

<u>No:</u>	BH2018/03921	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	49A Surrenden Road Brighton BN1 6PQ		
<u>Proposal:</u>	Change of use of former coach house from ancillary residential accommodation to holiday let accommodation for a temporary 12 month period.		
<u>Officer:</u>	Charlotte Bush, 292193	tel:	<u>Valid Date:</u> 21.12.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	15.02.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	DowsettMayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	S Wigglesworth C/O DowsettMayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		

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 Plan			21 December 2018
Block Plan			21 December 2018
Proposed Drawing	1822_0301		21 December 2018
Proposed Drawing	1822_0101		21 December 2018

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 use hereby approved shall cease within 12 months of day the change of use is implemented.
Reason: To safeguard the amenity of neighbouring properties and to comply with policies QD27 and HE6 of the Brighton & Hove Local Plan.

4. No more than four (4) persons shall reside in the premises hereby approved overnight at any one time.
Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
5. Prior to first occupation of the development hereby permitted, cycle parking facilities for the occupants of, and visitors to, the development shall be fully implemented and made available for use 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.
6. A noise management plan for the use of the premises shall be submitted to the local planning authority. The plan shall be submitted to the council and approved prior to the first commercial let. The premises shall thereafter be maintained in accordance with the approved management plan. The owner shall register the property with a licenced security company to monitor compliance with the agreed conditions.
Reason: Reason: To safeguard the amenity of neighbouring properties and to comply with policy 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. The approved terms of the Management Plan shall be included in the contract to let. The plan shall cover smoking arrangements and hours of use of any outdoor facilities. The aim of the plan shall be to avoid noise nuisance to neighbours at any time of the day or night.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to an existing ancillary single storey brick built building with pitched roof, located to the rear of No 49 Surrenden Road. A small courtyard, laid with stone chippings, is to one side of the building. The site is within the Preston Park Conservation Area.
- 2.2. The building is likely to have been a former garage/coach house. It is accessed via a pedestrian gate from the dwelling at No.49 and vehicle access is via a service road to the rear which serves a number of properties in Surrenden Road and Cornwall Gardens.
- 2.3. The application seeks temporary permission to change the use of the building from an ancillary building serving the main dwelling to holiday let

accommodation for a period of 12 months. No external alterations are required.

3. RELEVANT HISTORY

- 3.1. BH2010/02200 - No. 49 Surrenden Road. Certificate of Lawfulness for existing use of the building as a dwelling house. Refused 06/12/2010
- 3.2. Reason for refusal: It has not been demonstrated that the building has been used as a self-contained dwellinghouse for a period of at least 4 continuous years. The existing use is not therefore lawful under Section 191 (2) of the Town and Country Planning Act (1990), as amended.

4. REPRESENTATIONS

- 4.1. Eight (8) letters has been received, objecting to the proposed development for the following reasons:
- Adversely affects Conservation Area
 - Additional Traffic
 - Overdevelopment
 - Residential Amenity
 - Noise
 - Detrimental effect on property value
 - Currently people living in the Coach House
 - The application is a ploy to legitimately split the Coach house from the main house
 - The Fire Service could not get a vehicle there if needed
 - Additional traffic on an unmade lane
 - Lane is seen as a local green thoroughfare away from traffic for both adults and children
 - Use of the lane would be a safety risk for pedestrians using the lane, especially children
 - Other coach houses will be similarly developed
 - Applications have been made for this property and the coach house behind 47 Surrenden Road, all of which have failed due to their negative impact on the conservation area
 - The building has been completely and comprehensively restored
 - Concerns regarding how the property could be used
 - The parking of cars on the Coach House drive and increased traffic tears up the lane - particularly in winter
 - The North part of the lane is privately owned
 - Building work and additional traffic would affect the local ecosystem where there are a number of protected species including slow worms, small blue butterfly and crested newt

5. CONSULTATIONS

5.1. **Environmental Health:** Comment

The principle concern over holiday lets is that they can be the source of rowdy parties. It is recommended that a management plan is secured by condition if consent for the application is granted.

5.2. **Heritage:** No Comment

5.3. **Private Sector Housing:** Comment

There is a concern with the layout. The means of escape from the 1st floor bedrooms being directly through the kitchen area in the Ground floor. It is unclear if there is an alternative means of escape via the sleeping area windows.

5.4. **Sustainable Transport:** No comment received

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

7.1. The National Planning Policy Framework (NPPF)

7.2. Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP3	Employment land
CP5	Culture and tourism
CP6	Visitor accommodation

CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP15	Heritage

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD27	Protection of amenity
HE6	Development within or affecting the setting of conservation areas

7.4. Supplementary Planning Documents:

SPD14	Parking Standards
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8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application are the principle of the proposed development, impact on the character and visual amenity of the conservation area, impact on the amenities of adjoining and nearby occupiers, highways and parking and sustainability.

8.2. There are no external alterations proposed under this application.

8.3. Principle of Development:

Policy CP6 of the City Plan seeks to encourage the wider tourism and business conference economy including supporting the provision of a sufficient and wide ranging type of visitor accommodation. The policy doesn't specifically address holiday lets but does promote tourism and supports the use of different types of visitor accommodation.

8.4. The proposal would provide short term self-catering accommodation in an area with good transport links to the city centre and wider area and has an existing parking space with its own separate access. As such it would provide a reasonable level of short term accommodation.

8.5. Previous applications for permanent change of use to residential dwellings at No.49 and No. 47 have previously been refused. In the case of No.49, a previous application BH2010/02200 for a Lawful Development Certificate was refused as there was insufficient evidence to demonstrate that the property had been in use as residential accommodation continuously for 10 years.

8.6. No.47 applied for 'the conversion and extension of an existing garage and store to form a private dwelling house together with alterations to the existing access' under application BH2010/02425. This application was refused and dismissed at appeal in January 2012 for a number of reasons. The permanent change of use to a residential dwelling was considered to alter its

function and therefore its character due to the paraphernalia and activity that goes with a permeant residential dwelling, and increased vehicle movements which would disturb the current tranquillity of the area. The scheme also involved substantial extensions which were considered to be out of keeping with the existing character of the lane; alterations to the appearance of the building so that it appeared as a residential dwelling, as well as removal of a tree which was considered important to the visual amenity of the area. Cumulatively, the proposed scheme was deemed to have a negative impact on the conservation area.

8.7. In this instance, the proposed change of use is not to a permanent residential dwelling but to holiday let. As such, the number of comings and goings throughout the year will be arguably less than for a residential home. The building will remain ancillary to the main house as it will not be in permanent use as a residential dwelling and will be maintained and managed by No.49. There will be none of the paraphernalia that would be expected with a permanent residential dwelling, there are no proposed external alterations, extensions, loss of trees or important features which would affect the appearance of the conservation area. A management plan which outlines measures to reduce noise disturbance is recommended to be secured by condition. It is therefore considered that this application would not have the same impact on the conservation area as the permanent residential dwelling that was previously refused at No.47.

8.8. Furthermore, temporary permission for a 12 month period will enable the Local Planning Authority to fully assess the impact of the scheme on the conservation area and local community.

8.9. On this basis the proposed temporary use is considered acceptable in principle.

8.10. Standard of Accommodation

The accommodation would comprise a kitchen/diner measuring 20.8m² and a separate lounge measuring 16m² to the ground floor, two bedrooms, a bathroom, and a storage area to the first floor. There is emergency access directly from the smaller bedroom to the raised rear garden of No. 49 Surrenden Road. The building has its own small courtyard, which would be mainly used for parking a car.

8.11. The standard of accommodation (the size, layout, head height for the bedrooms and lack of amenity space) is likely to make the building unsuitable as a separate residential unit. However, as short term holiday accommodation the standard of accommodation proposed would be less likely to pose a significant issue for occupants as they would not be looking to spend long periods of time in the building. It is therefore considered that the accommodation is acceptable for short term holiday lets.

8.12. Impact on Amenity:

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.

- 8.13. The properties most likely to be affected by the proposed development are the host property at No.49 as well as Nos. 47, 51 and 51A Surrenden Road, 5 and 7 Cornwall Gardens.
- 8.14. The building is situated at the rear of the garden to No.49 and has its own separate access, although it can also be accessed from No.49 via a pedestrian gate. It is expected that there may be some additional comings and goings and activity associated with the use and this will be most noticeable at the rear of the gardens to Nos.47, 49, 51 and 51A Surrenden Road and Nos. 5 and 7 Cornwall Gardens. However, the gardens in this location are very long and therefore disturbance to neighbouring buildings or the most sensitive parts of their gardens immediately to the rear of these houses would be unlikely. It is noted that there would be a minimum separation distance between the building and the nearest dwelling of 25m.
- 8.15. The submission of a management plan which outlines measures that will be put in place to reduce noise disturbance is recommended to be secured by condition. In addition, it is noted that if noise disturbance does occur it can also be dealt with under separate legislation.
- 8.16. The Private sector Housing Team has assessed the application and has no objection other than a concern regarding emergency access. As stated above, the emergency access from the first floor of the building leads directly into the rear garden of No. 49. The area of garden that the emergency access leads onto is raised, so there is only a small step down from the door into the garden.
- 8.17. Given the restricted size of the building and its curtilage and acknowledging that it would be used for holiday accommodation it is considered appropriate to restrict the number of guests to a maximum of four. This would help to protect the amenity of neighbours and would be commensurate with the accommodation and its location.
- 8.18. There are windows to the north, west and east. The northern windows overlook the bottom of the rear garden to No 51. At ground floor level, this is obscured by a wall, trees and shrubbery located in the garden of No 51. There are some views offered by the rooflights on the northern boundary. However there is a distance of 7.m from the windows to the boundary, the views offered by these windows are obscured by the trees and shrubbery in No 51, and the views would only be of a very small part of the long garden of No. 51. The cumulative effect of these mitigating factors is that the impact of overlooking to No.51 would not to a degree that would warrant the refusal of this application.
- 8.19. The single eastern facing window looks onto the rear garden of the host property.

- 8.20. The gardens to No. 47, 49 and 51 are a minimum of 25m long, thereby providing sufficient space where the occupants could find a level of privacy.
- 8.21. Given the controls suggested above it is considered that it is not necessary for there to be a restriction on the number of weeks/weekends the holiday let can operate within the 12 month period. This will also enable the Local Planning Authority to fully assess the impact of this temporary scheme and allow a more informed decision should an application for permanent change of use for holiday accommodation be submitted in the future.
- 8.22. Sustainable Transport:**
The proposed scheme will result in a small increase in pedestrian and vehicle trips but the building has an existing car parking space for one vehicle, which is considered acceptable.
- 8.23. Cycle storage for one bike will be secured by condition.

9. EQUALITIES
None identified.