



Appeal Decision

Site visit made on 19 September 2017

by N A Holdsworth MCD MRTPI

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

Decision date: 23rd October 2017

Appeal Ref: APP/Q1445/W/17/3176467
79 Trafalgar Road, Portslade, BN41 1GU

- 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 Mrs Olivia Olorenshaw against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05579, dated 6th October 2016, was refused by notice dated 14 March 2017.
 - The development proposed is conversion of existing basement into 1no one bedroom flat (C3) including alterations to fenestration to front and rear elevations.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing basement into 1no one bedroom flat (C3) including alterations to fenestration to front and rear elevations at 79 Trafalgar Road, Portslade, BN41 1GU in accordance with the terms of the application, Ref BH2016/05579, dated 6 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan, Location Plan, 700 01 B.
 - 3) Unless differences are shown on the approved plans the external finishes of the development hereby shall match in material, colour, style, bonding and texture those of the existing building.
 - 4) The development hereby approved shall not be occupied until the front and rear lightwells and external staircase, as shown on plan number 700 01 B have been completed; and all new windows and doors have been constructed and installed in the locations identified on the approved plans.
 - 5) Details of the railings and balustrades, including glazing, surrounding the front and rear lightwells shall be submitted to and approved by the local planning authority in writing. The development hereby approved shall not be occupied until the railings and balustrading have been installed in accordance with the details approved under the terms of this condition, and once installed shall be retained thereafter.

Procedural Matter

2. The Council altered the description from 'change of use from basement to one bedroom flat' to 'conversion of existing basement into 1no one bedroom flat (C3) including alterations to fenestration to front and rear elevations'. This is also the description used by the appellant on the appeal form. I consider this to be a more accurate description of the appeal proposals and I have therefore considered the appeal on this basis.

Main Issue

3. The effect of the development on the living conditions of future occupiers, with particular regard to whether the proposed unit would have an acceptable outlook.

Reasons

4. The proposed residential accommodation would be served by windows to all habitable rooms and the parties agree that it would have sufficient natural light. The main living area would be at the front of the unit, with a front door that opens out on to an enlarged front light-well, with a staircase that leads up to street level.
5. Both the rear bedroom and kitchen area would have doors that open out on to a new sunken patio area which would be created to serve the new dwelling. I accept that the outlook from these rooms and within the patio itself would be limited as it is enclosed by walls. However, the rooms in question would be secondary living areas, principally used for cooking and sleeping. The main living area would be the front room. The Council consider that the outlook from this area would be sufficient and I concur with this assessment.
6. Notwithstanding its limited outlook, the rear patio area would be of a size that would provide functional external amenity space for future occupiers of the flat. In my opinion, the internal layout and total amount of living space provided is of a good standard for a one bedroom flat. These considerations weigh in favour of the proposal, and compensate for the limited outlook from the windows on the rear elevation.
7. Saved policy QD27 of the Brighton and Hove Local Plan 2005 ("Local Plan") states that permission will not be granted for proposals where they result in a loss of amenity to proposed residents or where it is liable to be detrimental to human health. Considering the proposal as a whole I find that it would provide a good standard of amenity for future occupants. The limited outlook to the unit is compensated by its overall size and the provision of external amenity space; and no part of the unit would so gloomy and oppressive that it would be harmful to human health. As such, there is no conflict with policy QD27 of the Local Plan or the relevant parts of the National Planning Policy Framework that require new development to provide a good standard of residential amenity.

Conditions

8. Conditions are necessary to comply with the relevant statutory requirements [1], in the interests of certainty [2]; to ensure that the finished appearance of the development is consistent with the appearance of the host building and the character and appearance of the surrounding area [3]; also to ensure that the development provides acceptable living conditions for future occupants [4].

9. A condition [5] is also necessary to ensure that details of the railings to the front lightwells are approved by the Council. The appearance of these railings is not shown in detail on the plans and their approval is necessary to ensure their appearance is appropriate in terms of the character and appearance of the surrounding area. Details of the rear balustrading, including the type of glazing to be used, are also required to ensure the sunken patio area is not overlooked from the garden of the ground floor flat, to provide acceptable living conditions of future occupants of the development.
10. The external space within the lightwells to the front and rear could provide space for cycle parking for future occupants if it is desired. Consequently, on this occasion a condition requiring further details of cycle parking would not be necessary to make the proposed development acceptable in planning terms.

Conclusion

11. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be allowed subject to the conditions set out above.

Neil Holdsworth

INSPECTOR

