

<b><u>No:</u></b>	<b>BH2016/02810</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>57 Hornby Road, Brighton, BN2 4JH</b>		
<b><u>Proposal:</u></b>	<b>Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4). (Retrospective)</b>		
<b><u>Officer:</u></b>	Charlotte Bush, tel: 292193	<b><u>Valid Date:</u></b>	19.08.2016
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	14.10.2016
		<b><u>EoT/PPA Date</u></b>	26.10.2016
<b><u>Listed Building Grade:</u></b>			
<b><u>Agent:</u></b>			
<b><u>Applicant:</u></b>	Lisa Bradley 29 Norwich Drive Brighton BN2 4LB		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Other	EXISTING FLOOR PLANS 01		19 August 2016
Other	EXISTING FLOOR PLANS 02		19 August 2016

- 2 Within three (3) months of the date of this approval, 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 within one (1) month of the agreement of details 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 existing layout detailed on drawing no.01 and 02 shall be retained. The ground floor rooms annotated as living room/dining, kitchen and utility room as set out on drawing no.01 shall be retained as communal space and none of these rooms shall be used as bedrooms at any time.

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

- 4 The development hereby approved shall only be occupied by a maximum of four persons.

**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and 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 two storey semi-detached house on the northern side of Hornby Road.

- 2.2 The property is not located in a conservation area. However, there is an Article Four Directive present which restricts the change of use from C3 single dwellinghouse to C4 small house of multiple occupation.

- 2.3 The applicant has written to the Local Authority responding to points raised in objection letters from local residents, which are outlined below:

- The impact (of and HMO) can be the same as some family homes who can also be very noisy.
- Students generally have less cars
- Communication is key to resolve noise and issues with gardens and rubbish
- Tenants of HMO's are not always students
- The current groups which mainly seem to be on Facebook are becoming a witch hunt against HMO's when they are only part of the problem, photographs are being posted complaining about the state of the gardens assuming that the houses are HMO's when sometimes these pictures are of family homes
- With regards to 'footballs flying' - 3 football loving boys lived there previously and footballs were often played with. Also the ball that was in the garden of 57 Hornby Road appeared in the summer when some relatives were staying there, it came from a neighbouring garden but it was unclear which one.
- 59 Hornby Road does not have young children living there
- Owners have not stated that they would not rent to sharers, indeed it was rented to sharers previously for a number of years
- There is no proof that HMO's generate more noise or have more cars than a family home

- There was more rubbish when the tenants moved in, but that is standard when anyone moves house. The rubbish is no longer there.
- In regards to the rubbish by the door the tenants were spoken to and reminded that it is their responsibility to put the rubbish out and if they do not it will be removed at their cost.
- The neighbours at number 55 expressed their hopes at applying for a HMO for their property.
- We have owned the property for approximately 4 years and the condition of the neighbouring property has not improved in that time (photos included to demonstrate this).

### 3. RELEVANT HISTORY

**94/0337/FP** - Erection of a two storey side extension. Refused 01/06/1994

### 4. REPRESENTATIONS

4.1 **Twelve (12)** letters have been received from **2 Leybourne Close, 3 Leybourne Close, 55 Hornby Road (x2), 57 Hornby Road, 67 Hornby Road, 34 Plymouth Avenue, Unknown number Durham Close, 17 Manton Road, 80 Plymouth Avenue, Unknown number Kenilworth Close, Unknown address BN2 4JH, objecting** to the proposed development for the following reasons:

- The property is already occupied as a student HMO
- The occupiers are noisy and use foul language
- The property backs onto bungalows for the elderly, and the high noise levels results in them having to shut their windows
- Bevendean is already saturated with student HMO's. The community is suffering with the loss of family homes and the local school being under-subscribed.
- The late night noise disturbances, huge accumulation of rubbish on the streets and the general lack of consideration for the neighbourhood is destroying the community and leaving residents at breaking point.
- Community events like the Bev fest and Bevendean Family Fun Day have been cancelled due to lack of family and local support.
- There are too many HMO properties in Bevendean already. This would have a further negative impact upon parking, noise, litter.
- The road is already full of cars and so parking will be even more of a problem if multiple students move in with cars.
- Bevendean has already lost its doctors surgery in favour of multiple student homes to be built on that site.
- The number of HMO's is driving up property prices so that families can't buy houses
- The proposal does not meet with the Councils Planning Policy
- There is a vast amount of student accommodation in the last year on the Lewes Road the Gyrotory Site the bottom of Newmarket Road bottom of Gladstone Terrace with additional units being provided on the Preston Barrack site

**4.2 Councillors Daniel Yates and Mo Marsh** have also written in objecting to the application. Copies their representation are attached to the report.

## **5. CONSULTATIONS**

**5.1 Housing:** No Comment

**5.2 Planning Policy:** No Comment

**5.3 Sustainable Transport:** No objection

Recommended approval as the Highway Authority has no objections to the above application subject to inclusion of the necessary condition.

**5.4 Car Parking**

No car parking is proposed; however, it is not deemed that additional demand from one three bedroom House in Multiple Occupation (HMO) would be substantial or result in a severe impact in this location. It is not therefore considered that refusal would be warranted on these grounds under the National Planning Policy Framework.

**5.5 Cycle Parking**

No cycle parking appears to be provided. SPD14 requires a minimum of one space per two bedrooms, equivalent to two spaces in this instance. In order to comply with Brighton & Hove Local Plan policy TR14, cycle parking should be secure, convenient to access and, wherever possible, covered.

**5.6 Trip Generation**

It is not considered that trips generated by the proposed use would be substantially different to that permitted.

## **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 Accommodation and Houses in Multiple Occupation

### Brighton & Hove Local Plan:

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 relate to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide, transport issues and the impact upon the character and appearance of the property and the surrounding area.

### 8.2 Principle of development:

The development is a change of use from a C3 dwelling to a use which would allow occupation of the property as a C4 HMO providing accommodation for up to 6 unrelated individuals (in this case 4 bedspaces) who share basic amenities including a kitchen and bathrooms.

- 8.3 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.'
- 8.4 A mapping exercise has taken place which indicates that there are 33 neighbouring properties within a 50m radius of the application property. One (1) neighbouring property has been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 3.03%.
- 8.5 Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21.
- 8.6 **Standard of accommodation:**  
The layout provides kitchen, separate lounge/diner and double bedroom, utility room and shower room to the ground floor; three further bedrooms and bathroom to the first floor. There is also a large rear garden.
- 8.7 Bedroom one measures 16.39 sq metres  
Bedroom two measure 13.44 sq metres to the alcove for the wardrobe  
Bedroom three measures 11.84 sq metres to the alcove for the wardrobe  
Bedroom four measures 9.66 sq metres excluding the built-in wardrobe.
- 8.8 Bedrooms one to three all meet the minimum space standards for a double bedroom as established in the Nationally Described Space Standards provided by the Department for Communities and Local Government which states that a double bedroom should have a floor area measuring at least 11.5m<sup>2</sup>.
- 8.9 Bedroom four meets the minimum space standard for a single bedroom. The Nationally Described Space Standards states that a single bedroom should have a floor area measuring at least 7.5m<sup>2</sup>. Bedroom four meets this requirement and also has a built in wardrobe.
- 8.10 The bedrooms are therefore all considered to be of adequate size with good circulation space and levels of natural light and outlook.
- 8.11 However, the maximum occupancy for this property will be restricted to a maximum of four individuals as the communal lounge/dining room measuring 9m<sup>2</sup> would not provide sufficient communal space to provide an acceptable standard of living accommodation for more than four occupants.
- 8.12 The lounge/diner for a HMO is expected to be of a size where all occupants can sit and relax together comfortably, and sit around a table to eat. It was noted on site that the lounge/diner currently has a sofa, TV and dining table installed, although it is a little cramped. However, the bedrooms are of a sufficient size to provide the standard furniture that would be expected as well as good circulation space; there is one bathroom per two occupants; a separate kitchen and utility room; and a large rear garden. These additional communal spaces are considered sufficient to outweigh the smaller lounge/diner.

**8.13 Impact on Amenity:**

The occupancy will be restricted to 4 unrelated persons residing within the property. It is therefore not considered that any increased impact to adjoining occupiers in regards to noise and disturbance would be of a magnitude which would warrant the refusal of planning permission.

8.14 The overall percentage of HMO's within a 50m radius is 3.03% which is within the 10% limit specified within policy CP21. As such, the cumulative impact of the proposed HMO on the area is not considered to cause harm to local amenity.

**8.15 Transport:**

The proposed change of use would not result in a significant increase in on-street parking pressure or uplift in trip generation. Secure, covered cycle parking shall be secured by condition.

**9. EQUALITIES**

9.1 None identified

