
Appeal Decision

Site visit made on 5 December 2016

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 16th December 2016

Appeal Ref: APP/Q1445/W/16/3153272

Media House, North Road, Preston, Brighton BN1 6SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr C Weatherstone of Stonechris Properties Ltd against Brighton & Hove City Council.
 - The application Ref BH2015/03930, is dated 30 October 2015.
 - The development proposed is extension and alteration to form 4 residential units. Removal of existing mansard roof and front facing dormers. New roof with conservation roof lights. Parking, bike and bins storage and appropriate alterations.
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Decision

1. The appeal is dismissed and planning permission is refused.

Application for Costs

2. An application for costs was made by Stonechris Properties Ltd against Brighton & Hove City Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed development on the supply of employment space in the city.

Reasons

4. The appeal site lies on the north side of North Road and comprises several buildings and a car park. Media House, is a substantial three-storey building whose lawful use is B1/B2. The ground floor was previously used as print works and the upper floors were offices. Attached to the western elevation of the main building is a two storey store. To the east the building is linked to Mission Hall, which is in residential use. On the western side of the site is a smaller, two-storey secondary building also in B1/B2 use, known as the Coach House.
 5. In 2014 prior approval was granted to convert the two upper floors of Media House into two self-contained residential units, Ref: BH2014/03962. While 198m² of B1 floorspace would have been lost through this conversion, the B2 use on the ground floor would have been retained. There is a dispute between the parties as to whether or not this permission remains extant due to more
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- recent changes to permitted development rights, a matter which I address later in this decision. However, the prior approval has not been implemented and at the present time the building is vacant.
6. In October 2015 planning permission was granted to facilitate the conversion of Media House into three dwellings and to extend the Coach House to provide an element of replacement office space on the site, Ref: BH2016/00544. Although this scheme would have led to the loss of all the employment floorspace within Media House, this would have been offset to some degree by the extension of the Coach House. Consequently, the scheme as a whole would have resulted in a net loss of 252m² of B1/B2 floorspace.
 7. The current proposal would also result in the loss of all the employment floorspace within Media House. However, no alterations to The Coach House form any part of the proposal, which would continue to provide 139.5m² of employment floor space. The scheme as a whole would therefore result in an additional net loss of approximately 50m² of employment floorspace, over and above that which would be lost with the approved scheme. It would also result in a loss of nearly 100m² more than would occur with the prior approval scheme. This would be the case regardless of whether or not that scheme could now be implemented as permitted development.
 8. Policy CP3 of the Brighton & Hove City Plan (City Plan) seeks to resist the loss of employment sites, given the city's need to create jobs. It states that where the last use of a site or premises was an employment use, changes of use will only be permitted when it can be demonstrated that they are redundant and incapable of meeting the needs of alternative employment uses.
 9. There was no evidence presented to demonstrate that the premises were genuinely redundant at the time the Council approved the previous application. The Council's willingness to set aside the requirement for evidence of redundancy in that case was two-fold. Firstly, that scheme included the enlargement and modernisation of the Coach House to provide better quality compensatory office accommodation and secondly, the scheme was considered to be a material improvement on that which had been given prior approval.
 10. However, whilst the previous prior approval and the extant permission are significant material considerations, they do not, in my view, amount to a demonstration that the site is redundant or incapable of meeting the needs of alternative employment uses. I acknowledge that the current proposal would only result in a small additional loss of floorspace. However, I do not consider that is a sufficient reason to set aside the requirements of the policy, which applies to all such sites and premises, irrespective of their size. Furthermore, the current proposal does not include any measures that would mitigate the loss of just under 300m² of employment space. Neither was it supported by any conclusive evidence that the building is genuinely redundant.
 11. I therefore conclude that the proposal would result in an unacceptable loss of employment floorspace, contrary to Policy CP3 of the City Plan, which seeks to ensure adequate provision of employment floorspace to support the economic growth and prosperity of the city.

Other Matters

Character and appearance

12. North Road lies within the Preston Village Conservation Area and opposite Nos 19-23, a terrace of 18th century dwellings, which is a Grade II Listed Building. In assessing the proposal, I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, and a duty to have special regard to the desirability of preserving the setting of the listed building. As heritage assets are irreplaceable, any loss or harm to them requires clear and convincing justification.
13. The proposal would significantly improve the appearance of the building, over and above the extant scheme. In particular alterations to the roof would reduce its bulk, creating a form that would be more sympathetic to its surroundings. The altered building would be less intrusive in the street scene and would enhance the setting of the nearby listed building. The addition of the fourth dwelling would infill an uncharacteristically large gap in the existing street frontage, create a series of dwellings with consistent plot widths, which would integrate effectively with the traditional pattern of development that characterises this part of the conservation area. The proposal would therefore enhance the character and appearance of the Preston Village Conservation Area and the setting of Nos 19-23.

Housing need

14. The proposal would provide four new dwellings, which would make a small but valuable contribution to the city's housing need. The provision of family homes of the size proposed would also be meeting known needs. However, as the site already has an extant permission for three dwellings the proposal would only result in a net increase of a single dwelling.

Living conditions of neighbours

15. Residents of North Road have expressed concern about various matters including the effects of the westward extension of Media House on the light, outlook and privacy of their homes. North Road is narrow and the separation distance between the front elevations of the houses is less than in many other streets. However, I am satisfied that the separation distance is sufficient to prevent any material loss of light, outlook or unacceptable loss of privacy.

Planning Balance and Conclusion

16. The Government is seeking to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development. However, the Government is also committed to securing economic growth in order to create jobs and prosperity. The National Planning Policy Framework advises that significant weight should be placed on the need to support economic growth through the planning system.
17. The proposal would provide one more home in addition to the three that already have planning permission on the appeal site. This would be a social benefit, but as a single dwelling, this attracts little weight in my overall assessment.

18. The proposal would considerably improve the appearance of the Preston Village Conservation Area and enhance the setting of the listed terrace of houses on the south side of North Road, thus providing environmental benefits to the area. This is a matter of moderate weight.
19. However, it would result in the total loss of Media House for employment purposes without providing any compensatory improvements or provision elsewhere on the site. Given the city's need to provide for business and to allow the city to grow as an economic base for the wider area, the development plan requires this loss to be adequately justified before allowing a housing development to proceed.
20. On balance I consider that the social and environmental benefits of the scheme would be outweighed by the permanent loss of employment floorspace, for which there is inadequate justification. The other material considerations in this case do not, therefore, outweigh the conflict with the development plan's objective of supporting the city's economic growth.
21. For this reason, I conclude that the proposal is not a sustainable development and that the appeal should be dismissed.

Sheila Holden

INSPECTOR