

<u>No:</u>	BH2017/00535	<u>Ward:</u>	Moulsecomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	4 Plymouth Avenue Brighton BN2 4JB		
<u>Proposal:</u>	Change of use from three bedroom single dwelling (C3) to four bedroom small house in multiple occupation (C4) with associated alterations including erection of a single storey front extension and porch, raising of ridge height and installation of rooflights to rear and side elevations.		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	28.02.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	25.04.2017
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	DPS Sussex Ltd Ms Josie Lawrence 19 Turner Dumbrell North End Ditchling Hassocks BN6 8GT		
<u>Applicant:</u>	Mr W Mackintosh 49 Tivoli Crescent Brighton BN1 5NB		

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	BWP.001	C	15 February 2017
Floor plans and elevations proposed	BWP.003	D	22 September 2017
Sections Proposed	BWP.004	A	22 September 2017

- 2 The development hereby approved shall only be occupied by a maximum of five persons.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 3 The layout of the living/dining room, kitchen and lower ground store rooms as detailed on the drawing received on 22 Sep 2017 shall be retained as communal spaces at all times and shall not be used as a bedrooms at any time.
Reason: To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

- 4 The rooflights in the east and west side elevations of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 5 The development hereby permitted shall not be occupied until the cycle store on the lower ground floor as detailed on the drawing received on 22 Sep 2017 has been made available for use. The cycle store shall thereafter be retained for use by the occupants of, and visitors to, the development 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.

- 6 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 detached bungalow on the north east side of Plymouth Avenue, near the junction with Auckland Drive. The site is located within the Article 4 Direction area which removes permitted development rights to change from a C3 (dwellinghouse) Use to a C4 (House in Multiple Occupation) Use. This Article 4 Direction came into effect from 5 April 2013.

- 2.2 Planning permission has already been granted for the change of use of the property to a small HMO (C4); this permission was granted on the 18 October 2016. This permission granted a four-bedroom five-person layout.

- 2.3 Planning permission is again sought for a four-bedroom five-person HMO use; on this occasion a revised layout is proposed along with extensions to the property.

3. RELEVANT HISTORY

Application site, 4 Plymouth Avenue

BH2016/01740- Change of use from three bedroom dwelling (C3) to four bedroom house in multiple occupation (C4). Approved 18 October 2016.

Extant planning permissions for change of use from C3 to C4 within 50m radius of application site:

2 Plymouth Avenue

BH2017/02138- Change of use from six bedroom small house in multiple occupation (C4) to nine bedroom house in multiple occupation (Sui Generis) with creation of cycle storage. Under consideration.

BH2016/06490- Change of use from small house in multiple occupation (C4) to six bedroom house in multiple occupation (Sui Generis). Withdrawn 17 July 2017.

BH2015/04017- Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4) (retrospective). Approved 3 February 2016.

14 Auckland Drive

No planning history.

Other planning applications for change of use from C3 to C4 within 50m radius of application site:

8 Plymouth Avenue

BH2016/02651- Change of use from single dwelling (C3) to 3no bedroom house in multiple occupation (C4). Refused 28 October 2016.

Planning context of HMO applications to Plymouth Avenue

34 Plymouth Avenue

BH2016/05849- Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4). Approved 28/04/2017.

61 Plymouth Avenue

BH2016/05897- Change of use from 4 bedroom dwelling (C3) to 4 bedroom small house in multiple occupation (C4). Refused 17/05/2017.

51 Plymouth Avenue

BH2016/01847- Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4). Approved 19/09/2016.

70 Plymouth Avenue

BH2016/05923- Change of use from two bedroom single dwelling (C3) to four bedroom small house in multiple occupation (C4). Refused 15/09/2017.

BH2016/05597- Change of use from two-bedroom dwelling to four-bedroom HMO. Application returned.

4. REPRESENTATIONS

4.1 **Sixteen (16)** representations have been received, objecting to the proposed development on the following grounds:

- The proposed rooflights would overlook the rear bedroom window of 6 Plymouth Avenue and raising the ridge height would block light to the garden
- Concern around noise during construction
- Excessive concentration of HMOs in the area, at risk of becoming a student enclave
- Local amenities are affected, including loss of doctors, playgroup, nursery, local businesses
- Families are being pushed out
- More noise/music at night
- Inadequate provision of parking
- Waste management issues
- Affordability of property

4.2 Letters have been received from **Councillor Mo Marsh** and **Councillor Anne Meadows** objecting to the proposed development; copies of these letters are attached.

5. CONSULTATIONS

5.1 **Private Sector Housing:** No comment

5.2 **Planning Policy:** No comment

5.3 **Sustainable Transport:** No objection.

While there would be some additional demand for on-street parking, this would not be of a level that could be deemed to amount to a severe impact on the highway in this location. Any uplift in trip generation would be minor. There appears to be adequate space in the proposed shed for the storage of two cycles, which is acceptable for this type of 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 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
 CP9 Sustainable transport
 CP19 Housing mix
 CP21 Student housing and Housing in Multiple Occupation

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

TR7 Safe Development
 TR14 Cycle access and parking
 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 principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide and transport issues. Further considerations relate to the impact of the proposed extensions on the appearance and character of the building and wider streetscene and the amenity of adjacent occupiers.

8.2 This application is a resubmission following the approval of BH2016/01740, which granted permission for the change of use of the property from C3 (dwellinghouse) Use to a C4 (House in Multiple Occupation) Use. The agent has explained that the current proposal has been submitted for the following reasons:

- The applicant listened to the committees concerns over the size of the communal kitchen/living area. In the previous scheme this area was split between a bed room and living area. In the new scheme this bedroom is now in the new loft conversion area.
- The new scheme gives a very good sized communal living area which is separated from the good sized kitchen.
- The other bedroom which was in the semi basement of the existing property, needed internal stairs to access this room. To achieve this there would have been a lot of demolition and excavation works, which would have resulted in a lot of noise disturbance to neighbours. Additionally there would have been

a substantial additional cost involved with the amount of material which was also not good for the environment.

- This bedroom was re-located in the loft conversion and the existing basement area given over to more storage.
- The application details are for the same amount of bedrooms, as the previous approved details, but the changes made are positive and give a much better internal layout and living conditions for the future occupants.

8.3 Amended drawings were received during the course of the application revising the roof design of the proposed front porch, and slightly increasing the size of the bedroom over the living/dining room from 7.4sqm to 7.5sqm.

8.4 **Planning Policy:**

The proposal seeks consent for the change of use from a dwellinghouse (C3) to a dwellinghouse or small house in multiple occupation (C3/C4). This would allow the use to change back and forth between C3 and C4

8.5 The site is located within an Article 4 Direction area (effective from 5th April 2013) which removes permitted development rights under Class L (b) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, to change from a C3 (dwellinghouses) Use to a C4 (houses in multiple occupation) Use. As a result of the Article 4 Direction planning permission is required for the use of the properties in this location as HMOs.

8.6 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:

8.7 *'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.'*

8.8 A mapping exercise has taken place which indicates that there are 27 separate residential properties within a 50 metre radius of the site. Two (2) properties have been identified as being in HMO use; these are 2 Plymouth Avenue and 14 Auckland Drive. The percentage of existing HMO's within the designated area is therefore 7.4%.

8.9 Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21.

8.10 **Standard of accommodation:**

The application proposes to retain the ground floor bedrooms and the kitchen. As a result of the proposed front extension, the living/dining room would be enlarged. Two bedrooms and a shower room are proposed at first floor level under the roof. The lower ground floor room which previously as part of the single dwelling use (C3) of the property has been used as an ensuite bedroom, would under the current proposal be used as a store room.

- 8.11 The living/dining room would be approx. 30.4sqm and the kitchen would be approx. 14.1sqm. This would provide a suitable amount of space for up to five persons for cooking, dining, socialising and relaxing, as well as adequate circulation space.
- 8.12 Whilst the Council does not have adopted minimum room sizes, the Government's 'Technical housing standards - nationally described space standard' (March 2015) provide a useful point of reference in this regard. These standards for new dwellings specify that a single bedroom should have a minimum size of 7.5sqm. The bedroom sizes proposed are 15.6sqm (double bedroom) and 9.7sqm at ground floor and 7.6sqm and 7.5sqm at loft level.
- 8.13 While two of the four bedrooms would be relatively small, this is balanced by the relatively large proposed communal space, and the storage room available at lower ground floor level. Overall the development would result in an acceptable standard of accommodation for future occupants, in accordance with policy QD27.
- 8.14 The Agent for the application has confirmed that the maximum number of occupants proposed is five which corresponds with the one double bedroom and three single occupancy bedrooms. It is recommended that this level of occupancy be restricted by planning condition. It is also recommended that the communal rooms proposed be secured as such by condition so that they could not be converted to additional bedrooms without a further application for planning permission being submitted. It is also recommended that householder permitted development rights be removed by condition.

Impact on Amenity:

- 8.15 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.
- 8.16 As set out above, the property already has permission to operate as a four-bedroom five-person HMO. The development now proposed would not result in any increased occupancy over that previously approved. The previous permission remains extant and could be lawfully implemented. As at the time of the previously approved application, it is considered that the occupation of this property by five persons would not result in a significant impact to neighbouring occupiers in regards to noise and disturbance.

- 8.17 In addition to the change of use, the application also proposes to erect a front extension, to raise the ridge height and to install rooflights to the side and rear elevations.
- 8.18 There are no side windows to 6 Plymouth Avenue adjacent to the west that would be affected. Given the position of 6 Plymouth Avenue relative to the application site it is considered that there would be no overbearing impact as a result of the proposed front extension.
- 8.19 Raising the ridge height by approx. 1m and increasing the pitch of the roof would not result in a significant impact on neighbour amenity.
- 8.20 The proposed rooflights could enable some additional overlooking. It is therefore recommended that the side rooflights be obscure glazed, which can be secured by condition.

Sustainable Transport:

- 8.21 The proposed change of use would not result in a significant increase in on-street parking pressure or uplift in trip generation. At lower ground floor level, the shed would provide sufficient space for secure, covered cycle parking. It is recommended that the retention of the cycle store is secured by condition.

Design and Appearance:

- 8.22 The proposed front extension and the raising of the ridge height would have a limited impact on the wider streetscene, because the property is located on lower ground level than the street and because it is set back from the street. The proposed scheme would have a part pitched part flat roof. This avoids raising the height of the roof further, and does not result in significant harm to the appearance of the building sufficient to warrant refusal of the application. The proposed porch is a subservient addition that would not harm the appearance of the building.

9. EQUALITIES

- 9.1 No implications identified.