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## Appeal Decision

Site visit made on 17 April 2018

by **S J Buckingham BA (Hons) DipTP MSc MRTPI FSA**

an Inspector appointed by the Secretary of State

Decision date: 6<sup>th</sup> June 2018

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**Appeal Ref: APP/Q1445/W/17/3191022**

**29 Southampton Street, Brighton, East Sussex BN2 9UT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr P Conrad against the decision of Brighton & Hove City Council.
  - The application Ref BH2017/00749, dated 2 March 2017, was refused by notice dated 21 September 2017.
  - The development proposed is change of use from 4 bedroom single dwelling (C3) to a 5 bedroom small house in multiple occupation (C4).
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. As it is clearer, I have followed the description of development given by the Council in its decision.

### Main Issues

3. The main issues are:-
  - whether the development would be appropriate in respect of development plan policies relating to residential balance in the area; and
  - the effect of the development on the living conditions of future occupiers with respect to living space, outlook and light.

### Reasons

#### *Residential Balance*

4. The appeal building is a house of two storeys plus basement, located within a predominantly residential area consisting of terraces of similar buildings. The appeal proposal for its conversion from a four bedroom, single dwelling to a C4 Small House in Multiple Occupation (HMO) with five bedrooms. The physical alterations to accommodate this change have already been carried out.
  5. Policy CP21 of the Brighton and Hove City Plan Part One 2016 (the CP) seeks to support balanced communities and ensure that a range of housing needs are accommodated throughout the city by restricting changes of use of dwellings to C4 use where more than 10% of dwellings within a 50 metre radius of the site are already in use for C4 or any other kind of HMO use. The Council has
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indicated that there are already 15.79% of such properties within the relevant area for the appeal site.

6. The development would therefore fail to comply with this policy. By failing to support a mixed and balanced community, the development would also conflict with policy QD27 of the Brighton and Hove Local Plan 2005 (the LP), which seeks to restrict development which would cause material nuisance to existing residents or occupiers.

#### *Living Conditions*

7. The bedroom provided at basement level would receive light and outlook from a small section of the window, which faces on to a narrow light well. Although at the time of my inspection of the property, due to the south-east facing orientation of the window, the light levels to the room were relatively good, the outlook from that window was limited to the inner face of the lightwell at close quarters, and was therefore very poor.
8. The conversion would create a small kitchen space in the rear extension, which would be sufficiently large for one or two people to use at one time for food preparation, but has nowhere to sit to eat. As there would be at least five occupants of the HMO, this would be insufficient.
9. A small communal living space would also be provided, which has doors in three of its walls and a fireplace in the fourth, thus restricting possibilities for furniture. While I noted a small sofa and armchair had been placed in this room, it was also clear that to achieve this required some of the doors to be propped open. As a result, I conclude that this area would not provide adequate, useable communal floorspace for future occupiers, largely restricting them to their rooms, which, while reasonably sized, would provide a confined environment for day to day living.
10. While the premises may have been given a licence by the licensing authority department of the Council, this is a separate regulatory system, and does not alter my conclusion that in planning terms the basement level bedroom and communal areas would provide a poor standard of accommodation, which would be harmful to the living conditions of future occupiers.
11. The development would therefore conflict with policy QD27 of the LP, which seeks to restrict development which would cause material loss of amenity to the proposed occupiers.

#### **Conclusion**

12. While the appellant has pointed out the numbers of homeless people sleeping in the City and the need for the kind of accommodation the development would provide, the starting point for decision making must be the development plan. No material considerations have been put to me which would convincingly outweigh the harm and resulting conflict with the development plan which I have identified, and I therefore conclude that the appeal should be dismissed.

*S J Buckingham*

INSPECTOR