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## Appeal Decision

Site visit made on 2 December 2014

by **R J Marshall LLB DipTP MRTPI**

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

Decision date: 29 December 2014

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**Appeal Ref: APP/Q1445/A/14/2226069**  
**55, St Aubyns, Hove, East Sussex, BN3 2TJ**

- 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 J Porter against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/00973, dated 25 March 2014, was refused by notice dated 21 May 2014.
  - The development proposed is roof conversion to form a flat.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issues in this appeal are **first**, the effect of the proposed development on the character and appearance of the Old Hove Conservation Area in which the site lies and the Cliftonville Conservation Area which adjoins the site; and **second**, if any harm arises whether it is outweighed by housing land supply and other considerations.

### Reasons

#### *Character and appearance*

3. No. 55 St Aubyns is a tall and attractive terraced property with a stucco frontage and bay windows. It lies within a terrace of similar properties. The appeal property has been subdivided into flats and it is proposed to construct a studio flat in the loft space. To provide light to this area, and sufficient space, a small hipped roof dormer window and a small roof light would be formed in the front roof slope of the property. A much larger flat roof dormer would be created in the rear roof slope. This would be almost the full width of the property and in height would extend from just above the eaves line to not far below the ridge height of the roof.
4. The appeal building fronts onto St Aubyns. This road is in the Old Hove Conservation Area which contains roads with similar houses to the appeal property along with roads of red brick Edwardian detached and semi-detached houses. The appeal building backs onto Seafield Road. This road is in the Cliftonville Conservation Area. Houses on the eastern frontage of this road face onto the rear elevations of houses in St Aubyns. They are stucco houses not dissimilar to those in St Aubyns but at a lower height. The rear elevations of

the St Aubyns properties are fairly mixed in design but not unattractive in those cases where the rear roofslopes remain unaltered or contain only small dormers.

5. The Council would seem to have no in principle objection to the proposed additional living space. Nor, given the small size of the front dormer window and roof light, does it object to these physical changes to the building. All that I saw supported the Council's stance on this. In particular I consider that the proposed front dormer does not have so marked a horizontal aspect as to be out of keeping with the vertical proportions of the property.
6. The rear dormer would, however, be so large and bulky as to detract substantially from the character and appearance of the back elevation of the appeal property. It would be clearly seen from Seafield Road and detract both from the Conservation Area in which the site lies and the Cliftonville Conservation Area. Regrettably there are quite a large number of other similar box type dormers in the rear elevations of houses in St Aubyns, including on adjoining houses to the north, and on the front elevations of houses in Seafield Road. They detract from the character and appearance of the 2 Conservation Areas and adding to this harm should be avoided. Fortunately a significant number of properties remain free of such structures.
7. It is concluded that the proposed development would harm the character and appearance of the Old Hove Conservation Area in which the site lies and the Cliftonville Conservation Area which adjoins the site. It would thus fail to meet the statutory test that in such areas new development should preserve or enhance their character or appearance. There would be conflict with Policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan 2005 which seek to protect the character of areas.

### ***Housing land supply and other considerations***

8. The appellant says that the Council does not have a 5-year housing land supply, and no evidence has been supplied to the contrary. An absence of a 5-year housing land supply runs contrary to a key aim of the National Planning Policy Framework (the Framework) which is to boost significantly the supply of housing.
9. Absence of a 5-year supply of housing land brings into play paragraph 49 of the Framework. This says that in such circumstances relevant Policies for the supply of housing should not be considered up to date. In turn paragraph 14 of the Framework provides that when a development plan is out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. In this case there would be economic benefits arising from the construction of the flat and social benefits from the provision of additional residential accommodation. However, with the small scale of the proposed development these benefits would be small. They would be substantially outweighed by the harm that would be caused to the Conservation Areas.
10. It is concluded that housing land supply and other considerations do not outweigh the harm to the Conservation Areas.

**Other matters**

11. Concerns raised by some locally go beyond those of the Council. However, turning to these there is no substantial evidence that the limited size of the proposed flat should stand against the proposal especially as the Council has adopted no space standards. A development of this limited size is unlikely to add greatly to off street parking demands. Life time homes standards would not be met. However, that may often be the case in conversions of properties such as this and I consider the Council correct to take a pragmatic approach on this. I note residents' concerns over noise from other flats, especially with regard to the relationship of the proposed accommodation to adjoining bedrooms. However, the Council considers concerns over noise being transmitted to other flats to be a matter dealt with under Building Regulation consent and no evidence has been provided to the contrary. There is no substantial evidence to support concerns that the proposal would result in an overly populated building and a fire hazard. However, lack of harm in these respects does not make the proposal acceptable given my findings on the main issues.

**Conclusion**

12. It is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR

