

<b><u>No:</u></b>	<b>BH2017/02434</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>110 Auckland Drive Brighton BN2 4JG</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 existing side extension and creation of cycle storage.</b>		
<b><u>Officer:</u></b>	Charlotte Bush, 292193	tel: <b><u>Valid Date:</u></b>	17.07.2017
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	11.09.2017
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	15.11.2017
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall Road
<b><u>Applicant:</u></b>	Ms George Birtwell Brighton BN1 5PD	C/o Lewis & Co Planning	2 Port Hall Road

## 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>
Location Plan	01		17 July 2017
Block Plan	COU.01		17 July 2017
Floor plans/elevations/sect proposed	COU.01		17 July 2017
Soundproofing scheme			17 July 2017

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, further 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 submitted details should include the method for

supporting the cycles, the base, material of the store, how the store is secured, the dimensions, lighting, the area around the store and the path leading to and from the store. 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 kitchen/dining/lounge areas as detailed on plan COU.01 received on the 17/07/2017 shall be retained as communal space at all times and shall not be used as a bedroom.

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

- 5 No extension, enlargement, alteration or provision within the curtilage 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 relates to a two-storey semi-detached dwelling house on the southern side of Auckland Drive. The property has front, side and rear gardens and backs onto fields.
- 2.2 The proposed scheme is to convert the existing three bedroom dwelling house in C3 use to a 6 bedroom small house in multiple occupation (HMO) in C4 use class.
- 2.3 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 HMO.

### **3. RELEVANT HISTORY**

3.1 None Relevant

### **4. REPRESENTATIONS**

4.1 Twenty nine (29) letters have been received, objecting to the proposed development for the following reasons:

- This area is already over populated with HMOS.
- The community is already eroding
- The GP practice has closed
- The local nursery has closed
- School are undersubscribed and may have to close
- Student and shared houses often become home to partners, friends and others effectively doubling the occupation of a property with extra demands on sewerage, water, and other services.
- Loss of privacy and increased noise and disturbance..
- The rooms measure 8.5sq m with single beds but no chairs and limited circulation space.
- The open plan kitchen/diner/lounge does little to alleviate over use of the dwelling. The GIA is under 100 sq m which by the London Housing Design guide is the minimum for a 5 person 2 storey house. A 6 person house would require 107 sqm GIA as a minimum (Mayor of London, London Housing Design Guide).
- The proposal is for a complete internal reconfiguration with removal of internal walls, stair case and chimney breasts are of concern to the adjoining property.
- No reference is made to fire stopping or protection to the party wall extension into the attic this is a cause for concern for the health and safety the adjoining property.
- No mention is made of late night foot traffic and disturbance to neighbours, let alone the major disruption, noise and inconvenience of work being undertaken in the other half of a semi-detached property.
- Parking is on-street and provision in new design calls for 2 car spaces per 6-person house.
- The loading on electrical installations will be significant with 6 rooms having computing/games/television etc being run concurrently.
- Access to the property is compromised.
- Further reduction of housing stock for families.
- Students are transient and do not look after their local environment or build community spirit.
- Students should be located in purpose built accommodation and homes in Bevendean should be saved for families.
- Increased rubbish
- Increased noise
- These properties were built as family dwellings and should be retained as such.
- This needs to remain a family orientated estate
- Anti-social behaviour from students

- Increased pressure on parking, ambulances etc. have trouble getting through. The property is not near a bus route so the occupants will likely have cars
- The property is being extended to facilitate the change of use
- Overgrown gardens and litter
- There is enough student accommodation along Lewes Road
- By granting this you would be going directly against what is outlined in the current city plan: (Healthy and Balanced Communities 2.5) In the city by 2030 we aim: 'To have helped to create more sustainable communities - by ensuring a mix of accessible and affordable new housing types and tenures in suitable locations, including family homes, which offer a good range of community facilities and with good access to jobs, key services and infrastructure thereby reducing the need to travel, and so build strong communities that get involved in influencing decisions.' You are creating an unbalanced housing estate by granting excessive HMOs and losing much needed family homes.

4.2 **Councillor Daniel Yates** objects to the application, a copy of the letter is attached to the report.

## 5. CONSULTATIONS

5.1 **Housing:** No comment

5.2 **Planning Policy:** No comment

5.3 **Sustainable Transport:** No objection

There will be a small increase in at least pedestrian trip generation associated with the site but this is not to an extent to refuse the application.

5.4 The applicant has offered to install a cycle store for 4 cycle parking spaces at the front of the site which meets the minimum requirements, but further details are required.

5.5 The site is outside of a controlled parking zone so there is free on-street parking available. There are also free on-street disabled parking bays in the vicinity of the site.

5.6 For this development of 6 bedrooms the maximum car parking standard is 2 spaces when rounded up (0.25 spaces per bedroom). Further details are required to assess the likely parking demand associated with the proposed development.

## 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, 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
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP14 Housing density
- CP19 Housing mix
- CP21 Student housing and Housing in Multiple Occupation

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD27 Protection of amenity

#### Supplementary Planning Documents:

- SPD14 Parking Standards

## 8. **CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the impact of the proposed extension on the design and character of existing property, 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 6 bedspaces) who share basic amenities including a kitchen and bathrooms.

- 8.3 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:
- 8.4 '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 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.'
- 8.5 A mapping exercise has taken place which indicates that there are 16 neighbouring properties within a 50m radius of the application property. None of these neighbouring properties have been identified as being in HMO use within the 50m radius.
- 8.6 The percentage of neighbouring properties in HMO use within the radius area is thus 0%, and as such the principle is accepted.
- 8.7 **Design and Appearance:**  
There is an existing utility / storeroom linked to the main dwellinghouse which would be converted into the kitchen. It is not clear whether this side projection is an extension or part of the original building. However, it has been in situ prior to 2012 and is therefore exempt from planning enforcement.
- 8.8 In order to facilitate the change of this utility room into a kitchen, the existing door to the utility area would be replaced by a horizontal window with surrounding brickwork to match the original.
- 8.9 This is not considered to cause harm to the character and appearance of the building, or the wider streetscene. No further external alterations are proposed.
- 8.10 Standard of accommodation:  
Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers. Accommodation should therefore provide suitable circulation space within bedrooms once the standard furniture for an adult has been installed (such as a bed, wardrobe and desk), as well as good access to natural light and air in each bedroom. The communal facilities should be of a sufficient size to allow unrelated adults to independently cook their meals at the same time, sit around a dining room table together, and have sufficient space and seating to relax in the communal lounge.
- 8.11 The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan and relate to new build developments, they provide a useful guideline on

acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m<sup>2</sup>, and a double bedroom should measure at least 11.5m<sup>2</sup>.

- 8.12 The proposed layout would comprise a kitchen and open plan lounge/diner, shower room and two single bedrooms on the ground floor; and four single bedrooms and a shower room on the first floor.
- 8.13 The kitchen/lounge/diner would measure over 25m<sup>2</sup> and is considered to provide sufficient communal space for a maximum of 6 individuals. The kitchen area does provide the main access route to the rear garden. However, the most direct route would be along a blank wall without any cupboards and away from all kitchen equipment, and would therefore not unduly disturb anyone cooking or preparing food. All of the proposed bedrooms measure over 7.5m<sup>2</sup> and are considered to provide sufficient space and access to natural light and air as single occupancy rooms. There are also side and rear gardens providing further amenity space in the warmer weather.
- 8.14 The proposed standard of accommodation is therefore considered acceptable and offers future occupants a reasonable standard of living accommodation, in accordance with policy QD27 of the Brighton and Hove Local Plan.
- 8.15 **Impact on Amenity:**
- 8.16 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 The existing three bed property could be occupied by 4 or 5 family members within the existing use class. The occupancy will be restricted to 6 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.
- 8.18 The applicant is also proposing to install sound insulation to reduce the impact on the adjoining property. However this is not considered necessary to secure by conditions. Concerns have been raised about fire safety and structural safety, which are not material planning matters. However, this would be assessed under building regulations.
- 8.19 The overall percentage of HMO's within a 50m radius is 0% 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.
- 8.20 **Sustainable Transport:**  
No off street parking is offered for this development. Two parking spaces would be the maximum number of spaces for this development. The Sustainable

Transport Team has requested an assessment of the likely demand for parking. This is considered excessive and unduly onerous for a development of this small scale.

- 8.21 Secure cycle storage facilities are proposed but further details are required regarding the method for supporting and securing the cycles within the store and any other matters necessary to satisfy the highway authority requirements; these details will be secured by condition.
- 8.22 The proposed scheme is not considered to result in any significant increase in pedestrian or vehicle trip generation.

## **9. EQUALITIES**

- 9.1 None identified