
Appeal Decision

Site visit made on 30 October 2018

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

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

Decision date: 02 November 2018

Appeal Ref: APP/Q1445/W/18/3198972
19 Southdown Avenue, Brighton, BN1 6EH

- 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 John Garrett against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/03801, dated 16 November 2017, was refused by notice dated 22 February 2018.
 - The development proposed is described as '*conversion of existing redundant office space into two self-contained flats; ground floor 2 bed and basement 1 bed*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether it has been demonstrated that the relevant parts of the appeal building used for employment use are redundant and incapable of meeting alternate employment uses; and,
 - ii) The effect of the proposal on the character and appearance of the Preston Park Conservation Area; and,
 - iii) The effect of the proposal on the living conditions of future occupiers.

Reasons

Employment use

3. Policy CP3 of the *Brighton and Hove City Plan Part 1 March 2016* (BHCP) seeks to safeguard employment sites and premises by a variety of means. One of these includes that the loss of unallocated premises last used in employment only being permitted where the premises can be demonstrated as redundant and incapable of meeting the needs of alternative employment use.
4. In this case, the Appellant considers that the property was formerly used as residential dwelling many years ago and the proposal seeks a conversion of a later office use back into residential. I do not have any evidence whether or not the building was formerly used as a residential property.
5. However, it is clear that the most recent use of the property subject of this appeal was as an employment use. Accordingly, the Appellant needs to

demonstrate that the premises is now redundant and incapable of meeting the needs of alternative employment uses.

6. Little evidence has been submitted to support the loss of the employment premises – for example one would typically see evidence that the property has been marketed without success or evidence that the space no longer works in practical terms. Neither has been submitted here. Accordingly, I find that the proposal would not accord with Policy CP3 of the BHCP which seeks the aforesaid aims.

Character and appearance

7. The appeal site is located within the Preston Park Conservation Area. The significance of the conservation area appears to derive in part from the mixture of buildings from the Edwardian period. The appeal site itself is an example of a 'corner shop' with an Edwardian style and proportioned appearance. The contribution to the character and appearance of the conservation area's significance is not only the visual appearance of the building but its link to the past, where such employment uses were part of the fabric of local life.
8. The proposal would see the loss of the traditional shop frontage and the insertion of sliding sash windows. The Council's Heritage Officer observes that *'it would be highly unusual to see sliding sash windows on a shop front, especially on a corner shop front'*. I concur; the use of such windows as proposed would not only look odd but erode the distinctive character of the building and its contribution to the conservation area.
9. As such, I find that the proposal would result in a negative impact on the Preston Park Conservation Area which would fail to preserve or enhance its character or appearance. For similar reasons, it would result in less than substantial harm to the significance of the conservation area as set out in Paragraph 196 of the *National Planning Policy Framework* (the Framework). No public benefits have been cited by the Appellant. Whilst I note the proposal would result in the creation of new residential units, this does not overcome the need to conserve heritage assets in a manner appropriate to their significance.
10. I therefore conclude that the proposal would be contrary to Policy HE6 of the *Brighton and Hove Local Plan* and Policies CP12 and CP15 of the BHCP, which, amongst other aims, seek to conserve or enhance the city's built heritage. It would also conflict with national policy as cited above.

Living conditions

11. The proposal would create living accommodation within the basement that would not be served by natural light. The Appellant has suggested that they are willing to insert light wells to provide light. However, that is not shown in the scheme before me and I am unable to ascertain whether such changes would result in a high standard of amenity for future occupiers as sought by Paragraph 127 f) of the Framework. Instead, the proposal as submitted would result in occupiers being subjected to very low levels of natural light within parts of the proposed residential units.
12. The proposal would therefore have a materially harmful impact on the living conditions of potential future occupiers. As such it would be contrary to Policy

QD27 of the BHLP which seeks to protect amenity of existing or future occupiers and the provisions of the Framework already cited.

Conclusions

13. The proposed development would not accord specific policies of the adopted development plan, nor with the plan when taken as a whole. There are no material considerations which indicate a decision otherwise than in accordance with the development plan.
14. For the reasons given above, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR

