



Appeal Decision

Site visit made on 17 February 2009

by **Richard A. Hersey BA DipTP MRTPI**

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

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Decision date:
9 March 2009

Appeal Ref: APP/Q1445/A/08/2090554 **211 Old Shoreham Road, Hove BN3 7EB**

- 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. V. O'Rourke against the decision of Brighton & Hove City Council.
- The application, ref. BH2008/02842, dated 24 August 2008, was refused by notice dated 14 November 2008.
- The development proposed is *Conversion to form a three bedroom maisonette and a one bedroom flat.*

Decision

1. I allow the appeal and grant permission for the conversion of 211 Old Shoreham Road, Hove, into a three bedroom maisonette and a one bedroom flat, in accordance with the terms of the application, ref. BH2008/02842, dated 24 August 2008, and the drawings submitted therewith, subject to the following conditions:-
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 2. Before first occupation of the dwellings hereby permitted, the refuse storage arrangements shown on the approved drawings shall be provided and thereafter retained.

Main issues

2. I consider that there are two main issues. One issue is whether the proposed dwellings would provide a satisfactory standard of housing accommodation. The other issue is the likely effect on the living conditions of neighbours, having regard in particular to noise and traffic generation.

Reasons

3. The property is a semi-detached house on two main floors, plus a roof storey that was part of the original building but which has been enlarged by way of a hip to gable extension and a large rear dormer. It is proposed to convert the property to provide a three bedroom maisonette on ground and first floors and a one bedroom flat in the roof storey. The application, recommended for approval by Council officers, was submitted following refusal of permission, the subject of a concurrent appeal, for conversion of the property into three flats.

4. With regard to the first issue, the reasons for refusal refer to a lack of private amenity space. However, the existing rear garden would remain for use by the family size maisonette. Although the small upper flat would not have its own amenity space, this is a situation that is common to many upper floor flats, particularly in residential conversions. I do not consider that it would make the flat unsatisfactory or conflict with policy HO5 of the Local Plan.
5. The area of the original house exceeds the minimum standard (115sq.m) referred to in the Council's policy HO9 of the Local Plan regarding residential conversions. A family unit would be provided and each of the new dwellings would have a satisfactory size and layout. One car parking space would be available in the existing garage and the garage could also accommodate one or two cycles, albeit with some inconvenience, depending on the size of the car. Although not shown on the drawings, I saw that there is also a shed at the rear of the garage that could also accommodate cycles.
6. With regard to the effect on neighbouring properties, I acknowledge the concerns expressed by nearby residents arising from the potential increase in the intensity of occupation. However, I do not consider that the effect of one additional small flat would be unreasonable. Noise transmission between dwellings should be minimised through compliance with the Building Regulations. No new windows would be constructed, therefore any additional overlooking or perception of overlooking of adjoining properties or gardens would be minimal. A refuse storage area would be provided adjacent to the shared driveway at the front. Although there may be some increased pressure on on-street parking space in the side roads near to the appeal property, I do not consider that the demand arising from one small additional flat would be so significant as to justify refusal for this reason.
7. Overall I consider that the development would result in a satisfactory residential conversion in accordance with policy HO9 of the Local Plan.
8. I have had regard to the conditions suggested by the Council. I do not consider it necessary to require further details of refuse storage arrangements but it is necessary to require the provision of the facilities shown on the drawings. I do not consider it necessary to require further details of cycle storage. With regard to Lifetime Homes criteria, the appellant has stated that all new door and corridor widths would comply with Part M of the Building Regulations; I do not consider it necessary to require further details. A waste minimisation statement has been provided; in view of the limited scale of the works, I do not consider that any further details are necessary.

R.A.Hersey

INSPECTOR