

<u>No:</u>	BH2019/02589	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land Adjacent To 44 Hythe Road Brighton BN1 6JS		
<u>Proposal:</u>	Erection of a 5no bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	10.09.2019
<u>Con Area:</u>	Adjoining Preston Park	<u>Expiry Date:</u>	05.11.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Folkes Architects	The Old Forge	6 Church Street Storrington RH20 4LA
<u>Applicant:</u>	Mr Jack Ravan	4 Whylands Avenue	Worthing BN13 3HG West Sussex

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 and block plan	2.00		29 August 2019
Proposed Drawing	2.01	C	13 November 2019
Proposed Drawing	2.02	C	13 November 2019
Proposed Drawing	2.03	C	13 November 2019
Proposed Drawing	2.04		10 September 2019
Proposed Drawing	2.05	A	13 November 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. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- samples of all brick, and tiling
 - details of fenestration
 - samples of all hard surfacing materials
 - samples of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

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.

5. No development above ground floor slab level of any part of the development hereby permitted shall take place until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority 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.

Reason: This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation 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.

6. The development hereby permitted shall not be occupied until the redundant vehicle crossover to the front of the property has been converted back to a footway by raising the existing kerb and footway.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

7. The new residential unit hereby approved shall not be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

8. The new residential unit hereby approved shall not be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.

9. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no.2.01 C

received on 13th November 2019, and shall be retained as such thereafter. The layout of the annotated communal area 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.

10. 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.

11. The HMO unit hereby approved shall only be occupied by a maximum of six (6) persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers 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 applicant is advised that the scheme required to be submitted by Condition 5 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 that the development is car-free.
3. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a plot of land situated between no's 44 and 48 Hythe Road, located on the southern side of Hythe Road. To the west and east of the site are semi-detached properties (no's 42 and 44 Hythe Road to the west and no's 48 and 50 Hythe Road to the west. The site backs onto the properties of Preston Drove to the rear and is adjacent to the Preston Park

Conservation Area. Hythe Road is residential in character, featuring dwellings of differing scale, type and detailing. The majority of the properties are terraced, featuring extensive roof alterations.

2.2. Planning permission is sought for the erection of a 5no bedroom house in multiple occupation (C4).

2.3. During the course of the application the design of the rear elevation has been amended and the rear balconies removed and amendment to cycle provision.

3. RELEVANT HISTORY

3.1. BH2018/00614 (46 Hythe Road)- Erection of 1no two storey dwelling house with basement (C3). Approved 04.09.2018.

4. REPRESENTATIONS

4.1. **Forty (40)** letters of representation have been received objecting to the proposal for the following reasons:

- Disruptive to services and area
- Loss of amenity
- Attracts certain tenants
- Should be a family home
- Traffic and parking issues
- Littering
- Too many students
- Noise
- Anti-social behaviour
- Loss of privacy and overlooking
- Object to balconies
- Leave the area to greenery
- Universities should provide more housing
- Poor design

4.2. **Councillor Hugh-Jones** objects to the proposal, a copy of the letter is attached.

5. CONSULTATIONS

5.1. **Transport:** No Objection
No objection subject to conditions.

5.2. **Private Sector Housing:**
The applicant will need to apply for a HMO license.

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);
- Shoreham Harbour Joint Action Area Plan (adopted October 2019)

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
CP12	Urban design
CP15	Heritage
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
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents

SPD14	Parking Standards
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8. CONSIDERATIONS & ASSESSMENT

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

Principle of Development:

8.2. This application seeks consent for the erection of a 5no bedroom small house in multiple occupation (C4).

- 8.3. No objection is raised in principle to a new dwelling on the site given that it appears to be a suitable site for development. The plot size and space between the dwellings either side of the dwellings would allow for a new dwelling to fit within the space, respecting the building line and general development pattern within the street.
- 8.4. 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 applications for new build HMO 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 new build HMO, and 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.*
- 8.5. A mapping exercise has taken place which indicates that there are 75 neighbouring properties within a 50m radius of the application property; 3 other properties have been identified as being in use as a HMO. On this basis, the percentage of HMOs within the designated area is thus 4%. Based upon this percentage, which is less than 10%, the proposal to change to a HMO would be in accordance with policy CP21.

Design and Appearance:

- 8.6. Policy CP12 of the Brighton and Hove City Plan Part One sets out the design criteria for applications of this nature. This policy requires proposals to raise the standard of architecture and design in the city and respect the character of the city's identified neighbourhoods.
- 8.7. Hythe Road and Preston Drove to the rear are formed of linear terraces and semi-detached pairs set in a tight urban grain with consistent back-to-back separations and modestly sized rear gardens. Hythe Road, features dwellings of differing scale, type and detailing, the majority of the built form are terraced, comprising Victorian terraces on the north side and modern post-war terraces on the south side. The application site forms a gap in the street on the south side between no's 44 and 48 Hythe Road which are each one half of a semi-detached pair.
- 8.8. The application proposes to erect a four storey dwelling including a basement level and roof accommodation. The proposed dwelling follows the existing building line within the streetscene, and retains a set-back from the highway, which is a characteristic of neighbouring properties. The ridge height of the dwelling would be slightly lower than the ridge of no's 48/50 to the east and slightly higher than no's 44/46. There is a variance of ridge heights within the streetscene and therefore this arrangement respects the general topology

within the street. The mix of materials, featuring face brickwork, slate effect cement tiled roof and aluminium fenestration would be appropriate and would fit within the mix of materials prevalent within the streetscene.

- 8.9. The dwelling would feature large front and rear dormer windows which would be contrary to SPD12 guidance, however based on the addition of a number of front and rear dormers of varying design and scale, these additions would be acceptable in this context.
- 8.10. The rear of the site would be excavated to facilitate a basement level with rear projection. This element of the works would be acceptable in design and scale.
- 8.11. Overall it is considered that the proposed dwelling design would not harm the visual amenities of Hythe Road or the adjacent Preston Park conservation area.

Standard of Accommodation:

- 8.12. 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.
- 8.13. The property would comprise of a communal area with utility/storage and shower room at lower ground floor level, 2no bedrooms and 2no en-suites at ground floor level, 2no bedrooms and 2no en-suites at first floor level and 1no bedroom and en-suite at second floor level.
- 8.14. The communal area at lower ground floor level, measuring approximately 50sqm could adequately accommodate a 5 bedroom (6 person) property. The space would be functional with good levels of circulation space, light and outlook and would provide an acceptable standard of accommodation. Notwithstanding this, a condition is recommended restricting the use of the kitchen/living room for communal use only to ensure that alterations to the layout are not made at a later date that reduces the amount of communal space provide for future occupiers.
- 8.15. The bedrooms meet the government minimum national space standards and are adequate in terms of size, circulation space and layout to cater for the furniture needed and with good levels of natural light and outlook. The basement level is served by large bi-folding doors which would provide adequate levels of light and outlook and would open up onto a garden space. The space and head height within the roof would be adequate in size to cater for a bedroom.

8.16. The accommodation proposed is considered acceptable, in accordance with policy QD27 of the Brighton and Hove Local Plan.

Impact on Amenity:

8.17. 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.

8.18. The new dwelling would be positioned between no. 44 Hythe Road and 48 Hythe Road. The property would be built on a similar building line to both neighbouring properties. The rear building line would be shallower than no. 44 to the west and as such no impact is envisaged to the windows serving the rear rooms of this property in terms of loss of light or outlook. The rear building line would project beyond the rear building line of no's 48 and 50 to the east; the projection would be at basement level as the main body of the house would be in line with no's 48 and 50. No. 48 has been subdivided into flats; at basement level the fenestration closest to the application site is a window and door. There would be no change to the existing rear boundary treatment and therefore no loss of amenity would result.

8.19. Whilst objections have been raised in relation to overlooking toward the neighbouring properties of Preston Drove to the rear, the views afforded from the rear windows would be similar to the existing arrangement from neighbouring properties. It is not considered that the views from the proposed dormer window would be substantially different from those from existing rear dormer windows to neighbouring properties and as such no further significant harm over and above existing relationships in the area is considered to result. The rear balconies have been removed from the scheme.

8.20. The erection of a 5no bedroom small house in multiple occupation (C4) would result in a more intensive use of the site and a greater impact on the immediate and surrounding area. It is though considered that the 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.

8.21. The size of the bedrooms equate to double bedrooms, meaning the five bedroom HMO could accommodate up to ten unrelated adults. Therefore, a condition is recommended restricting the occupants to 6 persons, as an increase in number of occupants above this could result in amenity harm, particularly given that the proposed property is a terraced property. Whilst some properties, predominantly larger detached dwellings, can adequately accommodate more adults without resulting in significant harm to neighbouring amenity, a terraced or semi-detached property would magnify the impact due to the close proximity and the party wall. The level of activity that would occur from more than 6 unconnected adults living together would be more intensive when compared to a typical family, even with a similar

number of members, due to more frequent comings and goings, different patterns of behaviour and the consequential disturbance.

- 8.22. Given the addition of a new build on the site it is considered that that further extensions to the property under permitted development could potentially have an adverse impact on the character of the property or surrounding area or cause detriment to the amenities of occupiers of nearby properties and therefore a condition has been attached removing 'permitted development' rights.

Sustainability:

- 8.23. City Plan Part One policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore conditions will be attached to ensure the development meets the standards set out in policy CP8.

Sustainable Transport:

- 8.24. The proposed development would not result in a significant increase in trip generation and any impact on the highway would be minimal.
- 8.25. The applicant is proposing to remove the two existing two parking spaces and therefore the associated crossover will become redundant. Therefore a condition is attached to remove the crossover and the footway and kerb edge reconstructed and reinstated.
- 8.26. The proposed scheme does not provide any on site car parking and therefore overspill may occur on the highway. The site is located within a Controlled Parking Zone (CPZ). Given the potential variance in uptake across a CPZ, where permit uptake is over 80% over the previous 12 months no additional vehicles are permitted without a supporting parking survey. Permit uptake within Zone F for the preceding 12 months averages 92%. Therefore, it is recommended that the development be made car free and that this is secured by condition.
- 8.27. The application is proposing 3no cycles to be stored within a hallway store which are considered acceptable; these will be secured via condition.

9. EQUALITIES

None identified.

