

<b><u>No:</u></b>	<b>BH2018/00164</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb And Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>58 Staplefield Drive Brighton BN2 4RP</b>		
<b><u>Proposal:</u></b>	<b>Change of use from 3 bedroom dwelling house (C3) to 4 bedroom small house in multiple occupation (C4). (Retrospective)</b>		
<b><u>Officer:</u></b>	<b>Sven Rufus, tel: 292454</b>	<b><u>Valid Date:</u></b>	<b>18.01.2018</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>15.03.2018</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>NGB Lettings 27 Western Road Hove BN3 1AF</b>		
<b><u>Applicant:</u></b>	<b>Umulisa B Immacule 58 Staplefield Drive Brighton BN2 4RP</b>		

**Councillor Yates has requested that this application is determined by the Planning Committee.**

## **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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block Plan Proposed	R PL 01		18 January 2018
Floor Plans Proposed	R PL 02	A	11 June 2018
Elevations Proposed	R PL 03		18 January 2018

2. No extension, enlargement, alteration or provision within the curtilage of the 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.

3. The HMO use hereby approved shall not be occupied by more than 4 people.  
**Reason:** To ensure that an acceptable standard of accommodation is provided and to comply with Policy QD27 of the Brighton and Hove Local Plan.
4. The kitchen and living rooms spaces shown on drawing no. P.02 Rev. A shall be retained and available for use as communal space at all times and shall at no time be used as bedroom space.  
**Reason:** To ensure that an acceptable provision of communal space is retained and to comply with Policy QD27 of the Brighton and 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.

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. While the use class C4, for a Small House in Multiple Occupation, allows for up to six occupants, the bedroom sizes and level of provision of communal space means the property is only suitable for occupation by five people.

**2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application relates to a two storey semi-detached house on the west side of Staplefield Drive.
- 2.2 Retrospective planning permission is sought for the change of use of a three bedroom dwellinghouse (C3) to a small house in multiple occupation (C4) with four bedrooms.

**3. RELEVANT HISTORY**

**BH2016/05603:** Change of use from three bedroom single dwelling (C3) to four bedroom small house in multiple occupation (C4). (Refused 7/7/17)

**4. REPRESENTATIONS**

- 4.1 Three (3) letters have been received from neighbours, objecting to the proposed development for the following reasons:
- Too many HMO's in the area already.
  - Impact on tidiness of the area
  - Impact on local schools as there are fewer families in the area.
- 4.2 Councillors Yates and Meadows object to the proposed development. Comments are attached.

## 5. CONSULTATIONS

### Internal:

- 5.1 **Private Sector Housing:** Comment (based on the scheme as originally submitted)
- The dining room is too small for the number of occupants.
  - The dining room would be better situated on the same floor as the kitchen.
  - The kitchen is too small to be used as a kitchen/diner.
- 5.2 **Sustainable Transport:** Comment  
No objection subject to inclusion of a condition requiring satisfactory cycle parking scheme

## 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);
- 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  
CP21 Student housing and Housing in Multiple Occupation

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

TR7 Safe Development  
TR14 Cycle access and parking  
SU9 Pollution and nuisance control  
SU10 Noise Nuisance  
QD14 Extensions and alterations  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations  
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, its impact on neighbouring amenity, the standard of accommodation which the HMO use provides and transport impact.

### **8.2 Principle of Development**

Policy CP21 of the Brighton and Hove 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:

*'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.'*

8.3 A mapping exercise has been undertaken which indicates that there are 35 neighbouring properties within a 50m radius of the application property. Three other properties have been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 8.57%.

8.4 Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change use to a four bed house in multiple occupation would not be in conflict with the aims of policy CP21.

### **8.5 Design and Appearance:**

There are no external alterations to the property, and consequently there are no adverse impacts on the design and appearance of the property. It is

recommended that permitted development rights to make any future alterations be removed by planning condition.

## **8.6 Standard of Accommodation**

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. 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. 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.

Whilst the Local Planning Authority does not have adopted space standards the 'nationally described standards' relate to new build developments and provide a useful guideline on acceptable room standards. The standards establish a minimum floor space for a single bedroom of 7.5sqm.

- 8.7 The application as originally submitted featured a dining room on the first floor in what is an existing small bedroom, measuring 7.0sqm. This was considered to be an unacceptable arrangement, as the dining space would have been too small for the number of occupants and in being separated from kitchen across two floors, further undermines the usability of the dining area. The resultant communal space was considered to be unacceptable.
- 8.8 Due to these issues, following discussions with the applicant the scheme has been amended to relocate the dining area into a larger room on the ground floor, adjacent to the kitchen. The level of communal space now proposed amounts to 21.25sqm.
- 8.9 The original scheme proposed two bedrooms on each of the ground and first floors, but the revised scheme has one bedroom on the ground floor and three on the first floor. The proposed ground floor bedroom would be 10.8sqm, which is considered adequate for a single occupant. The first floor rooms consist of one room measuring 12.1sqm, which is considered adequate for a single occupants. The front first floor bedroom measures 9.4sqm, which is considered adequate for a single occupant.
- 8.10. The final bedroom, in what was previously proposed to be the dining room, measures 7.0sqm. This would normally be considered as below the standards required for a single occupant, but this room is an existing bedroom, based on the original layout of the property, and has not been created at this size simply to offer additional accommodation. Given the established size of this room, and as the use of this room for other communal purposes would offer insufficient space, it is considered acceptable in this case that this room should be used as a bedroom for a single occupant.
- 8.11 Overall the proposed standard of accommodation is considered to be acceptable. Conditions are recommended to restrict the number of occupants

proposed to four, as this is the number proposed by the applicant, and also to ensure that the proposed communal rooms are retained as such and not used as additional bedroom space in the future.

**8.12 Impact on Neighbouring Amenity:**

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 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.

8.13 Occupation by 4 individuals may have a greater impact upon immediate neighbours than occupation by a family would be likely to but any harm caused is considered unlikely to be of a magnitude which would warrant the refusal of planning permission.

8.14 As detailed above it is recommended that the number of occupants be restricted to four by condition and also that permitted development rights be restricted by condition. This would ensure that any future proposals to increase the size of the HMO or increase occupancy of the HMO would require an application for planning permission.

**8.15 Sustainable Transport:**

No on-site parking is available however the proposed development is unlikely to cause a significantly increased demand for on-street parking. Cycle parking provision is recommended to be secured by planning condition.

**9. EQUALITIES**

9.1 No implications identified.