

<u>No:</u>	BH2021/00779	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1 Falmer Gardens Brighton BN2 6NE		
<u>Proposal:</u>	Change of use from a 5 bedroom single residential dwellinghouse (C3) to 5no bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Sven Rufus, tel: 292454	<u>Valid Date:</u>	03.03.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	28.04.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	05.05.2021
Agent:	SDR Designs 14 Batemans Road	Woodingdean Brighton BN2 6RD	
Applicant:	Mr Colin Drewitt Barlow 1 Falmer Gardens	Woodingdean Brighton BN2 6NE	

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	01	B	6 May 2021

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 areas marked as 'Kitchen/Dining area' and 'Living room' as detailed on drawing 01 B received 6th May 2021 shall be retained as such at all times and shall not be used as bedrooms at any time.

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

4. The small HMO (C4) hereby approved shall only be occupied by a maximum of five (5) persons.

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

5. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 and SPD14: Parking Standards.

6. The HMO hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling 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.

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

- 2.1. The application site is a detached corner property, originally a bungalow, now converted with roof extensions.

3. RELEVANT HISTORY

- 3.1. BH2020/02342: Change of use from single residential dwellinghouse (C3) to 6no bedroom small house in multiple occupation (C4). (Refused 21/12/20)
Reason for refusal: The proposed layout would provide a poor standard of accommodation due to insufficient proposed provision of space in the communal area for use by up to six people sharing and is considered to be unsuitable in this property. The development therefore fails to provide an acceptable standard of accommodation for future occupiers, contrary to policy QD27 of the Brighton and Hove Local Plan.
- 3.2. BH2019/03393: Demolition of existing single garage and erection of 1no detached single storey plus basement dwellinghouse (C3). Landscaping including car parking spaces, vehicle crossover, patio and cycle storage. (Approved 3/2/20)

- 3.3. BH2018/01088 : Erection of single storey side and rear extensions, infill extension to the front and roof alterations to include rear dormer and rooflights to the front elevation. (Approved 27/6/18)
- 3.4. 53/1168: Erection of 105 Bungalows (Approved 13/10/53)
Permitted development rights were not restricted by planning condition at the time this permission was granted.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks to change the use of the property from a C3 dwellinghouse to a five bedroom C4 House in Multiple Occupation. The current proposal differs from the application as originally submitted which sought permission to change the use of the property to a six bedroom house, but this was amended during consideration of the proposal with the loss of one bedroom to provide an increase in communal space.
- 4.2. No site visit was carried out specifically for this application. However sites visits have been carried out to the property for previous applications and this is not considered to have impacted on the ability to determine the current application.

5. REPRESENTATIONS

- 5.1. **Fourteen (14) letters** have been received from neighbours objecting to the proposed development for the following reasons:
- Impact on parking
 - Impact on pedestrians
 - Impact on local services
 - Blocking emergency vehicles
 - Overdevelopment
 - Overcrowded accommodation
 - Out of character with the area.
 - Impacts of noise from HMO
 - Loss of family home

6. CONSULTATIONS

- 6.1. **Housing:**
No comment required
- 6.2. **Planning Policy:**
No comment required
- 6.3. **Sustainable Transport:** verbal comment provided
No objection
There may be an increase in trips associated with the change of use however unlikely to be significant enough to warrant a refusal. No parking is proposed,

however there appears to be adequate space on highway if there is overspill. three cycle parking spaces will be required, secured by condition. Ideally there would be level access from the side gate to a rear cycle storage - covered and secured.

7. MATERIAL CONSIDERATIONS

7.1. 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

7.2. 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).

7.3. 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.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
CP10	Biodiversity
CP14	Housing density
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

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

TR14	Cycle access and parking
SU10	Noise Nuisance
QD14	Extensions and alterations
QD27	Protection of amenity

Brighton & Hove City Plan Part Two (Proposed Submission October 2020):

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. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM7	Houses in Multiple Occupation (HMOs)
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD14 Parking Standards

9. **CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of the proposed change of use, the standard of accommodation provided, impact on amenity for neighbours and transport considerations.

Principle of Development:

- 9.2. 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 (Suit 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.
- 9.3. Following the earlier refusal, an up to date mapping survey of the surrounding area (independent of that submitted as part of the application) has been carried out and twenty one separate properties have been noted within 50m of the application site. No authorised HMOs currently exist within this group, representing 0% 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 local area.
- 9.4. Based upon the existing percentage of neighbouring properties in HMO use, which is not greater than 10%, the proposal to change of use to a five bed house in multiple occupation would not be in conflict with the aims of policy CP21.

Standard of Accommodation:

- 9.5. 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.

- 9.6. As set out earlier, the application as originally submitted proposed to change the use of the property to a C4 House in Multiple occupation with six bedrooms. As with the previous refused application, it was considered that this would leave insufficient communal space for the proposed maximum occupancy, and as such the proposal was not suitable to recommend approval. Following discussion with the applicant during which several options were explored, an amended proposal to remove one of the bedrooms, located next to the kitchen/dining area, from use by an individual occupant and instead utilise that space as an additional communal area changed the balance such that the increase communal space is now considered sufficient and of suitable layout for the use by five unrelated individuals.
- 9.7. The revised layout has 5 bedrooms, two ensuite rooms on the first floor, and three rooms on the ground floor (one ensuite). The bedrooms shown all exceed 7.5msq, and so are all suitable for single occupancy. While some of the rooms exceed the minimum to be considered suitable for double occupancy, as the application is now for a maximum of five unrelated people, this limit will be secured by condition and the larger rooms would not consequently result in an increased occupancy. The proposed bedrooms indicated are considered to be suitable for occupation by up to five people.
- 9.8. The separate bathroom and toilet on the ground floor provide communal facilities in addition to the ensuite rooms, and meets the standards required for the potential occupancy levels.
- 9.9. The amended layout of the communal space on the ground floor provides a combined kitchen dining area, with a separate living room. The kitchen/diner would provide 18.2msq of usable space, with a small additional area by the door and understairs that could provide a small degree of additional storage. The living room would provide an additional 9.75msq of space, giving a total of almost 28msq for use by five unrelated people. All main living areas and the remaining bedrooms would provide adequate natural light and good outlook, with room to circulate once furnished with typical furniture. It is considered that the degree of communal space, the layout, size and condition of the rooms would be sufficient and would provide a satisfactory standard of accommodation.

Design and Appearance:

- 9.10. While there have been recent alterations to the property as set out in the planning history for the site, these were carried out separately from the current proposal and have been in situ for a period of time that is sufficient to not be considered as part and parcel of this application. There are no other alterations to the exterior of this property proposed.

Impact on Amenity:

- 9.11. 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.

- 9.12. This application is not located in an area that currently has above 10% of properties within 50m of the application site being HMO's. While any additional HMO's have the potential for creating or increasing the cumulative impact of such properties and the harm to amenity with which they are often associated, in this instance the existing numbers of HMO's in the area do not give cause to refuse the application on the grounds of potential amenity impact.

Sustainable Transport:

- 9.13. There is no proposed off-street parking for this application but there are no restrictions for on street parking in the area around the property. A large number of objections have been received highlighting the difficulty of on street parking in the area of the application site. However, the Highway Authority considers that there is the capacity in the local area to accommodate any vehicles associated with the proposed change of use and as such, the potential impact of additional parking arising from this proposal does not warrant refusal.
- 9.14. Following the refusal given under BH2020/02342, complaints were submitted to the Local Planning Authority to the effect that notwithstanding the refusal, the comments of the Highway Authority did not reflect the reality of the parking situation in the area. In considering this application, and in light of the previous correspondence on the issues, the Highway Authority was made aware of the complaints but maintained its position that the surrounding area has the capacity to absorb parking arising from the development.
- 9.15. The proposed layout indicates that there would be four cycle parking spaces provided in the back garden. This exceeds the minimum of three and is considered acceptable. Full details of the arrangement have not been made available at this stage, and this will be secured by condition.

- 10. EQUALITIES**
None identified

