

<u>No:</u>	BH2019/00700	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	96 Auckland Drive Brighton BN2 4JG		
<u>Proposal:</u>	Change of use of a C3 dwellinghouse to C4 small house in multiple occupation incorporating a single-storey side extension and provision of secure cycle storage.		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	08.03.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	03.05.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	19.06.2019
<u>Agent:</u>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
<u>Applicant:</u>	Dr Paul Evans 2 Port Hall Road Brighton BN1 5PD		

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			8 March 2019
Block Plan			16 May 2019
Proposed Drawing	01	B	20 May 2019

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 external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
4. The HMO unit hereby approved shall only be occupied by a maximum of five (5) persons.

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

5. The ground floor rooms annotated as lounge and kitchen/diner as set out on drawing 1818 01 A, received 25 Apr 2019, shall be retained as communal space and shall not be used as a bedroom at any time.

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

6. Prior to first occupation of the first floor bedroom with the side facing window, this first floor side window in the west elevation of the development hereby permitted shall be glazed with clear glass and thereafter permanently retained as such.

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

7. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities 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 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a two storey semi-detached property located to the south of Auckland Drive.
- 2.2. Permission is sought for the conversion of the property from a three bedroom dwellinghouse (C3) to a five bedroom House in Multiple Occupation (HMO) (C4), and the erection of a single storey flat roof side extension. .

3. RELEVANT HISTORY

- 3.1. **BH2018/01093-** Change of use from three bedroom dwelling (C3) to four bedroom house in multiple occupation (C4). Approved 23/07/2018.

- 3.2. **BH2016/06187-** Change of use from three-bedroom dwelling (C3) to four bedroom house in multiple occupation (C4). Refused 04/01/2018.

4. REPRESENTATIONS

- 4.1. **Two (2)** representations have been received, objecting to the proposed development on the following grounds:
- the property has already been refused for a HMO
 - local school undersubscribed
 - local doctor surgery already lost
 - excessive parking pressure
 - property opposite used as a HMO
- 4.2. **Cllr Dan Yates** objects to the proposed development. Comments are attached.

5. CONSULTATIONS

- 5.1. **Sustainable Transport: Comment.**
Verbal comment: The proposed scheme is not considered to result in a significant increase in on street parking. It is considered that the proposals would not result in a substantial uplift in trip generation and associated impact on surrounding highway and transport networks. SPD14 requires three cycle parking spaces. In principle Trimetal stores would be acceptable provided the access to these stores is appropriate.

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
CP1	Housing delivery
CP9	Sustainable transport
CP12	Urban design
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
QD14	Extensions and alterations
QD27	Protection of amenity

Supplementary Planning Documents:

SPD14	Parking Standards
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8. CONSIDERATIONS & ASSESSMENT

- 8.1. This application follows a previous approval for a change of use to form a four bedroom House in Multiple Occupation (HMO). The previous approval included a small rear infill extension of approx. 1.7sqm. The main considerations in the determination of this application relate to the principle of the change of use, and the impact of the proposed single storey flat roof side extension, with regard to its design and appearance, and its impact on neighbouring amenity.

Planning Policy:

- 8.2. It is noted that there is an extant permission for the change of use of the property to form a small HMO (C4), which would allow occupation of the property by 4 unrelated individuals who share basic amenities including a kitchen, living/dining room and bathroom. A small infill extension at the rear allowed the store to be converted to a kitchen, and the layout of the ground floor to be reconfigured.
- 8.3. 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:
'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.'

- 8.4. Notwithstanding the extant permission, the mapping exercise has taken place again. As before, zero (0) 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 0%. Based on this percentage, the proposal would be in accordance with policy CP21.
- 8.5. While a neighbour representation has been received stating that one of the neighbouring properties appeared to be in use as a HMO, the exact address was not identified. Even if one of the neighbours were to be in use as a HMO, the percentage would still fall below the threshold defined by policy CP21.
- 8.6. The proposed single storey side extension could be accepted, subject to an assessment of all other material planning considerations.

Standard of Accommodation

- 8.7. The proposed HMO would comprise a kitchen/dining/living room, a utility room, and a WC/shower on the ground floor, and three bedrooms and a bathroom on the first floor. The layout of the first floor is identical to that of the approved scheme BH2018/01093. The layout of the ground floor has been amended to include two bedrooms rather than one, and provides the communal kitchen/dining/living room in the proposed side extension. The ground floor would also include a shower room and utility room.
- 8.8. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm, and a double bedroom should measure at least 11.5sqm. The minimum floor space requires a head height of above 1.5m.
- 8.9. Notwithstanding the annotations, the relevant floor areas for the bedrooms appear to be 7.5sqm, 8.2sqm, 7.9sqm, 13.1sqm and 9.5sqm, all of which meet or exceed the minimum floor area for single occupancy as described in the NDSS.
- 8.10. Amended drawings were received during the course of the application, enlarging the proposed side extension to the rear by approx. 1.3m. The amount of communal floor space is considered acceptable for the level of occupancy proposed. The plans show a furnished layout, and while the circulation space would be tight, it appears to be workable for a dwelling

occupied by up to five (5) persons. It is recommended that the maximum occupation be secured by condition.

- 8.11. One of the proposed first floor bedrooms would have only a side facing window, and this window currently serves a bathroom. It is considered that this window should be clear glazed in order to allow for adequate outlook from this room.

Design and Appearance:

- 8.12. There is an existing single storey flat roof side extension that projects forward of the main frontage of the building. The proposed side extension would be in line with the main front elevation and extend no more than half the width of the main building. Amended drawings were received during the course of the application, enlarging the proposed side extension to the rear by approx. 1.3m. The scale of the proposed extension is considered to be appropriate to its context. The neighbours were reconsulted on the enlarged extension.
- 8.13. Given the presence of the existing flat roof side extension, it is considered that the proposed flat roof single storey extension would not harm the character and appearance of the building or the wider streetscene, in accordance with policy QD14. It is recommended that matching materials be secured by condition.

Impact on Amenity:

- 8.14. 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.
- 8.15. The proposed change of use would result in an increase in occupancy and intensity in comparison to both the existing use and the use proposed under the extant permission, due to more frequent comings and goings in addition to general movements and disturbance within the dwelling. Given the low proportion of other HMOs in the immediate vicinity of the property, the level of additional activity is considered to be acceptable and would not result in significant harm to the amenity of neighbouring occupiers.
- 8.16. The proposed side extension would be located near the boundary with 94 Auckland Drive to the west. The smallest gap to the boundary would be to the south and would measure approx. 1m. Given that an appropriate gap would be retained, and that the proposed extension would be single storey, it is considered that the proposal would not result in significant harm to neighbouring amenity in terms of light or sense of enclosure.
- 8.17. It is recommended that the first floor side facing window be clear glazed in order to allow for appropriate outlook to occupiers of this room. There is no first floor side facing window at 94 Auckland Drive adjacent. It is considered that the clear glazing to the side facing window at the application site would not result in harmful overlooking.

- 8.18. Given that the maximum occupancy would be secured by condition, in this instance it is not necessary to restrict 'permitted development rights' by condition as well. Furthermore it is not considered that further extensions to the property under permitted development would have an adverse impact on the character of the property or surrounding area or cause detriment to the amenities of occupiers of nearby properties.

Sustainable Transport:

- 8.19. SPD14 requires three (3) cycle spaces for a development of this type and level of occupation. The drawings indicate two 'Trimetals green metal bike stores' to the side of the proposed extension, offering space for six cycles.
- 8.20. Drawings 1818 01 and 1818 01 A do not show the sloping topography of the site, nor the retaining walls near the existing side extension. Amended drawing 1818 01 B was received during the course of the application clarifying that there would be a retaining wall installed along the boundary with 94 Auckland Drive, and more clearly showing that the area to the side of the proposed extension would be excavated and levelled. This would allow appropriately convenient access to the proposed bike stores and it is recommended that their implementation be secured by condition.

Sustainability:

- 8.21. In regard to new build development Policy CP8 seeks compliance with optional Building Regulation Standards for energy and water use. As a conversion of an existing building no standards beyond normal Building Regulations are sought.

9. EQUALITIES

None identified.

