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## Appeal Decision

Site visit made on 28 November 2018

by **N A Holdsworth MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 January 2019

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**Appeal Ref: APP/Q1445/W/18/3201580**

**2 Ballards Mill Close, Brighton, BN1 8WG**

- 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 Alan Maysey of Ballards Mill Development against the decision of Brighton & Hove City Council.
  - The application Ref BH2017/01288, dated 8 November 2016, was refused by notice dated 3 November 2017.
  - The development proposed is conversion of garage and external store into 2 bed studio apartment.
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### Decision

1. The appeal is allowed and planning permission is granted for conversion of garage and external store into 2 bed studio apartment at 2 Ballards Mill Close, Brighton, BN1 8WG in accordance with the terms of the application, Ref BH2017/01288, dated 8 November 2016, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing number 1206 2.16 A.
  - 2) The development hereby permitted shall not be occupied until details of car and secure cycle parking facilities for the occupants of the development have been submitted to and approved in writing by the Local Planning Authority. The approved car and cycle parking facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times for their intended purpose.

### Preliminary Matters

2. The address is taken from the planning application form. However, it is clear that the appeal site is now separate from the building known as 2 Ballards Mill Close. I note that the building that is the subject of this appeal is now known as 2a Ballards Mill Close, as reflected on the appeal forms.
3. Amended plans have been submitted. However, these materially change the appearance of the proposal. The appeal process should not be used to evolve a scheme. I will therefore consider the appeal on the basis of the plans that were refused by the Council.
4. The Council advise that the two storey building on the site in its current form is not authorised. The proposal seeks to retain this building, which appeared to be unoccupied at the time of my site visit, subject to internal and external

alterations. I have therefore dealt with the appeal on the basis the development is partially retrospective.

### **Main Issues**

5. The main issues are:

- i) the effect of the development on the character and appearance of the area; and
- ii) whether or not a satisfactory quality of living accommodation would be provided for future occupants, with particular regard to the internal layout, levels of natural light and the extent of external amenity space provided.

### **Reasons**

#### *Character and appearance*

- 6. This proposal relates to a small detached building which appears to have been originally designed as a garage. It is set amongst a small cluster of detached residential properties, which face on to a large, shared hardstanding. This development is known as Ballards Mill Close, and is accessed from Overhill Drive. This appeared to be a well contained, private development.
- 7. The building is set away from the other buildings along Ballards Mill Close. As a detached building, it reflects the form of the other buildings within this development. Whilst it is smaller and occupies a substantial part of its plot, it has a similar architectural form to a converted coach house. It has a well-defined curtilage, with a reasonable amount of space around the building, providing a patio garden area.
- 8. The structure is built in to the falling ground, and the lower ground floor is partially subterranean. Consequently, the building appears as a single storey structure in relation to the shared hardstanding and the residential properties that face on to it. The modest height and width of the building means that it appears visually subservient to these other residential properties.
- 9. I observed that other residential buildings in the wider surrounding area are generally larger. However, there is limited uniformity in the design of these buildings, and the shape of the plots that they occupy. In this case, the proposal relates well to its immediate surroundings. Whilst it reflects a greater intensity of development, it does not detract from the prevailing suburban character and appearance of the area.
- 10. I therefore conclude that the development does not appear unduly cramped, and there is no harm to the character and appearance of the area. There is no conflict with policy CP12 of the Brighton and Hove City Plan Part One (2016) ("City Plan") which seeks to, amongst other things, ensure new development respects the diverse character and urban grain of the city's neighbourhoods.

#### *Living conditions*

- 11. The proposed development would provide living accommodation over 2 floors. On the ground floor there would be a large living area with kitchen facilities and a bathroom area. This would be well lit by windows and rooflights. Consequently, it would receive a good amount of natural light and outlook.

Even taking account of the internal partitioning around the door, there would be a well sized, open plan living area with a good amount of circulation space.

12. At lower ground floor level there would be two bedrooms and a further shower area. The proposed bedrooms would be served by windows which face on to an enclosed patio area around the side of the building. The outlook and natural light received by these rooms would be acceptable, given their intended use. These habitable rooms would clearly be wide enough to provide functional living space. Sufficient circulation space would be provided.
13. The patio garden would infill the space between the building and the edge of the plot. Whilst it would be smaller than many of the surrounding residential gardens, there would be sufficient space within this area to provide useable amenity space. It could be effectively used for activities such as sitting and eating out or drying clothes. I consider that the internal and external spaces would provide acceptable living conditions, in the event that the unit is occupied by a family in the future. The lack of a bespoke area for children's play would not comprise the living accommodation to such an extent that the refusal of planning permission would be justified.
14. Overall the internal layout is appropriate, and the amount of external amenity space and natural light being provided is acceptable. The proposed development would provide satisfactory living conditions for future occupants, and there is no conflict with policies HO5 or QD27 of the Brighton and Hove Local Plan 2005 which seeks to, amongst other things, ensure that new development provides private useable amenity space and does not cause loss of amenity to proposed residents.

#### *Other Matters*

15. The proposal has a very specific townscape context, being set within a well contained residential development. I do not agree that the approval of this proposal would set a precedent for similar development across the city. Future proposals would be considered on their planning merits.
16. The rules regarding parking on the shared hardstanding at Ballards Mill Close are a private matter between the relevant ownership interests. I am satisfied on the evidence before me that the proposed development would not lead to any unacceptable risk of harm to highway users or their safety. On the evidence before me there would be no harm to the living conditions of existing residents, as a consequence of this proposal.

#### **Conditions**

17. Conditions are necessary in the interests of certainty [1], and to ensure that car and cycle parking facilities are provided in the interests of highway safety and the promotion of sustainable transport [2]. As the proposal is partially retrospective, it is not necessary to impose a time limit condition.
18. I have found that the building has an acceptable appearance in relation to its surroundings and the further external alterations proposed are modest. Consequently, having regard to the National Planning Policy Framework (2018) ("the Framework") further details of materials, ground levels, landscaping, or boundary treatments are not on this occasion necessary to make the development acceptable in planning terms. Additional landscaping around the building is likely to be installed in line with the preferences of its future

occupants. There is sufficient space around the building for waste storage and it is not necessary to stipulate that the specific location proposed for bin storage is retained for the lifetime of the development.

19. Planning Practice Guidance<sup>1</sup> is clear that conditions that restrict the future use of permitted development rights should only be used in exceptional circumstances. In this case the building is set a reasonable distance away from other residential properties in a well contained development. I am not persuaded on the evidence before me that exceptional circumstances exist that would justify the blanket removal of permitted development rights, as suggested by the Council.

### **Conclusion**

20. The proposal complies with the development plan. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should succeed.

*Neil Holdsworth*

INSPECTOR

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<sup>1</sup> Paragraph: 017 Reference ID: 21a-017-20140306