

<b><u>No:</u></b>	<b>BH2019/02674</b>	<b><u>Ward:</u></b>	<b>Hollingdean And Stanmer Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>12 Standean Close Brighton BN1 9EU</b>		
<b><u>Proposal:</u></b>	<b>Change of use from three bedroom residential dwelling (C3) to six bedroom small house in multiple occupation (C4), incorporating conversion of garage into habitable space and associated alterations. (Part-Retrospective).</b>		
<b><u>Officer:</u></b>	Joanne Doyle, tel: 292198	<b><u>Valid Date:</u></b>	06.09.2019
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	01.11.2019
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	CAT Architectural Services 2RQ	76 Hawth Park Road	Seaford BN25
<b><u>Applicant:</u></b>	Mr John Wright	36 Green Ridge	Brighton BN1 5LL

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	02		6 September 2019
Location and block plan	03		6 September 2019

2. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no.02 received on 6th September 2019, and shall be retained as such thereafter. The layout of the annotated communal areas 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.

3. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development 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 and SPD14: Parking Standards.

4. 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.

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 terrace property located on the north-east side of Standean Close.
- 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. This application seeks consent for the change of use from a three bedroom residential dwelling (C3) to six bedroom small house in multiple occupation (C4), incorporating conversion of garage into habitable space and associated alterations. (Part- Retrospective).
- 2.4. HMO licencing records, Council Tax records and a site visit has identified the property as being in HMO use and therefore the application description has been amended to part-retrospective. No internal or external works have been undertaken.

## **3. RELEVANT HISTORY**

None

## **4. REPRESENTATIONS**

- 4.1. **Thirteen (13 )** letters of representation have been received objecting to the proposal for the following reasons:
  - Noise nuisance and anti-social behaviour
  - Traffic and parking issues
  - Already HMOs at no 8, 12a and 15
  - If garage converted no place to store bikes

- External works out of keeping
- Overdevelopment
- Already too many HMO's in the area
- Extra strain on services and parking
- Area needs more family homes
- Loss of Council Tax
- Some neighbours not notified

4.2. **Councillor Fowler** objects to the proposal, a copy of the letter is attached.

## 5. CONSULTATIONS

### 5.1. Transport:

No comment

### 5.2. Private Sector Housing:

The HMO licencing standards should be adhered to.

## 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
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, 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 change of use of existing single dwelling house (C3) to 6 bedroom small house in multiple occupation (C4).

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. A mapping exercise has taken place which indicates that there are 34 neighbouring properties within a 50m radius of the application property; 2 other properties have been identified as being in use as a HMO. On this basis, with 2 other properties being identified as being in use as a HMO the percentage of HMOs within the designated area is thus 5.8%.

8.5. Based upon this percentage, which is less than 10%, the proposal to change to a HMO would be in accordance with policy CP21.

8.6. It is noted that neighbours have raised concerns with regards to a number of properties within the 50m radius that they consider to be occupied as a C4 Use. The Council has looked into these addresses and two of the addresses have been identified as being in use as a HMO managed by the University of Brighton. The University of Brighton (as an educational establishment) which manage a dwelling with up to 6 students living together falls within class C3(c) rather than as a C4 HMO. Therefore, the two identified properties have not been counted as part of the mapping exercise and the above HMO percentage within a 50m radius remains as 5.8%.

**Design and Appearance:**

- 8.7. The proposed external alterations to facilitate the garage conversion would involve the replacement of the existing garage door opening with a window. These works are considered acceptable in design terms and are further considered to be alterations which could be carried out under "permitted development" and therefore not require planning permission. Whilst it is noted that the row of terraces all retain garages at lower level which results in a uniformity, the removal of this feature would not result in significant harm to warrant refusal of the application.

**Standard of Accommodation:**

- 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.
- 8.9. The changes to the internal layout of the property, including the conversion of the garage to habitable space would result in 4no bedrooms and bathroom at first floor level, 2no communal areas, a bedroom and shower and wc at ground floor level and a bedroom at lower ground floor level.
- 8.10. 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.
- 8.11. The communal areas, which are not labelled, could adequately accommodate a kitchen/dining area and separate living room and measuring approximately 24.9sqm combined would be sufficient for a 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 communal areas 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.
- 8.12. The accommodation proposed is considered acceptable, in accordance with policy QD27 of the Brighton and Hove Local Plan.

**Impact on Amenity:**

- 8.13. 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.

- 8.14. The property most likely to be affected by this development is the adjoining properties no's 11 and 12a Standean Close.
- 8.15. The proposed change of use from a C3 dwellinghouse to a 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.
- 8.16. The proposed external works would not result in amenity harm.
- 8.17. Given that there is a maximum occupancy of 6 persons and an increase in occupancy any further would amount to a change of use to a Sui-Generis use which would require planning permission in itself, it is not considered necessary to restrict the number of occupants by way of a condition. 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:**

- 8.18. An 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.
- 8.19. Cycle parking has not been proposed and the site does benefit from space to provide this and therefore a condition will be attached requiring details of this.

**Other Matters:**

- 8.20. It is noted that concerns have been raised regarding neighbour consultations. The Council has looked this and it can be confirmed that these neighbours were notified as part of the validation process.

**9. EQUALITIES**

None identified.