



## Appeal Decision

Site visit made on 15 January 2018

**by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23<sup>rd</sup> January 2018**

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**Appeal Ref: APP/T1410/W/17/3186836**

**29, Rosebery Avenue, Eastbourne, East Sussex BN22 9QB**

- 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 Glenda Pellow against the decision of Eastbourne Borough Council.
  - The application Ref PC/170762, dated 1 June 2017, was refused by notice dated 9 August 2017.
  - The development proposed is described as: "retrospective application for change of use from ancillary building to studio flat".
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether or not the change of use would provide satisfactory living conditions for the existing and any future occupants.

### Reasons

3. The appeal site is the former detached garage of No 29, a substantial detached property which has been sub-divided into flats. It was converted into a workshop incidental to the residential use of Flat 2 in 2010, following the grant of planning permission, Ref: 100435. However, from October 2011 until May 2016, it was occupied by the appellant's former husband, during a prolonged period of ill health. Whilst Mr Pellow had a degree of independence in the Annexe as a result of the installation of a level access shower, he was also reliant on daily help from a care agency. Even though the Annexe was assessed for Council tax, for planning purposes its lawful use continued to be ancillary accommodation to the main dwelling during that period. However, following his death the appellant sought permission to use the Annexe as a self-contained, independent unit of accommodation.
4. The conversion comprises a single room with limited cooking facilities and an enclosed shower room. It therefore provides an occupant with some of the facilities required for day-to-day living. However, there is very limited space in which to prepare food and eat a meal; there is no cooker, only a small sink, a microwave, a two ring hob and one small table and chair. There is no space for a washing machine, very limited storage space and nowhere for an easy chair where the occupant could sit comfortably and relax. Added to this there is no external amenity space. All these factors indicate that the Annexe is completely unsuitable to be occupied independently of the host dwelling.

5. I consider this to be the case even if it is possible to provide a parking space and external storage space for refuse. I note the appellant's willingness to enter into a planning obligation; however, no such agreement was presented with the appeal and I am therefore unable to take this offer into account in reaching my decision. In any event the Council was not satisfied that it would have overcome its concerns about the sub-standard nature of the self-contained accommodation.
6. The Council refused the application on the basis of saved Policy HO20 of the Eastbourne Borough Plan. This policy seeks to ensure that development does not cause unacceptable loss of residential amenity for adjoining occupiers. It makes no reference to the standards of accommodation that the Council requires in residential development and is therefore not directly relevant to my decision.
7. However, one of the core principles of the National Planning Policy Framework (the Framework) is that development should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. From my assessment of the space available within the Annexe, the scheme fails to comply with this objective.
8. The Council's report also makes reference to the Nationally Prescribed Space Standards, which suggest that the minimum gross internal floor area for a one person unit with a shower room should be 37sq.m. I have not been given any development plan policy which specifically refers to these standards. Nevertheless, they are indicative of the amount of space which is required to provide satisfactory living conditions within a unit intended for occupation by a single person. The appeal proposal, which provides just under 19sq.m. is significantly smaller.
9. Taking all these factors into account I conclude that the Annexe provides unsatisfactory living conditions for both the current and any future occupant, notwithstanding the existing occupant's support for the proposal.
10. The change of use to an independent unit would therefore be unacceptable. It would conflict with the Framework's objective of providing a good standard of amenity for all existing and future occupants, for which reason I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR