

<b><u>No:</u></b>	<b>BH2018/01884</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb And Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>97 Hornby Road Brighton BN2 4JH</b>		
<b><u>Proposal:</u></b>	<b>Change of use from three bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4) with alterations to fenestration and provision of cycle storage.</b>		
<b><u>Officer:</u></b>	Michael Tucker, 292359	tel: <b><u>Valid Date:</u></b>	11.06.2018
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	06.08.2018
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	14.12.2018
<b><u>Agent:</u></b>	Mr Paul Joyce 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Mr George Birtwell C/O Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

## 1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Floor Plans Proposed	COU.01	A	31 October 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards

4. No extension, enlargement or other alteration of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E; of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

5. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplan drawing no. COU.01.A received on 31st October 2018 and shall be retained as such thereafter. The layout of the kitchen/dining/living room shall be retained as communal space at all times and shall not be used as bedrooms.

**Reason:** To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site is a semi-detached, two-storey property on the northern side of Hornby Road. The application seeks planning permission to change the use of the property from a residential dwelling (C3) to a six-bedroom small House in Multiple Occupation (C4).

## **3. RELEVANT HISTORY**

- 3.1 None identified.

## **4. REPRESENTATIONS**

- 4.1 One (1) letter has been received, objecting to the proposal for the following reasons:

- Additional traffic
- Noise

- 4.2 **Councillor Yates** objects to the application. A copy of the representation is attached to the report.

- 4.3 **Councillor Marsh** objects to the application. A copy of the representation is attached to the report.

- 4.4 Councillor Meadows** objects to the application. A copy of the representation is attached to the report.

## **5. CONSULTATIONS**

**5.1 Private Sector Housing:** No comment

The applicant will need to apply for a HMO license should the application be approved.

**5.2 Sustainable Transport:** No objection

Recommended approval. Further cycle parking details should be requested by condition.

## **6. MATERIAL CONSIDERATIONS**

- 6.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 6.2** The development plan is:

- \* Brighton & Hove City Plan Part One (adopted March 2016)
- \* Brighton & Hove Local Plan 2005 (retained policies March 2016);
- \* East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- \* East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 6.3** Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## **7. POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP9 Sustainable transport  
CP21 Student housing and Housing in Multiple Occupation

Brighton & Hove Local Plan (retained policies March 2016):

TR7 Safe Development  
TR14 Cycle access and parking  
SU10 Noise Nuisance  
QD14 Extensions and alterations  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the proposed change of use, the visual impact of the proposed external alterations, the impact of the proposal on neighbouring amenity and the standard of accommodation the proposed HMO would provide. Sustainable transport is also a material consideration.

### **8.2 Principle of Development:**

Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:

*'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:*

- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'*

- 8.3 A mapping exercise has been undertaken which indicates that there are 23 neighbouring properties within a 50m radius of the application property, none of which have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 0.0%.
- 8.4 Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change of use to a four bed house in multiple occupation would not be in conflict with the aims of policy CP21.

### **8.5 Design and Appearance:**

- 8.6 The only external alterations proposed as part of this change of use would be minor changes to the ground floor front and rear fenestration and the side elevation. On the front elevation a front-facing window would be inserted into the side extension. At the rear the existing door and window would trade places. On the side elevation a window would be blocked up at first floor and a door inserted at ground floor. The opening style of the new windows would match the rest of the house, while the new door would be of a different design. The combined effect of these external alterations is not considered to have an adverse impact on the design and appearance of the property.

### **8.7 Impact on Amenity:**

This application is not located in an area that currently has above 10% of properties within 50m of the application site being HMO's. While any additional HMO's have the potential for increasing the cumulative impact of such properties and the harm to amenity with which they are often associated, in this instance the existing numbers of HMO's in the area do not give cause to refuse the application on the grounds of potential amenity impact.

#### **8.8 Standard of Accommodation:**

Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes the Government's Technical Housing Standards - National Described Space Standards March 2015 document states that "in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m<sup>2</sup> and is at least 2.15m wide" and with respect of a double bed "has a floor area of at least 11.5m<sup>2</sup>" and "one double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide".

The applicant seeks to alter the internal layout of the property to create 2no ground floor bedrooms and 4no first floor bedrooms, with 1no bathroom on each floor.

The bedrooms meet the minimum national space standards and are adequate in terms of size, circulation space and layout, providing good levels of natural light and outlook.

The communal area consists of an open plan kitchen/dining/living area approximately 21.7sqm in area, which would be tight for a six-bedroom property. However, since the communal area is of a functioning layout, the bedrooms are all of an adequate size and there is approximately 70sqm of private amenity space in the rear garden, the standard of accommodation the proposal would afford to future occupants is considered to be acceptable.

If however the communal space was converted to a bedroom in future, this would severely restrict the level of shared space available to the occupants. Therefore, a condition will be applied restricting the use of this room to communal use only to ensure an acceptable layout and level of communal space is retained.

#### **8.9 Sustainable Transport:**

There appears to be parking onsite for several vehicles and the site is not in a CPZ so on-street parking is available. The proposed change of use is therefore not considered to have a significant or negative impact on the highway and the Highway Authority has no objections in this instance.

8.10 The amount of cycle parking proposed is adequate.

#### **8.11 Other Matters:**

At the time of the site visit, it was noted that the works were being undertaken, with rubble in the front garden and the interior of the house completely stripped out.

- 9. EQUALITIES**  
9.1 None identified