

<u>No:</u>	BH2016/02229	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	34 Walmer Crescent Brighton BN2 4LR		
<u>Proposal:</u>	Change of use from single dwelling house (C3) to four bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Stewart Glassar, tel: 292153	<u>Valid Date:</u>	18.07.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12.09.2016
		<u>EoT/PPA Date</u>	
<u>Listed Building Grade:</u>			
<u>Agent:</u>			
<u>Applicant:</u>	Mr Jay Figures 34 Walmer Crescent Brighton BN2 4LR		

This application was deferred from Committee on the 12 October 2016 to investigate a possible HMO use at No.38 Walmer Crescent.

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	FIRST FLOOR PLAN		18 July 2016
Floor Plans Proposed	GROUND FLOOR PLAN		18 July 2016

- 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 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.

- 4 The development hereby approved shall be implemented in accordance with the details shown on the ground floor layout drawing received on 18 July 2016 and shall be retained as such thereafter. The ground floor rooms annotated as kitchen/diner and lounge shall be retained as communal space and shall not be used as a bedroom at any time.

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 relates to a 2 storey semi-detached property, located in a small crescent at the eastern end of Lower Bevendean. The property backs onto open land and adjoins the South Downs National Park. The house is set back from Walmer Crescent, with a large grassed area and footpath in front of the house. The property has an existing front porch and side extension, and is bordered by a front boundary wall with pillars.
- 2.2 The neighbouring properties are all in residential use and the character of the area is residential.
- 2.3 Planning permission is sought for the change of use from four bedroom single dwelling (C3) to four bedroom small house in multiple occupation (C4).

3. RELEVANT HISTORY

BH2015/04608 - Change of use from single dwelling house (C3) to three bedroom small house in multiple occupation (C4). Approved 29/03/2016.

BH2014/00620 - Erection of porch with pitched roof and rooflights to replace existing with associated alterations to front boundary wall. Approved 02/05/2014.

4. REPRESENTATIONS

- 4.1 **Four (4)** letters have been received from **28 & 36 Walmer Crescent, 80 Plymouth Avenue, 64 Ewhurst Road**, objecting to the proposed development for the following reasons:

- Potential noise and environmental disturbance

- Inadequate provision of car parking and consequential impact on street parking
- Increased traffic congestion
- Loss of family housing and community cohesion
- Impact on schools, health facilities and local facilities due to loss of family accommodation
- Too many HMOs in the area already

4.2 **Councillor Yates** has objected. A copy of the letter is attached to the report.

5. CONSULTATIONS

5.1 **Sustainable Transport:** No objection

5.2 **Environmental Health:** No Comments received

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

CP8 Sustainable buildings

CP9 Sustainable transport

CP19 Housing mix

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
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO8 Retaining housing
HO14 Houses in multiple occupation (HMOs)

Supplementary Planning Documents:

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application are considered to be: the principle of the change of use, any impact upon neighbouring amenity, the standard of accommodation which the use would provide and any transport issues.
- 8.2 **Principle of development:**
The development is a change of use from a Class C3 (dwelling) to a Class C4 Use (House in Multiple Occupation) (HMO) which allows accommodation for up to 6 unrelated individuals who share basic amenities including a kitchen and bathrooms although in this instance the applicants have indicated that there would be 4 individuals sharing the property.
- 8.3 Policy CP21 of the Brighton and Hove City Plan 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:
- 8.4 *'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 new build HMO, and 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:*
- 8.5 *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.'*
- 8.6 This property was previously granted permission for a change of use to a House in Multiple Occupation (HMO). The applicants described the previous proposal as a change of use to a three bedroom house in multiple occupation. The application met the relevant tests required by Policy CP21 and was duly granted permission. However, the applicants did not realise that in describing the proposal as a change of use to a three bedroom house in multiple occupation they were unintentionally self-limiting the extent of the permission to three bedrooms despite intending to use the lounge as a fourth bedroom.
- 8.7 However, as the principle of using this property as an HMO is now established and this current application does not add to the number of HMOs within a 50m

radius of the property the application was recommended for approval at the October planning committee, having been referred to the committee by a local councillor. A decision on the application was subsequently deferred because information was presented to the committee regarding an unauthorised HMO at No.38 Walmer Crescent.

- 8.8 Following that deferral it has been confirmed in writing that the owners of No.38 Walmer Crescent are a Housing Co-operative and that they currently have 7 tenants in the property but that they do not have planning permission for this 'Sui Generis' use. An enforcement case has now been opened on this matter but in the interim a planning application has been submitted seeking to regularise the use of No.38 Walmer Crescent as a sui generis HMO.
- 8.9 There are 9 neighbouring dwellings within a 50m radius of the application site. Of these, one (No.38 Walmer Crescent) is currently being used as an HMO. This would represent 11.1 percent of neighbouring properties in an HMO use and is therefore in excess of the 10 percent figure specified in Policy CP21 of the Brighton and Hove City Plan. Accordingly any additional HMOs would usually be resisted on principle. However, as this current application relates to No.34 Walmer Crescent and this property already has an extant permission for a Class C4 use prior to No.38 Walmer Crescent coming to light, there would be no overall increase in the number of HMOs as a result of this application being approved. Therefore, it would be unreasonable to refuse the application on the principle of a Class C4 use at No.34 Walmer Crescent in this instance. The detailed matters relating to the standard of accommodation and amenity are considered below.
- 8.10 The recent planning application at No. 38 Walmer Crescent to regularise its use would be considered in the light of its own planning history and the extant permission at No. 34 Walmer Crescent. Thus it would not be prejudiced by any decision on this current application. Therefore, there is no reason to delay a decision on this application.
- 8.11 **Standard of accommodation:**
The existing accommodation comprises a kitchen/diner, family room, shower/WC and living room on the ground floor and three bedrooms and bathroom on the first floor.
- 8.12 The application proposes to utilise the lounge as a fourth bedroom.
- 8.13 The three existing bedrooms are all considered to be of good size (at least one is large enough to be a double bedroom) with good levels of natural light and outlook. The existing lounge is large enough to act as a double bedroom and being at the front of the house benefits from good natural lighting and outlook.
- 8.14 The communal areas are similarly considered to be appropriate in size for the number of occupants. The kitchen/diner has good circulation space with sufficient room to allow all the occupants to be seated at the same time or some to be seated and some to be preparing food. The dining area contains a table with 6 chairs and a two seater sofa. The adjacent room to the kitchen/diner

provides an additional lounge, which is separate and although small, provides a further communal area that could accommodate seating, television etc.

- 8.15 In view of the above, the standard of accommodation is considered acceptable.
- 8.16 **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.
- 8.17 Class C4 uses allow up to 6 unrelated persons residing within the property although the layout and proposed accommodation for this property accords with the applicant's intention to accommodate up to 4 persons. The existing Class C4 permission for the property currently allows it to be used by up to 6 people albeit they are restricted to 3 bedrooms. Thus, the use of the lounge as a bedroom, as proposed in this application, would not increase the potential maximum number of occupants i.e. 6, although in reality it would be likely to see the potential number increase from 3 to 4 occupants.
- 8.18 As the property is semi-detached, there is the possibility that there could be some noise or disturbance experienced by the adjoining neighbour. However, given that the property was built as a family house a certain level of disturbance would be anticipated and considered to be normal. The increase from 3 to 4 rooms being used as bedrooms and the maximum number of occupants remaining limited to 6 is not considered likely to have sufficient impacts on amenity to warrant the refusal of planning permission.
- 8.19 The existing dwelling sits within a large plot and the wider area is relatively spacious, with gaps between properties and reasonably sized gardens. The application does not involve any additional extensions/floorspace and therefore it is considered that there is not likely to be any visual impact upon the wider area.
- 8.20 **Sustainable Transport:**
Walmer Crescent is a relatively narrow road. Parking occurs on one side which prevents two-way traffic. However, given that it is a relatively short and quiet residential road the Highway Authority has not objected to the application in terms of trip generation or parking provision. They have concluded that any additional on-street parking demand is not likely to result in a severe impact such that a refusal would be warranted. However, secure, covered cycle parking would be required in line with Local Plan Policy TR14 and this can be secured by condition.

9. EQUALITIES

- 9.1 None identified.

