

Appeal Decision

Site visit made on 17 May 2016

by H Porter BA(Hons) PG Dip IHBC

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

Decision date: 9 June 2016

Appeal Ref: APP/Q1445/W/16/3146128

141 Elm Grove, Brighton BN2 3ES

- 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 Ludwik Chrzaszcz against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/02962, dated 4 August 2015, was refused by notice dated 19 January 2016.
 - The development proposed is conversion of single dwelling into 2 flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since it issued its decision Brighton & Hove City Council (the Council) has adopted the City Plan Part One, 24 March 2016 (the City Plan). Nonetheless, Policies QD27 of the Brighton & Hove Local Plan 2005 (the Local Plan), as cited in the Council's Reason for Refusal has been retained. In these circumstances, I am satisfied that the adoption of the City Plan does not materially affect this appeal.
3. The development has commenced, however, the work has not been fully implemented and the property is not yet occupied. Upon my visit to the site, I noted various minor elements of the development as executed that do not tally with the plans. As the overall layout is essentially in accordance with the plans, I have therefore determined the appeal on the basis of the plans submitted.

Main Issue

4. The main issue in this case is whether future occupiers of the development would be provided with acceptable living conditions, with particular regard to space and the standard of accommodation.

Reasons

5. The appeal premises comprises a mid-terrace property, arranged over four floors, fronting Elm Grove, a busy mainly residential thoroughfare with easy access to central Brighton. The two bedroom maisonette on the lower ground floor benefits from its own access via a front basement lightwell, and a private rear garden. Despite these beneficial spaces and the provision of two, bathrooms, the overall living accommodation is still very small. The front
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dining room has been subdivided to allow for the lower ground floor bathroom, cutting across the chimney breast. Coupled with the front bay window, the hearth and the door, there remains very little useful space to allow for furniture as well as circulation. The sitting room, despite being larger in comparison, and having access to the garden, likewise leaves little room to accommodate furniture and space to circulate. The kitchen on this level would provide just enough space for appliances and work top area; however there would be very limited space for storage owing to the narrowness of the room and angle of the under stairs that cuts through it. The bedrooms on the ground floor have both been subdivided to accommodate a bathroom and store/dressing room. As in the lower ground floor, this subdivision, which cuts across the chimney breasts in both rooms, has severely limited the amount of space to accommodate furniture and allow movement.

6. When I visited the site, there were three of us within the unit and no furniture, kitchen units or appliances. Even so, the lower ground floor living accommodation felt very cramped and circulation was still constrained. Whilst broadly the ground floor maisonette meets the requirements of Policy HO9, given the layout and that a two bedroom unit could reasonably be occupied by three of four people, the space available would not provide an adequate standard of accommodation for future occupiers.
7. The upper storey unit, accommodated on the first and second floors at the appeal premises, has just one bedroom. The living accommodation provided on the first floor, whilst relatively small, is adequate for one to two persons. However, the angle of the roof slope in the loft space considerably limits the head height and overall usable space. Whilst there would be just enough room for a double bed, the circulation space around it would be severely limited through the angle of the eaves and reduction in the effective width of the room as a consequence. Given the limited space in this bedroom area, the overall accommodation within the upper unit at the appeal premises would also be unacceptably cramped.
8. The subdivision of the rooms, short stretches of wall, combined with the low overall floor area leave awkward and cramped spaces. Whilst there are elements within each dwelling that bolster the standard of accommodation, including storage and garden access, these provisions do not mitigate the fact that the accommodation overall is cramped and leaves very little floor area for circulation and the provision of furniture. Despite the ground floor maisonette meeting the requirements of Policy HO9, which relate to the conversion of dwellings, the accommodation provided would still not be sufficient to meet the day to day needs of occupants. The development overall is therefore contrary to Policy QD27 of the Local Plan, which seeks to secure a good standard of amenity for all existing and future occupants of buildings, and consequently conflicts with the Development Plan as a whole; as well as paragraphs 7, 9 and 17 of the National Planning Policy Framework, 2012.

Other Matters

9. The appellant has raised some doubt over whether a five year supply can currently be demonstrated. The City Plan is recently adopted and there is no evidence before me to suggest a 5 year supply of housing land cannot currently be demonstrated. Nevertheless, if as asserted by the appellant, the building originally had a separate basement unit then there would be no net increase in

dwellings provided. The conversion of a single dwelling to two units as proposed would result in a net increase of just one dwelling. Even if therefore, a 5 year housing land supply could not be demonstrated, the contribution made to supply would be very small and any benefit in these terms would be significantly and demonstrably outweighed by the harms identified above.

Conclusion

10. For the reasons given above, and taking all other matters into consideration, I have found that the proposal would be harmful to the living conditions of future occupants at the appeal premises. I conclude that the appeal should be dismissed.

H Porter

INSPECTOR

