

<b><u>No:</u></b>	<b>BH2018/01118</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>103 Norwich Drive Brighton BN2 4LG</b>		
<b><u>Proposal:</u></b>	<b>Change of use from three bedroom dwelling house (C3) to six bedroom small house in multiple occupation (C4) with alterations to fenestration. (Part-Retrospective)</b>		
<b><u>Officer:</u></b>	Joanne Doyle, tel: 292198	<b><u>Valid Date:</u></b>	10.04.2018
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	05.06.2018
<b><u>Listed Building Grade:</u></b>	<b><u>EOT:</u></b>		
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Rivers 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 and elevations proposed	COU.01	-	10 April 2018

2. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use 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.

3. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no. COU.01 received on 10.04.2018, 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.

4. No extension, enlargement, alteration or provision within the curtilage of the 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 to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and 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 relates to a two storey semi-detached property, located on the south west side of Norwich Drive. The area is residential in nature.
- 2.2 The property is not located in a conservation area, but there is an Article Four Directive in place restricting the conversion of single dwelling houses to houses of multiple occupation (C4 or sui generis use class).
- 2.3 Planning permission is sought for a change of use from a three bedroom dwelling (C3) to a six bedroom small House in Multiple Occupation (C4) with alterations to fenestration (part-retrospective).

**3. RELEVANT HISTORY**

None

**4. REPRESENTATIONS**

- 4.1 Four (4) letters of representation have been received objecting to the proposal for the following reasons:
  - Noise nuisance and environmental disturbance
  - Anti-social behaviour
  - Parking issues
  - Set a precedence for HMO's within the area

- Negative impact on local community and facilities
- Families priced out of area

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

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

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

## **5. CONSULTATIONS**

**5.1 Transport Planning:** No objection  
No objection subject to cycle parking 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);
- The East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

**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

Supplementary Planning Documents:  
SPD12 Design Guide for Extensions and Alterations  
SPD14 Parking Standards

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relates to the principle of the change of use, the design of the external works, the standard of accommodation which the use would provide, impact upon neighbouring amenity and transport issues.

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

The proposal seeks consent for the change of use from a dwellinghouse (C3) to a small house in multiple occupation (C4). The site is located within an Article 4 Direction area (effective from 5th April 2013) which removes permitted development rights under Class L (b) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, to change from a C3 (dwellinghouses) Use to a C4 (houses in multiple occupation) Use. As a result of the Article 4 Direction planning permission is required for the use of the properties in this location as HMOs.

Policy CP21 of the Brighton and Hove Draft 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:

- 8.3 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:
- 8.4 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.
- 8.5 A mapping exercise has taken place which indicates that there are no properties in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is therefore 0%.
- 8.6 Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a C4 HMO complies with policy CP21.
- 8.7 **Design and Appearance:**  
The proposed blocking up of 2 no. window openings to the side elevation, the increased window opening to the rear elevation and the alteration to the ground floor window in the front elevation are considered acceptable in design terms.

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

Whilst the Local Planning Authority does not have adopted space standards for comparative purposes the Government's recent 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 bedrooms meet the minimum national space standards and are adequate in terms of size, circulation and layout to cater for the furniture needed and with good levels of natural light and outlook within the unit.

The changes to the internal layout of the property result in 2no bedrooms at ground floor level with an open planned kitchen living and dining area and shower room and 4no bedrooms and 1no shower room at first floor level.

The communal area, consisting of an open planned kitchen, lounge and dining area, measuring approximately 21sqm, would be fairly tight for a 6 person property. However, the communal space does have a functioning layout, the property benefits from a large rear garden space and the bedroom sizes are adequate in terms of size and circulation space. On this basis, with access to a large rear garden, a functional communal space and bedrooms with adequate amounts of useable floor space, the future occupants would likely benefit from an acceptable standard of accommodation and the application can be supported on this basis.

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 Impact on Amenity:**

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The proposed change of use from a C3 dwellinghouse to six bedroom C4 HMO would result in a more intensive use of the property and a greater impact on the immediate and surrounding area. It is considered that the increased impact likely to be caused in this case would not be of a magnitude which would cause demonstrable harm to neighbouring amenity and would not warrant the refusal of planning permission.

8.10 The proposed external works would not result in amenity harm.

**8.11 Sustainable Transport:**

Uplift in the number of trips could be expected as a result of the proposals. However, it is not considered that this would be substantial or amount to a severe impact upon surrounding highway and transport networks.

8.12 Cycle parking is not proposed; a condition will be attached requiring details of this.

**9. EQUALITIES**

9.1 None identified