



Appeal Decision

Site visit made on 8 December 2017

by **R J Marshall LLB DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 February 2018

Appeal Ref: APP/Q1445/W/17/3183945
33 Hallett Road, Brighton BN2 9ZN

- 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 D B Sussex Ltd. against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/06283, dated 29/11/2016, was refused by notice dated 9 August 2017.
 - The development proposed is change of use from C3 residential dwelling to a C4 small HMO (retrospective).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the development applied for provides acceptable living conditions for its occupiers.

Reasons

Main issue

3. The appeal building is a semi-detached house. Its lawful use is as a C3 dwelling house. It has been converted without planning permission to a C4 house in multiple occupation (HMO) for 6 occupants, and it is occupied by students. Planning permission is required for this development because there is an Article 4 Direction which removes the permitted development rights to convert a C3 use into a C4 use.
4. The Council considers that 4 of the 6 bedrooms are too small. It considers this of particular concern given what it regards as limited communal space which means that occupants would be likely spend a lot of time in their own rooms.
5. On the ground floor is a single bedroom at 12.9m², on the first floor 3 bedrooms of between 7.1m² and 7.2m², and on the second floor a bedroom of 9.3m² and a bedroom of 7.3m². On the ground floor is a kitchen with a linked through dining room of 14.8m².
6. The Council does not have adopted policies outlining minimum space standards. However, it considers that the Government's recent *Technical Housing Standards – National Described Space Standards* provides a useful

guide. However, that requires a minimum of 7.5m² as the space for single bedroom accommodation. In the proposed development 2 of the bedrooms comfortably exceed this and the remaining bedrooms are only marginally under the 7.5m². From what I saw the 4 bedrooms which give the Council concern, although quite small, provide acceptable space for a bed, chair, workstation and wardrobe. This is so even with regard to one of the bedroom which has, in part, limited ceiling heights. As such even with restricted circulation space the 4 smaller bedrooms provide acceptable accommodation to sleep and work in. However, they are not large enough to comfortably sit in and relax or to eat and socialise.

7. There is a kitchen which links through to a dining area. However, the combined space of this area is only 14.8m². The size of the kitchen will greatly limit the number of people able use it at any one time and means it is too small in which to eat. It has also led to the need for fridge freezers to be stored in the dining room. This reduces the space of an already small dining area which is the only space for occupants to eat and socialise in. I accept that not all occupants of the property would necessarily seek to use the dining area at the same time. However, from what I saw it is unduly cramped even for 3 people to sit around the table provided and a settee provides only cramped accommodation for 3. Given this, and limited circulation space, inadequate space exists in which to comfortably relax, eat and socialise.
8. I note that the property has an HMO licence. Past appeal decisions submitted by both parties show a different view as to the weight that should be attached in planning decisions to the fact that properties are so licensed. However, it seems to me that, whilst the issue of an HMO licence means that a property may meet some minimum standards of accommodation, it is appropriate in determining planning applications to look more broadly at the extent to which accommodation provides a pleasant environment in which to undertake a range of day-to-day activities. This is the approach adopted in those decisions forwarded to me by the Council.
9. Having regard to the above it is concluded that the development does not provide satisfactory living conditions for its future occupants. As such it would conflict with Policy QD 27 of the Brighton and Hove City Plan Part 1 (2016) which seek to protect the amenity of existing and future users of a property.

Other matters

10. Third-party concerns have been raised that the proposal would add to social problems in the area by adding unacceptably to HMO student accommodation in the area. However, the Council has a development plan policy to prevent an unacceptable concentration of HMO uses and is satisfied that this policy would not be contravened. Therefore these observations should not stand against the proposal. However, acceptability on this ground does not make the proposal as a whole acceptable.

Conclusion

11. For the reasons given above the appeal is dismissed.

R J Marshall

INSPECTOR