the bedrooms in the ground floor flat make this proposal unacceptable. The Council also consider that the ground floor flat would be overlooked from the balcony and terrace on the upper floor. However, I consider that this matter could be overcome by the installation of screens.
8. I have considered all other matters raised such as the proximity of the nearby Queens Park. I also noted that a number of other properties in the street appeared to have been sub-divided into flats although I have no information regarding the type of accommodation they provide. I have also considered the Council's position regarding its supply of housing land but conclude that the benefit of adding to the supply of housing is outweighed by the adverse impact of creating a poor standard of living accommodation.
9. I conclude that the proposal would have a harmful effect on the living conditions of future occupiers of the ground floor flat and conflict with policy HO9. Therefore, the appeal fails.

*J D Clark*

INSPECTOR

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<sup>2</sup> Communities and Local Government National Planning Policy Framework, March 2012 (the Framework).

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