

<u>No:</u>	BH2021/00174	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	7 Seafield Road Hove BN3 2TN		
<u>Proposal:</u>	Installation of 2no rear dormers, 3no front rooflights and 1no rear rooflight to provide additional accommodation and regularisation of existing Sui Generis HMO (12 persons) (part retrospective)		
<u>Officer:</u>	Matthew Gest, tel: 292525	<u>Valid Date:</u>	19.01.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	16.03.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	ADC Ltd 72A Beaconsfield Road Brighton BN1 6DD		
Applicant:	Mr C Hartfield 32 Tongdean Avenue Hove BN3 6TN		

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
Location and block plan	ADC1063/LP		19 January 2021
Proposed Drawing	ADC1063/07 A		19 January 2021
Proposed Drawing	ADC1063/08		19 January 2021
Proposed Drawing	ADC1063/09		19 January 2021
Proposed Drawing	ADC1063/10		19 January 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 hereby approved development shall only be occupied by a maximum of twelve (12) persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan and DM20 of the emerging Brighton and Hove City Plan Part Two.

4. The two rooms described as 'kitchen' as detailed on lower ground floor level on the approved plans shall be retained as communal amenity space at all times and shall not be used as one or more bedrooms.

Reason: To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan and DM20 of the emerging Brighton and Hove City Plan Part Two.

5. The external finishes of the works hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure the satisfactory preservation of the building and to comply with policy HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and DM26 of the emerging Brighton and Hove City Plan Part Two..

6. The rooflight(s) hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and DM26 of the emerging Brighton and Hove City Plan Part Two.

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 comprises a two-storey over basement terraced property located on the south-eastern side of Seafield Road within the Cliftonville Conservation Area.
- 2.2. The street is residential, with a varied architectural form including twentieth century infill development on the western side of the road, and a number of large front dormers on adjacent properties.
- 2.3. The property is in existing use as a House in Multiple Occupation (HMO) with nine letting rooms using shared facilities, as well as a self-contained unit at lower ground floor level. The property has an HMO license for ten households /twelve occupants meaning that under existing licencing arrangements, two of the existing letting rooms could be used for double occupancy.

3. APPLICATION DESCRIPTION

- 3.1. Planning permission is sought for two dormer windows and a rooflight on the rear elevation, and three rooflights on the front roof slope. These alterations would facilitate the provision of two additional letting rooms on the second floor

along with a shower room, increasing the number of letting rooms (including the self-contained bed sit) from ten rooms to twelve.

4. RELEVANT HISTORY

- 4.1. **BH2011/03760** Certificate of Lawfulness for proposed internal alterations to 7 non self-contained units to create 4 self-contained units at ground and first floor level. Internal alterations at lower ground floor level to create 2 self-contained units. Approved 21.5.2012 for the following reason:
The proposed alterations affect only the interior and do not materially affect the external appearance of the building; the self-containment, and reduction in the number of units on the site, does not constitute a material change of use. The proposal does not constitute development as outlined by Section 55 of the Town and Country Planning Act 1990, as amended.
- 4.2. It is understood that this permission was not implemented, and consent has subsequently expired.
- 4.3. **BH2011/03759** Loft conversion to form two bedroom flat incorporating front and rear dormers. Realignment of windows of ground and first floor to rear. Refused for the following reasons:
The front dormer by reason of its size, bulk and detailing would fail to respect the character and proportions of the existing building and would harmfully erode the prevailing character and appearance of the Cliftonville Conservation Area. The proposal is thereby contrary to policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan, and to the provisions of Supplementary Planning Guidance Note 1, roof alterations and extensions, and Supplementary Planning Document 09, Architectural Features.
The development fails to provide secure cycle parking facilities for future occupants of the proposed residential unit. In the absence of such provision, or of a mechanism to provide alternative off-site provision, the proposal is contrary to policy TR14 of the Brighton & Hove Local Plan.
- 4.4. **BH2000/01108/FP** Proposed room in roof with front and rear dormers. Approved (09/08/2000).
This consent was not implemented

5. CONSULTATIONS

- 5.1. **Heritage** No objection
The proposed development comprising 3no rooflights to the front elevation plus 2no dormer windows with rooflight to the rear have been carefully designed to the proportion, placement and form of traditional dormer windows and as such are considered to preserve the aesthetic value of the rear elevation.
- 5.2. The proposed rooflights are diminutive in size and as such are not considered to detract from the aesthetic qualities of no 7 Seafield Road or the contribution it makes to the special character of the area.

5.3. **Planning Policy** Comments not required

5.4. **Private sector housing** No comments

6. REPRESENTATIONS

6.1. **Eight (8)** letters have been received objecting to the application for the following reasons

- *overdevelopment*
- *poor design*
- *loss of privacy and overlooking*
- *poor standard of new accommodation*
- *property would be densely occupied with a lack of facilities*
- *too many large HMOs in the area*
- *loss of amenity for neighbouring occupiers*
- *excess noise*
- *light pollution*

6.2. **One (1)** letter of representation has been received supporting the application for the following reasons:

- *Property provides needed accommodation.*
- *Supportive of an increase in capacity.*

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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP15	Heritage
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

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

QD14	Extensions and Alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of Conservation Areas
TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance

Brighton & Hove City Plan Part Two

Policies in this Plan 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. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM1	Housing Quality Choice and Mix
DM5	Supported accommodation (specialist or Vulnerable Needs)
DM7	Houses in Multiple Occupation (HMOs)
DM18	High Quality Design and Places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservations Areas
DM36	Parking and Servicing

Supplementary Planning Documents:

SPD12	Extensions and Alterations
SP09	Architectural Features

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The determining issues relate to the design and appearance of the proposed roof extensions and the impact on amenity. Issues relating to the use and capacity of the property are also relevant.
- 9.2. When considering whether to grant planning permission for development in a conservation area and which affects a listed building or its setting the council

has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, the building or its setting or any features of special architectural or historic interest which it possesses. 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".

Principle of Development:

History and use of the site

- 9.3. The planning history records for the property indicate that the HMO use has been established for many years. Licence information held by the Council indicates licences for 9 persons prior to 2009 and an existing licence for 10 bedroom/12 person occupancy granted in 2020. In 2011, when assessing an application to self-contain the accommodation in property, there was an acknowledgement that in planning terms the Sui Generis HMO was the established use. Although consent was subsequently granted at this time to self-contain the property, this work has not been implemented and the consent to self-contain has subsequently lapsed.
- 9.4. The HMO has a current licence for 12 occupants. Currently there are 10 letting rooms including the self-contained flat at lower ground floor level. Two of the existing rooms could be double-occupancy under the current HMO license, but is unclear how often this double occupancy occurs. The applicant has stated that it is not the intention of this application to increase the existing capacity at the site as a result of this application. The applicant states it is their intention that the current double occupancy rooms would be turned to single occupancy. However, converting the existing roof space would nonetheless potentially physically increase the site capacity.
- 9.5. Whilst it is clear that the property has been in use as large HMO (sui generis) with 9 person occupancy for over ten years it does appear that at some stage since 2014 (the last occasion planning had investigated the use of the site) the lower ground floor self-contained unit has been amalgamated into the HMO use above, resulting in the 10 bedroom (12 person) occupancy. Given that an approval would grant consent for a technical increase in the number of rooms provided and regularise the current situation, it is necessary to also consider the principle of development.
- 9.6. An assessment has been made in accordance with Policy CP21 which found that the existing percentage of HMOs within a 50m radius of the application site was 3% (4 of 134 properties) which is less than the 10% threshold identified within the policy. The principle of the increase in occupants within the HMO to a 10 bedroom/12 person is therefore acceptable subject to other material considerations.

Standard of accommodation

- 9.7. HMO licensing seeks to secure minimum standards of accommodation fit for human habitation such as fire safety standards and access to basic facilities such as a kitchen, bathroom and toilet. As noted above, the current HMO licence is for 12 people. The Local Planning Authority's development plan has a wider

remit to secure a good quality of accommodation which would ensure a good standard of amenity for future occupiers.

- 9.8. Policies CP21 of CPP1 and emerging DM1 and DM7 of CPP2 specifically seek to ensure a good standard of HMO accommodation exists and housing policies refer to the National Described Space Standards (NDSS) for floorspace guidance in order to deliver quality accommodation. It is therefore clear that the remit of the Planning regime allows the Local Planning Authority to consider a wider range of issues and to seek to secure a higher standard of accommodation than the bare minimum fit for human habitation secured by the licencing requirements. With this application before the planning department, there is an opportunity to consider the standard of accommodation of the HMO, albeit with a need to acknowledge the fallback position for the site with regards to the existing lawful use.
- 9.9. The submitted floor plans show that the property is currently arranged as follows:
- Lower ground floor plan: 1 x self- contained studio flat (with private kitchen and bathroom facilities). Communal Kitchen. 3 x letting rooms.
 - Ground floor: 3 x letting rooms and staff room.
 - First floor: 3 x letting rooms and shower room and WC
- 9.10. The proposed floor plans show the lower ground, ground and first and floors would be unchanged albeit with the addition of cycle storage at lower ground floor level.
- Second floor: 2x letting rooms (15.6m² and 16.1m² in floor area) and a shower room.
- 9.11. Although the second-floor bedrooms would have sloping ceilings, outlook would be achieved from the rear dormer windows and the amount of floor space with good head height is adequate. The standard of accommodation in these rooms is broadly acceptable for a single occupant. A useful comparison it is that the minimum size of a single room as set out in the NDSS is 7.5sqm for a single bedroom and while the floor space clearly exceeds this, the limited ceiling height means that floor space overhead height is just over 6.4m² but the area above 1.5m² is over 13m². There are no concerns with the proposal in this respect and on balance the standard of accommodation with regards to the bedrooms is acceptable.
- 9.12. The amount of communal or amenity space being offered is not increasing and the site is currently licensed for 12 occupants using the current arrangements and has been in a similar use and intensity for, demonstrably, many years. The proposal would improve the current standard of accommodation within the property with the additional bedrooms whilst not increasing the occupancy over the existing use. The standard of communal space is therefore, in this case, acceptable.
- 9.13. The proposed plans also show an additional shower room and cycle storage area.

- 9.14. As referred to above, the application does offer the chance to regularise the number of occupants in the property. Given that there is an on-going possibility that some rooms could have double-occupancy, (as seems to be the case historically) and given the small communal space in the property, it is considered a condition relating to the maximum occupancy (12 persons) is required in the event of an approval.

Impact on design and appearance of property and the Heritage Asset

- 9.15. The proposed external development is for 3 rooflights to the front elevation plus 2 dormer windows with rooflight to the rear. The proportion, placement and form of the traditional dormer windows are considered to preserve the aesthetic value of the rear elevation.
- 9.16. The proposed rooflights are small in size and as such are not considered to distract from the aesthetic qualities of 7 Seafield Road or the contribution it makes to the special character of the area. The Heritage Team have not raised an objection to the application.
- 9.17. Planning conditions will be used to ensure that the roof lights are Conservation Style and rainwater goods and pipes are visually appropriate.

Impact on Amenity of Neighbouring occupiers

- 9.18. Representations have been received from neighbouring occupiers regarding a loss of privacy and overlooking from the dormer windows. The windows would provide additional views to the rear from the second floor windows however, given separation distances involved no significant loss of privacy would result. Such relationships are usual for this area of the city and would not be un-neighbourly.
- 9.19. The comments received regarding the use of site, capacity and noise and disturbance have also been considered. As explained above, it is considered that the HMO use is well-established and the property's potential capacity would not be increased beyond that permitted by the current licence.
- 9.20. Nevertheless, it is acknowledged that on occasions HMO uses can generate a level of activity beyond that associated with a large family residing in a property. It is not considered that the proposal would lead to an increase in noise that would be harmful to local amenities, but the council retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.
- 9.21. With the current levels of occupancy and the opportunity to control this through a planning condition, it is not considered that this application presents any significant increases in activity which would impact on neighbouring occupiers. Light pollution is not considered an issue for this property. The development accords with the objectives of policy QD27 of the Brighton and Hove Local Plan and DM20 of City Plan Part 2 which can be given significant weight.

Conclusion

- 9.22. The property has been in HMO use for a long period of time and provides valuable accommodation to meet an identified need. The additional bedrooms provide an acceptable level of accommodation. With the suggested conditions imposed to control the number of residents and the floor plan layout, the standard of accommodation within the property is considered acceptable and the level of activity associated with the property would not significantly increase. The external alterations proposed are acceptable and would preserve the historic character of the building and the wider Conservation Area.
- 9.23. For these reasons the proposal is considered to be in accordance with adopted policies CP9, CP15, CP19 and CP21 of the Brighton and Hove City Plan Part One, QD14, QD27, HE6, TR7, TR14 and SU10 of the Brighton and Hove Local Plan and DM1, DM5, DM7, DM18, DM20, DM21, DM26 and DM36 of the emerging Brighton and Hove City Plan Part Two which is gathering significant weight.

