



Appeal Decision

Site visit made on 9 July 2018

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2018.

Appeal Ref: APP/Q1445/W/17/3191000 90A Shaftesbury Road, Brighton BN1 4NG

- 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 John Fernley against Brighton & Hove City Council.
 - The application Ref BH2017/01882, is dated 2 June 2017.
 - The development proposed is conversion of 6 no garages to 2 no one-bedroom ground floor flats (C3).
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Decision

1. The appeal is allowed and planning permission is granted for conversion of 6 no garages to 2 no one-bedroom ground floor flats (C3) at 90A Shaftesbury Road, Brighton BN1 4NG in accordance with the terms of the application, Ref BH2017/01882, dated 2 June 2017, 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) The development hereby permitted shall be carried out in accordance with the approved plans: 37081/1, 37081/2, 37081/3, 37081/4A, 37081/5 and 37081/6A.
 - 3) The development hereby permitted shall not be occupied until secure cycle parking and refuse storage facilities have been provided in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The secure cycle parking and refuse storage facilities shall thereafter be kept available for such purposes.
 - 4) Prior to first occupation of the development hereby permitted a plan detailing the position, height, design, materials and type of any proposed boundary treatments shall have been submitted to and approved in writing by the local planning authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and thereafter be retained as approved.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. I have not been provided with confirmation

that the change was agreed between the parties and therefore I have used the description given on the original application form in the formal decision above.

Main Issue

3. The Council have confirmed that had they been in a position to determine the application they would have granted planning permission subject to conditions and I have taken this into account in my decision. On the basis of the evidence before me, the main issue in this appeal is whether the proposed development would be a suitable site for housing, having regard to the character and appearance of the area, highway safety, internal space standards and the living conditions of neighbouring occupiers.

Reasons

4. The appeal site is a garage court to the rear of a row of Victorian terraced houses fronting Shaftesbury Road. The yard is accessed via a narrow vehicular passage between 90 and 92 Shaftesbury Road. At either end of the Yard are 2, 2 storey buildings with garages to the ground floor and residential units above¹. The ground floor garages (3 in each building) are proposed to be converted to 2, 1 bedroom units.
5. The appeal site is within an established residential area and the principle of the conversion would be entirely in keeping with surrounding uses. It would result in external changes to the appearance of the buildings but such changes would only be visible from within the courtyard and in an area where there is some variety in the form and appearance of surrounding rear elevations. In such a context the proposal would not cause any harm to the character and appearance of the area.
6. The proposal would provide no off-street parking spaces but the appeal site is centrally located close to a wide array of services and facilities, including public transport options. Although surrounding streets were heavily parked, with vehicles on both sides of the road, there is no evidence before me of any particular highway safety issues associated with on-street parking in this locality. Surrounding streets are also part of a controlled parking zone. From my observations, albeit during the late morning, some spaces were available and the level of likely vehicle movements associated with the proposal would be low. Any modest increase in potential on-street parking demand as a result of the proposal would not therefore have a harmful effect on highway safety.
7. The proposal would provide suitable standards of internal space given they are more likely to be occupied as 1 person, 1 bedroom units. Even if they were occupied by 2 persons, the shortfalls are insignificant and the layout and arrangement of the units would be adequate. I am satisfied that in either scenario acceptable living conditions for future occupiers would be provided.
8. I have had regard to the representations made by third parties but to my mind the introduction of 2 additional, 1 bedroom units within such a busy, urban residential area would not result in any additional harm in terms of noise or general disturbance that would harm the living conditions of neighbouring occupiers. I am satisfied that details of refuse and recycling can be agreed by condition and there is nothing substantive to suggest that access could not be obtained by the emergency services.

¹ BH2014/01501.

9. For these reasons, the proposed development would be a suitable site for housing, having regard to the character and appearance of the area, highway safety, internal space standards and the living conditions of neighbouring occupiers. The Council have not advised me of any specific development plan policies that are most important to this appeal but when read as a whole, there would be no conflict with the policies of the Brighton & Hove City Plan Part One or the Brighton and Hove Local Plan².

Conditions

10. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. A condition is required to ensure compliance with the approved plans as this provides certainty. Although some details of cycle parking are shown, these require further consideration and a condition relating to the provision of cycle storage is therefore necessary in the interests of promoting sustainable transport. A condition requiring refuse storage details in order to protect living conditions of neighbouring occupiers is also necessary. I have combined these requirements into a single condition. A condition relating to details of boundary treatments is necessary to protect the character and appearance of the area. Given a lack of clarity on the plans insofar as these matters are concerned the details should be agreed with the Council.

Conclusion

11. For the reasons set out above, the proposal would accord with the development plan, when read as whole. Material considerations do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be allowed.

Richard Aston

INSPECTOR

² Listed in Section 7 of the Council's statement of case.

