
Appeal Decision

Site visit made on 2 June 2015

by Cullum J A Parker BA(Hons) MA MRTPI AIEMA

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

Decision date: 7 August 2015

Appeal Ref: APP/Q1445/W/15/3003834

Flat 6, 29 Brunswick Square, Hove, East Sussex BN3 1EJ

- 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 Alexander Hole against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/03706, dated 12 November 2014, was refused by notice dated 12 January 2015.
 - The development proposed is described as: conversion of existing flat into two s/c units.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing flat into two s/c units at Flat 6, 29 Brunswick Square, Hove, East Sussex BN3 1EJ in accordance with the terms of the application, Ref BH2014/03706, dated 12 November 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, 01/1410601, 02/1409598 and 03/1409598.

Application for costs

2. An application for costs was made by Mr Alexander Hole against Brighton and Hove City Council. This application is the subject of a separate Decision.

Main Issue

3. The effect of the proposed development on the living conditions of future occupiers with specific regard to the proposed floor area and habitable space.

Reasons

4. The appeal building is a terraced building situated on a corner plot near the head of Brunswick Square. The building itself is Grade I listed, and dates from around the 1820s. The building comprises six floors, with basement and ground, first and second floors, with the third located above the cornice. The uppermost floor comprises the attic and is partially concealed by the parapet and includes the part of the building subject to this appeal. Internally the flat is accessed via a shared staircase, which also contains a central exposed lift shaft. The flat itself occupies the sixth floor of the building.

5. During my site visit I was able to see that the flat is already laid out with two bathrooms, two kitchens, two living rooms areas and a secondary entrance door adjacent the to the main door. It also appears as though the architrave between the two doors in the hallway was sealed given the nail holes in the frame. All of these features appear to be historic, that is present for a number of years, rather than new and point to an earlier subdivision of the flat into two separate units.
6. The appeal scheme seeks to subdivide the three bedroom flat into a one and two bedroom flat respectively. At the appeal stage, the appellant has submitted two drawings for information, 04/1409598 and 05/1409598, which indicate that the floor areas would be 74.6sqm and 40.7sqm; giving an overall floor area of just over 115sqm respectively. To the contrary originally the Council considered that the gross internal floor area was approximately 113sqm, but have not provided details as to how this figure was achieved. Moreover, the appellant's figure of 115sqm, which are accompanied with detailed calculations, is not disputed by the Council. Policy HO9 of the Brighton and Hove Local Plan 2005 (BHLP) list a number of criteria which need to be satisfied in order for planning permission to be granted. The Council considers that the proposal would fail to achieve criteria (a) the original floor area must be greater than 115sqm, and criteria (b) one unit of accommodation should be suitable for family occupations and have two bedrooms.
7. I was able to see that the size of accommodation for each proposed flat, 6 and 6a, whilst not necessarily spacious, would be functional, with a range of different rooms allowing occupiers to function as two separate households. What is more, it is clear that the two units would be able to provide usable and functional floor areas. This would be in line with the underlying aim of Policy HO9, which identifies that the conversion of larger properties contributes towards the provision of a wider range of housing and helps meet the needs of a growing number of smaller households. Nationally this is supported by Paragraph 47 of the National Planning Policy Framework (the Framework), which anticipates a significant boost in the supply of housing. I therefore find that the proposed flats would achieve criterion (a), and its underlying aims, of Policy HO9.
8. In terms of criterion (b) of Policy HO9, one unit would have two bedrooms, and the other one bedroom. The Council points to the fact that the two bedroom flat would have one bedroom served by a rooflight and internal partially glazed wall, with the other room being extremely small. However, this is to negate the fact that both rooms are used as bedrooms at present, with no internal changes sought. I saw that the larger bedroom was served by a rooflight that provided a high level of light into the room. The two bedroom unit could therefore be suitable for family occupation, and as such the proposal would comply with criterion (b) of Policy HO9.
9. The Council also point to Policy QD27 of the BHLP, which requires developments to be refused if they would result in a loss of amenity. However, the Council concedes that the proposal would not result in a significant impact on the amenity of adjacent properties in terms of light, outlook, noise and disturbance or enclosure. I see no reason to disagree given the development proposed and the existing residential use of the building. I have also been directed to the Nationally Prescribed Minimum Space Standards. In this respect, proposed Flat 6a would have a floor area lower than the 50sqm

suggested for a one bedroom, 2 person, one storey dwelling. However, it would have more than the 39sqm required for a one bedroom, 1 person, one storey dwelling. Moreover, the local development plan policy, which is the starting point for such considerations, indicates that units of 115sqm, subject to other criteria, can be subdivided. This is supported by the core planning principles of the Framework which includes that that planning should seek to secure a good standard of amenity. It was also clear that each room would be served by natural light and each flat would have its own services and functional rooms such as kitchens and bathrooms. Whilst the flats would not be vast in floorspace, they could provide comfortable living accommodation and would therefore meet the underlying aims of both the development plan policy and the *Technical Housing Standards – nationally described space standard, March 2015*.

10. I do not, therefore find that the proposal would result in unacceptable levels of habitable space or floorspace generally that would be harmful to the living conditions of future occupiers. I therefore conclude that the proposed development would accord with Policies HO9 and QD27 of the BHLP and those of the Framework, which seek the various aims cited.
11. Listed building consent has been granted by the Council under application ref BH2014/03705. The works proposed are internal, with the interior making little contribution to its heritage significance, because its significance derives from its exterior as part of a formal composition. The proposed minor alteration would not therefore adversely affect the significance of the Grade I listed building. As required under Section 66(1) of the above Act, I do not consider that the proposal would conflict with the desirability or preserving the listed building, or its setting or any features of special architectural or historic interest. I also acknowledge that the site is located within the Brunswick Town Conservation Area. Neither party has raised specific concerns in terms of the proposal affecting the character or appearance of the conservation area. Given my findings in terms of listed building matters, I find that the proposal internal works would preserve the character or appearance of the conservation area.

Conditions

12. No suggested conditions have been submitted by the Council. Nonetheless, I have had regard to Paragraph 206 of the Framework and the Planning Practice Guidance in terms of the use of planning conditions. In this respect a condition requiring the development to be carried out in accordance with the submitted drawings is reasonable and necessary for the avoidance of doubt and in the interests of proper planning.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

Cullum J A Parker

INSPECTOR