

<u>No:</u>	BH2019/01314	<u>Ward:</u>	Hanover And Elm Grove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	307 Queens Park Road Brighton BN2 9XL		
<u>Proposal:</u>	Change of use from six bedroom dwelling (C3) to five bedroom small house in multiple occupation (C4) (Retrospective).		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	01.05.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	26.06.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Nick Davey Care of Lewis & Co Planning		

Councillors David Gibson and Steph Powell have requested 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.

Plan Type	Reference	Version	Date Received
Proposed Drawing			1 May 2019
Location and block plan			1 May 2019

2. 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, to safeguard the amenities of nearby properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

3. The lower ground floor annotated as 'room' and the second floor front room annotated as 'lounge' as set out on drawing of the proposed floor plans 0124/PP/110B, received 01 May 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, to safeguard the amenities of nearby properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

4. Within 3 months of the date of this permission, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented within 3 months of the approval of details.

Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One 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. The applicant is advised that the scheme required to be submitted by Condition 4 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. This application relates to a two storey terraced house on the northern side of Queen Park Road.
- 2.2. The application is for retrospective change of use from a C3 single dwelling house to a C4 small house of multiple occupation (HMO) for five individual occupants.
- 2.3. The property is not located in a conservation area but there is an Article Four Directive present which restricts the change of use from C3 single dwellinghouse to C4 small HMO.

3. RELEVANT HISTORY

- 3.1. **BH2017/02597-** Change of use from six bedroom dwelling (C3) to six bedroom small house in multiple occupation (C4) (Retrospective). Refused 28 February 2018 for the following reasons:
 - The increased occupancy of the building would have a significant direct and cumulative impact on the amenity of immediately neighbouring properties due to increased activity including increased noise disturbance, and additional comings and goings from the property, contrary to Policies QD27 and SU10 of the Brighton and Hove Local Plan.

- The rear dormer, by reason of its size and design, appears as incongruous, bulky and over dominant addition to the host property and cause harm to the host property and wider streetscene, contrary to policy QD14 of the Brighton and Hove Local Plan.
- 3.2. **APP/Q1445/W/18/3199796-** The decision was appealed and the appeal was dismissed. The proposal was considered to harm neighbouring amenity, contrary to policy QD27. The appeal inspector declined to consider the rear dormer.
 - 3.3. **BH2017/00025-** Householder Planning Permission for Erection of a Two Storey Rear Extension (Retrospective). Approved 20 June 2017.
 - 3.4. **BH2016/06428-** Certificate of lawfulness for proposed front rooflights and rear dormer. Approved 19 June 2017.
 - 3.5. **BH2002/03203/FP-** Conversion of house to form basement apartment & maisonette. Refused 20 January 2003.

4. REPRESENTATIONS

- 4.1. **Cllr David Gibson and Cllr Steph Powell** object to the proposed development. Copies of the objections are attached to the report.

5. CONSULTATIONS

- 5.1. **Sustainable Transport:** No objection subject to conditions requiring details of cycle parking at the rear, and restricting occupiers' access to parking permits.
- 5.2. **Private Sector Housing:** No comment.

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. The main considerations in the determination of this application relate to the principle of the change of use, its impact on neighbouring amenity and transport issues

Planning Policy:

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.'*

- 8.2. The previous mapping exercise indicated that there are 73 neighbouring residential properties within a 50m radius of the application site, and five (5) potential HMOs were identified. The percentage of neighbouring properties was determined to be 6.9%. The mapping exercise has been redone and 74 neighbouring properties have been identified. Six (6) other properties have

been identified as being potentially in HMO use. In addition there is an application for a further HMO at 27 Baxter Street, bringing the total to 7 HMOs. While the application for the HMO at 27 Baxter Street was received after the submission of this application, even if it is included in the mapping, the percentage of properties in HMO use within the radius area is 9.5%. Excluding 27 Baxter Street gives a percentage of 8.1%. Based on either percentage, the proposal would be in accordance with policy CP21.

Standard of Accommodation

- 8.3. 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.
- 8.4. The proposed HMO would comprise an open plan kitchen/living/dining room (27.1sqm) and shower room at lower ground floor level, two bedrooms (9.2sqm, 12.3sqm) and a shower room at ground floor level, two bedrooms (9.6sqm, 15.3sqm), one bedroom (7.5sqm) and one lounge at second floor level. All of the rooms would benefit from adequate circulation space, natural light and ventilation. The standard of accommodation is considered to be acceptable.

Design and Appearance:

- 8.5. While the application does not formally seek permission for the existing rear dormer, by approving this application this roof extension would be granted permission. The dormer as existing extends across almost the entire width and height of the rear elevation and appears as a bulky addition which occupies a majority of the rear roofslope. The dormer is not a subordinate or sympathetic addition and represents an overdevelopment of the rear roofslope. The dormer results in significant harm to the character and appearance of the property.
- 8.6. At the same time, the roof extensions and alterations appear to comply with the restrictions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 8.7. Under the previous application it was considered that the timeline of the application for a Lawful Development Certificate for the rear dormer (approved June 2017) and the application for a HMO license (received Aug 2017) demonstrated that the works were undertaken to facilitate a change of use to C4 small HMO that required permission as part and parcel of one operational development. The loft conversion which created two additional

rooms (both proposed as bedrooms) was therefore considered as part of the previous application.

- 8.8. Contrary to the previous decision of the council, it is considered that the change of use was not directly facilitated by the dormer. The existing drawings submitted with regard to application BH2017/00025 for the two storey rear extension showed that the property was laid out with 4 bedrooms (4.1sqm, 11.9sqm, 14.8sqm, 9.1sqm). Excluding the smallest bedroom which would not meet Licensing standards, subject to planning permission being granted, a change of use to C4 with three (3) occupiers could have taken place without any physical works, internal or external. The rear dormer is therefore not integral to the change of use to C4. It is the case that both a C3 and C4 dwellinghouse would have permitted development rights. Whilst the dormer is considered as operational development in conjunction with the proposed change of use, the dormer is not, however, integral to it. In these circumstances therefore it is not considered reasonable to refuse the application on the basis of the dormer which could have been lawfully constructed either before or after the change of use and where such change of use is not reliant upon its development.

Impact on Amenity:

- 8.9. 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.
- 8.10. The previous application for a HMO with six (6) occupiers was refused on the grounds that the proposed change of use would result in an increase in occupancy and intensity in comparison to the existing use, due to more frequent comings and goings in addition to general movements and disturbance within the dwelling. The current application proposes five (5) rather than six (6) occupiers, decreasing the overall potential for noise and disturbance as a result of the change of use.
- 8.11. Communal space is usually located on lower levels of a property and such communal space is provided within the proposal. An additional communal space at second floor level is proposed which has the potential to be unneighbourly. Given the small size of the communal space, it is likely that not all occupiers of the proposed HMO could use it at the same time, especially given the provision of other communal facilities within the property. Further the siting of the room within the roofspace would mean that it does not directly adjoin a neighbouring room as the roofspace is currently undeveloped and therefore no demonstrable harm is identified in this respect. It is therefore recommended that the use of the second floor front room as communal space be restricted by condition to safeguard neighbouring amenity.

Sustainable Transport:

- 8.12. It is considered that the proposed development would not result in a significant uplift in trips sufficient to warrant refusal of the application.
- 8.13. The property is located in an area which is covered by a Controlled Parking Zone, Zone S. The proposed development has the potential to generate some additional on-street parking demand. The impact of this has not been assessed by a parking survey as part of the applicant's submission for this application. If the application were acceptable in all other respects, occupiers' access to parking permits should be restricted by condition.
- 8.14. SPD14 requires three (3) cycle spaces for a development of this type and level of occupation. While there is sufficient space in the rear garden to accommodate cycle storage, access to such storage would not be convenient as cycles would need to be manoeuvred down a flight of stairs and several tight corners. Given the constraints of the site, the implementation of cycle parking should not be required by condition.

9. EQUALITIES
None identified.

