



Appeal Decision

Site visit made on 17 October 2017

by N A Holdsworth MCD MRTPI

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

Decision date: 8th November 2017

Appeal Ref: APP/Q1445/W/17/3177369
78 Goldstone Villas, Hove, BN3 3RU

- 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 Ronnie Chattersonsim against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00486, dated 10 February 2017, was refused by notice dated 19 April 2017.
 - The development proposed is conversion of first and second floor office (B1) to 2no flats (C3), loft conversion incorporating front rooflights and rear dormer to create 1no flat (C3) and a ground floor rear extension to the office.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the development on
 - the provision of employment floorspace within Brighton and Hove, and
 - the character and appearance of the area and whether the development would preserve or enhance the character and appearance of the Hove Station Conservation Area.

Reasons

Employment floorspace

3. The existing building is in active commercial use. It is partitioned in to separate rooms and I observed that these are variously used as working offices, meeting rooms and storage areas. At lower ground floor level there is a light industrial unit with a separate access from Ethel Street.
4. The proposed development would result in the conversion of two of the upper floors of the building to residential accommodation. An extension would occur to the ground floor above the garage to provide new office accommodation. This would amount to around 34 sqm of additional office space. This would be set against a loss of around 93 sqm of office space on the first and second floor levels, a total net loss of about 59 sqm of office floorspace. The light industrial use at ground floor level would be retained.

5. The existing office accommodation comprises an unallocated employment site for the purposes of Policy CP3 of the Brighton and Hove City Plan Part One (March 2016) ("City Plan"). This states that the loss of such sites will only be permitted where the site or premises can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses. The supporting text of the policy explains the redundancy test for existing accommodation is needed due to the delivery challenges for new office space in the short term, and the quantitative shortfall of supply. Whilst the existing B1 use would remain under the proposals, there would be a significant net loss of B1 floorspace. Consequently, I consider that the redundancy test in policy CP3 must apply. The premises are in active use and no case has been made that they are under-utilised or redundant within the terms set out in the City Plan.
6. The extension would locate all the office floorspace on one level within the building. However, the new ground floor rear office would still be accessed by steps via the side corridor. The new office room would be of a similar size and layout to existing rooms on the upper floors of the building. In my view, the proposed accommodation would share many of the characteristics of the existing accommodation, albeit with less overall space. As such, I am not convinced that the proposed layout would be any more open plan or inclusive than the existing office accommodation. The benefits of locating the accommodation on one floor and the improved internal circulation would not provide adequate mitigation for the loss of the first and second floor office space.
7. The appellant asserts that the existing tenant would continue to occupy the premises following the works, and the reconfigured space would better serve their needs. However, no evidence is provided that the office accommodation in its current form could not fulfil a demand from another business within the City. The consultation response from the City Development and Regeneration team indicates that the existing office floorspace is in high demand by Small and Medium Enterprises within the City, and no significant evidence has been provided to challenge this assessment.
8. Point 4 of policy CP3 supports mixed use development on specified employment sites within the City. However, no evidence has been presented to indicate the site falls within one of these areas, and as such this part of policy CP3 is of limited relevance to this decision. The appellant also draws attention to the provisions of policy DA6 of the City Plan which require the provision of a minimum of 525 new residential units within the Hove Station area. However, the policy is clear that this is within the context of the creation of a sustainable mixed-use area focussed on employment, where existing employment sites and floorspace are protected. Consequently, whilst the proposal would contribute to the housing target, it would result in an unjustified loss of employment floorspace which I consider would conflict with the broader objective of this development plan policy.
9. The proposal would retain a commercial use at ground and basement level, and would also provide for the repair and enhancement of the existing commercial space within the building. However, no significant evidence has been provided that such works are necessary to ensure the ongoing viability of the commercial space within the building.

10. Consequently, I consider that the proposed development would result in a significant loss of office floorspace with no convincing justification. It conflicts with policy CP3 of the City Plan which prohibits the loss of existing office accommodation unless the existing floorspace is demonstrated to be redundant or incapable of meeting the needs of another occupier. It also conflicts with the requirements of policy DA6 of the City Plan which seeks to secure an attractive and sustainable regeneration of the Hove Station area focused on employment. There are no material planning considerations that indicate an exception to these policies should be made.

Character and appearance

11. The site falls within the Hove Station Conservation Area and section 72 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character and appearance of such areas. I agree with the appellant's assessment that the special character of the Conservation Area derives from the relationship between the railway station and the surrounding late Victorian buildings which connect the station area with Central Hove to the south. In the case of the appeal building, the front elevation of the building exhibits an attractive brick façade, bay window and shopfront facing Goldstone Villas, falling within the wider setting of Hove Station. The appearance and form of its front elevation and roof profile are consistent with others within the terrace, the resultant uniformity helping to define the appearance of the Hove Station Conservation Area.
12. Three new roof windows are proposed in a line across the front roof slope. I observed that other buildings along the terrace had similar rooflights. Whilst they would not align with the fenestration of the building below, they would be located within the line of the roof slope and would not significantly affect its profile, and most of the roof would remain unaltered. Furthermore, because of their height they would not be prominent in public views from the street. Consequently they would not materially affect the appearance of the front of the building in relation to the street, and would have a neutral effect on the appearance of the Conservation Area.
13. The rear dormer window would be set beneath a pitched roof. Whilst due to its projection it would be clearly visible from the surrounding area, it would be aligned with the fenestration of the windows on the main elevation below, and would only occupy part of the roof, with much of the rear roof slope remaining unaltered. It would replicate other similar dormer extensions found along the rear of the wider terrace. As such, I consider that it would appear subservient to the main roof, and consistent with the appearance of surrounding buildings. It would not have any effect on the appearance of the front of the building, and its effect on the area to the rear of the building would be neutral.
14. In other respects, the rear ground floor extension would be consistent with others found along the rear of this terrace. A commercial use would be retained at ground floor level and the change of use of the upper floors to residential use would not affect the prevailing character of this Conservation Area. Overall I find that the proposed development would not result in harm to the appearance of the host building and surrounding area, and would have a neutral effect on the Hove Station Conservation Area thereby preserving its special character and appearance. As such there is no conflict with policies

CP12 and CP15 of the City Plan, nor saved policies QD14 and HE6 of the Brighton and Hove Local Plan 2005 which seek to ensure that extensions are well designed, sited and detailed in relation to the property to be extended and preserve and enhance the character and appearance of Conservation Areas within the City.

Other Matters.

15. The Council express concern about the small size of second floor unit, although this is not reflected in its reasons for refusal. The room would provide a studio unit. Whilst it would be smaller than the respective standard set out in the Nationally Described Technical Space Standards, it would provide an open plan layout with sufficient space for future occupants to relax, sleep and eat with a separate bathroom area. It would have windows to both sides, and sufficient headroom across most of the unit, making effective use of the space given the constraints of the existing building. I therefore consider that in this instance the living conditions for future occupants of this unit would be acceptable.
16. The appellant draws attention to the benefits of the additional housing provided, making reference to the targets set out in policies CP1 and DA6 of the City Plan; and the existing shortfall which is a consequence of the natural, physical constraints of the City to provide land for new development. The residential accommodation provided would clearly fulfil a strong demand within the City for housing, within a sustainable location. The proposal would also enable a programme of works to be undertaken that has the potential to improve the appearance of the host building and the Conservation Area in which it is located. However, these factors do not, even cumulatively, comprise a consideration that would justify a departure from the policies in the development plan with regard to the provision of employment floorspace within the City.
17. The provision of housing within the extended building was the subject of supportive comments by the Council's City Development and Regeneration team. However, this support does not outweigh the conflict with the development plan on the main issue in this appeal.

Conclusion

18. I have found that the proposal would be acceptable in terms of its effect on the character and appearance of the area. It would also preserve the character and appearance of the Hove Station Conservation Area. However it would result in an unacceptable loss of employment floorspace and conflicts with Development Plan policies that seek to protect such uses where they are not redundant. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Neil Holdsworth

INSPECTOR