

<u>No:</u>	BH2019/00315	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	126 Wolseley Road Brighton BN1 9ET		
<u>Proposal:</u>	Change of use from existing single dwelling (C3) to a six bedroom small house in multiple occupation (C4) including installation of rear decking and alterations to fenestration.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	05.02.2019
<u>Con Area:</u>	N / A	<u>Expiry Date:</u>	02.04.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:			
Applicant:	Mr Thomas Booker 126 Wolseley Road Brighton BN1 9ET		

1. RECOMMENDATION

- 1.1. That had the Council determined the application prior to an appeal being lodged, the council **Would Have Granted** 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
Proposed Drawing	110		5 February 2019
Proposed Drawing	120		5 February 2019
Location and block plan	010		5 February 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 development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no. PP/110 received on 5th February 2019, and shall be retained as such thereafter. The layout of the kitchen/dining room and living room shall be retained as communal space at all times and shall not be used as bedrooms.

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

4. 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 site relates to a two storey mid terrace property, located on the east side of Wolseley Road. The area is residential in nature.
- 2.2. The property is not located in a conservation area, but there is an Article Four Direction in place restricting the conversion of single dwelling houses to houses of multiple occupation (C4 or sui generis use class).
- 2.3. Planning permission is sought for the change of use from existing single dwelling (C3) to a six bedroom small house in multiple occupation (C4) including installation of rear decking and alterations to fenestration.

3. RELEVANT HISTORY

- 3.1. **BH2019/00029**- Change of use from existing single dwelling (C3) to a seven bedroom large house in multiple occupation (sui generis) including raised decking with balustrade & cycle store to rear. Under Consideration.
- 3.2. **BH2018/00916**- Change of use from three bedroom residential dwelling (C3) to eight bedroom large house in multiple occupation (sui generis). Roof alterations incorporating rear dormer and 4no front rooflights, erection of front porch, rear decking with cycle storage and revised fenestration. Refused 18.05.2018. The reasons for the refusal were as follows:
 1. The external alterations to the roof would be carried out as part of the wider operation which includes the change of use and requires permission. The proposed front rooflights are considered excessive and would add significant clutter to the front roofslope to the detriment of the character and appearance of the host building and group of terraces. The proposed rear dormer, by reason of its excessive scale represents a visually dominant addition to the roof of the building that appears as an additional storey rather than a subservient addition. The works are of detriment of the appearance of the building and wider area, contrary to policy QD14 of the Brighton and Hove Local Plan and guidance within Supplementary Planning Document 12 Design Guide for Extensions and Alterations.

2. The communal area measuring approximately 25sqm, provides insufficient communal amenity space for the proposed number of occupants. In addition, one small bathroom and a small shower room would be insufficient to cater for the proposed number of occupants. Further, the resultant level of activity and associated disturbance, including noise, to the adjoining properties from 8 unconnected adults would be detrimental to neighbouring amenity. The proposed change of use to provide 8 bedrooms as a sui generis House of Multiple Occupation is therefore detrimental to the residential amenity of the occupiers of the property and neighbouring properties, contrary to policies QD27 and SU10 of the Brighton and Hove Local Plan.

3.3. **BH2018/00915**- Change of use from three bedroom residential dwelling (C3) to six bedroom small house in multiple occupation (C4). Roof alterations incorporating rear dormer and 4no front rooflights, erection of rear decking with cycle storage and revised fenestration. Refused 18.05.2018. The reason for the refusal was as follows:

1. The external alterations to the roof would be carried out as part of the wider operation which includes the change of use and requires permission. The proposed front rooflights are considered excessive and would add significant clutter to the front roof slope to the detriment of the character and appearance of the host building and group of terraces. The proposed rear dormer, by reason of its excessive scale represents a visually dominant addition to the roof of the building that appears as an additional storey rather than a subservient addition. The works are of detriment to the appearance of the building and wider area, contrary to policy QD14 of the Brighton and Hove Local Plan and guidance within Supplementary Planning Document 12 Design Guide for Extensions and Alterations.

3.4. **BH2018/00705**- Certificate of lawfulness for proposed roof alterations incorporating installation of a rear dormer and rooflights to the front elevation. Erection of porch to front elevation. Approved 17.05.2018.

4. REPRESENTATIONS

4.1. **Eight (8)** letters of representation have been received objecting to the proposal for the following reasons:

- Scheme already refused
- Loss of privacy / overlooking
- Noise nuisance and anti-social behaviour
- Litter problems
- Already too many HMO's in the area
- Extra strain on services and parking
- Plans look inadequate to cater for a HMO
- Area needs more family homes

4.2. **Councillor Tracey Hill** objects to the proposal. Copy of the objection is attached.

- 4.3. **Two (2)** letters of representation have been received in support of the application for the following reasons:
- More student house are needed
 - The house is ideal for a student house
 - The design and space is good

5. CONSULTATIONS

5.1. **Transport:** No Comment

5.2. **Private Sector Housing:** Comment

Should the application be granted an HMO licence would need to be applied for. Minimum room sizes are subject to each room being of a shape and floor to ceiling height offering adequate useable living space.

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);
- The 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
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
HO5 Provision of private amenity space in residential development

Supplementary Planning Documents

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relates to the principle of the change of use, the standard of accommodation which the use would provide, impact upon neighbouring amenity and transport issues.

8.2. The application has been appealed to the Planning Inspectorate on the basis of non-determination. The application had an original determination date of 2nd April 2019. An appeal was lodged to the Inspectorate on 21st May 2019. As this application is recommended for approval, notwithstanding the appeal, the application is required to be presented to the Planning Committee members for an endorsement of the officers recommendation prior to representations being made to the Planning Inspectorate.

Principle of Development:

8.3. The development is a change of use from a C3 dwelling to a use which would allow occupation of the property as a C4 HMO providing accommodation by up to 6 unrelated individuals who share basic amenities including a kitchen and bathrooms.

8.4. 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:

8.5. 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.

8.6. A mapping exercise has taken place which indicates that there are 17 neighbouring properties within a 50m radius of the application property; 1 other property has been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is therefore 5.8%.

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

Design and Appearance:

- 8.8. The existing plans detail the works that have taken place:- roof alteration incorporating rear dormer and 4no front rooflights, erection of front porch, rear decking and revised fenestration.
- 8.9. Council tax records detail that the property has been in C3 use from at least 2017 (appendix 1). There is no evidence to show that the property has been in a HMO use. Dwellinghouses (C3) benefit from permitted development rights and the external works shown on the existing plans are works which may have been constructed under permitted development.
- 8.10. There is no objection to the rear decking or the alterations to fenestration which would be acceptable in design terms.

Standard of Accommodation:

- 8.11. Whilst the Local Planning Authority does not have adopted space standards for comparative purposes the Government's recent Technical Housing Standards - National Described Space Standards March 2015 document states that "in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide" and with respect of a double bed "has a floor area of at least 11.5m²" and "one double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide".
- 8.12. The changes to the internal layout of the property would result in a study at ground floor level with lounge/dining room and separate kitchen and wc, 4no bedrooms and a bathroom at first floor level with a bathroom and 2no bedrooms within the roofspace with shower room.
- 8.13. The communal area, consisting of a lounge/dining room and separate kitchen, measuring approximately 33sqm in total, provides an adequate amount of amenity space for a 6 person property, with a functioning layout. The bedrooms meet the minimum national space standards and are adequate in terms of size to cater for the furniture needed. There are good levels of natural light and outlook within the property.
- 8.14. If however the living space was converted to a bedroom in future, this would restrict the level of shared space available to the occupants. Therefore a condition will be applied restricting the use of this room to communal use only and to ensure that alterations to the layout are not made at a later date.
- 8.15. The accommodation proposed is considered acceptable, in accordance with policy QD27 of the Brighton and Hove Local Plan.

Impact on Amenity:

- 8.16. 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.

- 8.17. The proposed change of use from a C3 dwellinghouse to six bedroom C4 HMO would result in a more intensive use of the property and a greater impact on the immediate and surrounding area. It is considered that the increased impact likely to be caused in this case would not be of a magnitude which would cause demonstrable harm to neighbouring amenity and would not warrant the refusal of planning permission.
- 8.18. The proposed external works would not result in amenity harm. The proposed rear decking, measuring 1.3m in height and 2.3m in depth would be sited to the northern side of the rear elevation. Views toward no. 128 to the north would be unachievable due to a large rear addition to this property which extends a similar depth as the decking. Views toward no. 124 to the south would be unachievable due to a rear addition to no. 126 located to the south of the decking.
- 8.19. Given that there is a maximum occupancy of 6 persons and an increase in occupancy would amount to a change of use to a Sui-Generis use which would require planning permission, it is not considered necessary to restrict 'permitted development rights' by way of a condition.

Sustainable Transport:

- 8.20. Uplift in the number of trips could be expected as a result of the proposals. However, it is not considered that this would be substantial or amount to a severe impact upon surrounding highway and transport networks.
- 8.21. Cycle parking is proposed in the form of a store for 6 bicycles in the rear garden which is considered acceptable. The provision of these will be secured via condition.

9. EQUALITIES
None identified

