The Planning Inspectorate

Appeal Decision

Site visit made on 3 September 2012

by Alison Roland BSc DipTP MRTPI

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

Decision date: 28 September 2012

Appeal Ref: APP/Y3805/A/12/2173747
29 High Street, Shoreham-by-Sea, West Sussex, BN43 5DD.

- 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 City South Contractors against the decision of Adur District Council.
- The application Ref: AWDM/1000/11, dated 24 November 2011, was refused by notice dated 26 January 2012.
- The development proposed is amendments to previously approved layout (approved ADC/0142/09-13/7/2011) to convert existing offices at ground (part) first and second floors to form 3 x 1BR flats 1 x studio flat 1 x 2 BR flat including rear roof terraces.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the implications of the proposal for the living conditions of occupiers of the proposed flats.

Reasons

3. The Council's concern is confined to the accommodation afforded by the studio flat and the first floor flat in front of it and I was able to view the interior of these at my visit.

4. Policy AH9 of the Adur District Local Plan 1996 allows for the conversion of dwelling houses into smaller self contained units subject to meeting various criteria, including that the standard of accommodation accords to the standards adopted by the Authority. The Policy cross refers to Development Control Standard No 4 entitled *Flat Conversions* (DCS 4). The standard has been supplemented in 2010 with a Good Practice Guidance Note entitled *Internal Space Standards for New Homes* (GPGN).

5. In the introduction of DCS 4 it explains that its purpose is to set down minimum standards for flat conversions. It goes on to say that *in most cases* (my emphasis), this would involve conversions from dwelling houses to flats. Paragraph 1.2 goes on to say that permission is required to change a dwelling house or non residential building into flats and paragraph 1.3 states that the standard only applies to changes of use and conversions to flats and not new purpose built flats. Given this preamble and the title of the document which

simply refers to flat conversions, I cannot accept that it was only intended to refer to residential conversions and not to the conversion of commercial premises to flats.

6. In relation to the more recent GPGN, it explains that it has been introduced in response to growing concerns over the small size of dwellings being built in the District, particularly flats. Paragraph 2.5 cross refers to DCS 4 stating that the latter deals with internal space standards for the conversion of houses to flats. Notwithstanding my own interpretation of DCS 4, this suggests that the GPGN is supplementary to DCS 4 and was as the appellant suggests, intended to apply to new build flats not conversions.

7. Either way, whatever the precise terms of reference of both documents, I consider the standards therein provide a useful baseline to determine what are likely to be acceptable levels of accommodation in flats, especially as the underlying objective of both is to provide a reasonable living environment for flat dwellers. DCS 4 and the GPGN comprise informal guidance and do not carry the full force of the development plan. I have therefore accorded them due weight in my decision.

8. The appellant puts the floor space of the studio flat at 27 sq m and the 1 bed flat at 34 sq m. This falls short of the 30 sq m and 45 sq m for studio and 1 bed flats set out in DCS 4 and the 32 sq m and 51 sq m for the same set out in the GPGN. I take the appellant's point that the studio flat enjoys an impressive open outlook across the river and both flats would have access to a shared external amenity area. I also fully appreciate the sustainable credentials of the appeal site lying within easy walking distance of a range of facilities and shops. However, these benefits would not to my mind outweigh the relatively cramped conditions in both flats, particularly in relation to the main living areas where one would expect occupiers of the flats to spend much of their time.

9. I appreciate that the removal of the partition between the living and bedroom of the larger flat would result in a studio type flat which would meet the minimum floor space requirements for that type of property, but that is not the proposal before me and neither would that measure address my concerns about the proportions of the studio flat. I also understand that the flats were let soon after they were advertised, but the mere fact individuals are prepared to accept a certain level of accommodation, does not to my mind render it acceptable.

10. The Council refer to the potential for noise disturbance from passing traffic and the adjacent Public House. However, I accept the appellant's stance that there is simply no evidence to suggest that the conversion to five flats will be any more susceptible to noise intrusion than the consented scheme for four units.

11. Overall on the main issue, whilst I have found partially in favour of the appeal in relation to the specific point raised in paragraph 10 above, I conclude that the proposal would fail to provide a satisfactory living environment for occupiers of the flats. Whilst Policy AH9 of the Local Plan expressly refers to the conversion of dwelling houses to flats, I nonetheless consider the proposal would conflict with its underlying objective to secure a satisfactory standard of accommodation for occupiers of flats. Although this policy pre-dates the publication of the National Planning Policy Framework, it is consistent with its objective to ensure that good design contributes positively to making places better for people. I ascribe it weight accordingly.

Other Matters

12. The reason for refusal refers to overdevelopment of the site to the detriment of the character of the area, but there is no evidence to substantiate this assertion in the Council's submissions and the Officer report states that all external changes are as per the previous approval. Whilst I am mindful that the appeal site falls within a Conservation Area, I can see nothing in the appeal proposals which would adversely affect it and neither given the busy town centre location, can I accept that an additional residential unit in this location would be at all out of context.

13. The Council refer to the Housing Land Supply Assessment 2011-2016 wherein a five year supply of deliverable housing sites can be demonstrated with a surplus of 224 dwellings. The appellant points out that actual housing completions in the area have fallen significantly short of the projected targets. However, even taking this into account and the positive stance of the Framework in relation to increasing housing supply in sustainable locations, I do not consider this justifies the provision of substandard accommodation.

ALISON ROLAND

INSPECTOR