

<u>No:</u>	BH2020/01986	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	22 Crescent Road Brighton BN2 3RP		
<u>Proposal:</u>	Change of use from single dwelling (C3) to four bedroom small house in multiple occupation (C4). (Revised drawing and description).		
<u>Officer:</u>	Sven Rufus, tel: 292454	<u>Valid Date:</u>	07.08.2020
<u>Con Area:</u>	Round Hill	<u>Expiry Date:</u>	02.10.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Chris Townsend C/O Lewis And 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
Proposed Drawing	2134 02	D	16 October 2020

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. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

4. The kitchen and living/dining room and storage area as detailed on the approved plans 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.

5. The hereby approved development shall only be occupied by a maximum of four (4) 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 site is a maisonette (set over the first and second floors) of a historic terraced property on the west side of Crescent Road within the Round Hill conservation area.
- 2.2. Planning permission is sought to change the use class of the property from (C3) dwellinghouse to (C4) small house in multiple occupation (HMO) including the erection of a privacy screen around the roof terrace on the second floor.
- 2.3. No site visit was carried out for this application, but it was possible to make use of photographs taken for the previous application under BH2019/01986, as well as using streetview and aerial views of the site.

3. RELEVANT HISTORY

- 3.1. **ENF2020/00223:** Enforcement - Building works ongoing following a refusal for an HMO (Case Closed - No Breach 9/7/20)
- 3.2. **ENF2019/00518:** Enforcement - Change of Use, HMO and possible roof terrace without planning permission (Case Closed - No Breach 21/1/20)
- 3.3. **BH2019/01986:** Change of use from single dwellinghouse (C3) to 5no bedroom small house in multiple occupation (C4). (Refused 12/11/19)
- 3.4. **88/1685/F:** Alterations and change of use to convert existing dwellinghouse into two self-contained flats including the installation of front velux windows, rear roof extension and rear roof terrace over existing two-storey rear extension. (Approved 31/8/89)

4. REPRESENTATIONS

- 4.1. **Fifty-five (55)** letters were received from neighbours, objecting to the proposed development for the following reasons:
- Impact of noise from HMOs on neighbourhood
 - No need for more HMOs due to other student housing being developed in the area
 - Need more family housing in the city
 - Rooftop terrace would cause additional noise
 - Overlooking from roof terrace
 - Impact on character of conservation area
 - Changes to plans not enough to overcome reason for refusal of previous application
 - Impact on traffic and parking
 - Anti-social behaviour, from noise, littering, and drugs
 - Impact on local facilities e.g. schools
 - Screening of the terrace will not prevent noise
- 4.2. Following amendments made to the plans as originally submitted, the application details were re-advertised and neighbours given another opportunity to comment. From this round of consultation, an additional **ten (10)** letters of objection were received from neighbours. No additional matters were raised, and the amendments were considered to have no impact on the reasons for objection already given by these respondents during the first round of consultation.
- 4.3. **Councillor West** objected to the application on the following grounds:
- The proposal is not materially different to the previous scheme
 - If granted, the number of HMOs would be higher than permitted by policy
 - Impact on noise and disturbance
 - Loss of privacy
- 4.4. A copy of the objection is attached to this report.

5. CONSULTATIONS

- 5.1. **Housing:**
Comment
First floor front bedroom is an inner room so a mist system should be installed in the high-risk kitchen area.
- 5.2. **Planning Policy:**
No Comment
- 5.3. **Sustainable Transport:**
Comment

Car free condition will be required as the site is in CPZ J with 89% uptake from last 12 months available data. Trips unlikely to be significantly greater. Site constrained so no cycle parking.

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);
 - Shoreham Harbour JAAP (adopted October 2019).
- 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 Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation, which finished on 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP15	Heritage
CP21	Student housing and Housing in Multiple Occupation

Brighton and Hove Local Plan (retained policies March 2016):

TR7	Safe Development
TR14	Cycle access and parking
QD27	Protection of amenity

HE6 Development within or affecting the setting of conservation areas

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 development, the impact of the change of use on the host building and wider Round Hill conservation area, the standard of accommodation for future occupants, as well as the impact on the amenities of local residents.

8.2. An amendment to the plans as submitted with the application was agreed during consideration of this application. Those amendments included the removal of screening around the roof terrace on the second floor, and an internal amendment to the room layout on the first floor resulting in an increased floor area for one of the bedrooms. As these changes included an external alteration, the proposed scheme was re-advertised to neighbours.

Principle of Development:

8.3. Policy CP21 of the City Plan Part One seeks to ensure that mixed and balanced communities are retained, and that a range of housing needs can be provided throughout the city. Changes of use to a house in multiple occupation - whether that be a small HMO (C4) or large HMO (Sui Generis) - will only be permitted where the number of residential properties in use as HMOs within 50m of the application site makes up less than 10% of the total number of residential units.

8.4. A mapping survey of the surrounding area (independent of that submitted as part of the application) has been carried out and eighty-three separate properties (excluding the application site) have been noted within 50m of the application site. Six authorised HMOs currently exist within this group - one on Belton Road and five on Crescent Road. This represents 7.1% of the total properties within 50m of the application site. The principle of the change of use is, therefore, acceptable, and a balanced mix of dwellings would still exist within the immediate area.

8.5. It is noted that purpose-built student accommodation has been constructed, or is under construction, in the area, that could curtail the need for additional dwellinghouses to be converted. However, it should be considered that HMOs are not occupied exclusively by students and such accommodation can also be occupied by young professionals, therefore the principle of the change of use is not rendered unacceptable by the creation of student accommodation elsewhere.

Design and Appearance:

8.6. The application originally proposed a privacy screen around the roof terrace at the rear of the second-floor bedroom. This was included as a response to concerns raised by members of the planning committee during consideration of

the previous application that a high-level roof terrace might result in harmful overlooking towards neighbouring buildings.

- 8.7. While these concerns were raised, this issue did not form part of the reason for refusal. Furthermore, the presence of the roof terrace is an existing authorised feature and is accessible only through one of the private bedrooms.
- 8.8. It is considered that the impact on the appearance of the building by adding an additional 1.8m screen at that height on the rear of the building, although it would be of limited visibility to the wider area, would nevertheless detrimentally affect the appearance of the building and would also be of a particular concern to the wider character and appearance of the Round Hill Conservation Area.
- 8.9. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 8.10. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given “considerable importance and weight”.
- 8.11. For the reasons outlined it was considered that the harm resulting from the inclusion of screening outweighed the benefits of increased privacy, and the plans were amended to reflect the removal of the proposed screen.
- 8.12. As a result of the exclusion of the screening there are no external alterations proposed for this application and so the change of use itself has no impact on the conservation area.

Impact on Amenity:

- 8.13. 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.
- 8.14. The previous application under BH2019/01986, for a 5 person HMO, was refused due to concerns regarding the increased noise and disturbance to neighbouring occupiers as a result of the intensification of use of the property. The current application now proposes four occupants. The existing property has four bedrooms and could currently be occupied by a family of four adults or a larger family with smaller children. A HMO with four adults is more commensurate with the existing potential levels of occupation/usage and accordingly it is considered that the potential level of harm that was perceived to result from a larger HMO has been overcome.
- 8.15. In addition, given the number of HMOs within a 50m radius is within policy stipulations, it is considered that the impact of this use would not have a disproportionate or adverse impact upon the on the wider amenity of the street.

- 8.16. For the reasons discussed above, no screening is proposed to the existing roof terrace which was granted permission in 1988 (application reference 88/1685/F). The additional height that the screen added to the building would have resulted in loss of light and loss of outlook from nearby windows serving the kitchen and one of the bedrooms within the application address, which would adversely impact on the standard of accommodation, and this harm to amenity is considered to outweigh any existing overlooking from the authorised terrace.

Standard of Accommodation:

- 8.17. 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, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m². The minimum floor space requires a head height of above 1.5m.
- 8.18. The current application retains the floorplan from the previous refused application but differs from it by reducing the number of bedrooms from five to four, by relocating the kitchen to a space formerly occupied by a bedroom on the first floor, with an associated increase in the amount of communal space. This also enables the floor area of the bedroom in the second floor roofspace to be increased and the area formerly identified as a 'study' to become a storage area. The second floor bedroom includes private access to the rear roof terrace. The bedrooms on the first floor all exceed 7.5msq and are suitable for occupation by one person. The second floor bedroom would be 15.7msq.
- 8.19. The layout and standard of accommodation was considered acceptable in the previous application and did not form part of the reason for refusal. Given that one fewer occupant is now proposed, it is considered that the space provided by the bedrooms and the degree of communal space available for use by up to four occupants is considered to provide a suitable standard of accommodation.

Sustainable Transport:

- 8.20. The proposed change of use is not considered by the Highway Authority likely to result in a significant increase in trip generation. It is also noted that the site is constrained and there is no space for cycle storage that might otherwise have been required for a development of this sort and so will not be requested on this occasion.
- 8.21. Although the Highway Authority note that the change of use is unlikely to result in a significant increase in trip generation, they have sought to remove the existing rights of the property to a parking permit.
- 8.22. Given that the existing property could be occupied by four adults at present and the occupants are entitled to parking permits, there is no reasonable basis on

this occasion to require the current property to relinquish its existing rights or require a parking survey as there is unlikely to be a significant increase in trip generation.

9. EQUALITIES
None identified.