

<u>No:</u>	BH2019/02436	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	19 Jevington Drive Brighton BN2 4DG		
<u>Proposal:</u>	Change of use from 3no bedroom single dwelling (C3) to a 6no bedroom residential dwelling or small house in multiple occupation (C3/C4) with the insertion of front & rear rooflights. (Retrospective)		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	15.08.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	10.10.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	The Planning Practice Ltd 18 Tillstone Street Brighton BN2 0BD		
<u>Applicant:</u>	Brightwhite Developments C/O The Planning Practice Ltd 18 Tillstone Street Brighton BN2 0BD		

1. RECOMMENDATION

- 1.1 That had the Council determined the application prior to an appeal being lodged, the decision of the council would have been to be **MINDED 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	01		15 August 2019
Proposed Drawing	02		15 August 2019

2. The rooms annotated as kitchen/dining, and living room, as set out on the proposed floor plans drawing 0179 02, received 15 Aug 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.

3. Within 3 months of the date of this permission, the cycle parking facilities shown on the approved plans shall 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 semi-detached property on the south side of Jevington Drive.
- 2.2 Permission is sought for the conversion of the property from a dwellinghouse (C3) to flexible use six bedroom House in Multiple Occupation (HMO) (C4) or dwellinghouse (C3), with the insertion of front and rear rooflights. A site visit confirmed that the property is currently occupied as a HMO.
- 2.3 An appeal has been lodged against the non-determination of the application.

3. RELEVANT HISTORY

- 3.1 No planning history.

3.2 Licensing

2019/04752/HMO/PS- received 12/09/2019.

4. REPRESENTATIONS

- 4.1 **Eight (8)** representation has been received, objecting to the proposed development on the following grounds:

- detrimental impact on property prices
- not in keeping with the street
- imbalanced community
- school numbers affected
- increased pressure on car parking
- refuse and recycling issues
- potential noise and disturbance
- light disturbance
- small rooms with lack of soundproofing
- disturbance as a result of refurbishment works
- partition wall harms appearance of the building
- students have moved into the property

- 4.2 **Cllr Dan Yates, Cllr Amanda Grimshaw, and Cllr Kate Knight** object to the proposal, copies of the letters are attached.

5. CONSULTATIONS

- 5.1 **Sustainable Transport:** No objection.

It is recommended that a condition requiring implementation of cycle parking be applied.

5.2 Private Sector Housing: No objection.

Should the application be granted, the applicant would need to apply for a license, and the HMO licensing standards would need to be considered.

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

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.
- 8.2 The application description was amended during the course of the application to fully describe the proposed flexible use as either residential dwellinghouse or a small HMO. It was established at the site visit that property is currently occupied as a small HMO. The application is therefore also updated to reflect that this is a retrospective application.
- 8.3 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.'*
- 8.4 A mapping exercise has taken place, which indicates that there are 35 neighbouring residential properties within a 50m radius of the application site. Three (3) other properties have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 8.6%. Based on this assessment, the proposal would be in accordance with policy CP21.
- 8.5 Standard of Accommodation**
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.
- 8.6 The proposed HMO would comprise a lower ground floor garage with cycle parking, a kitchen/dining/living area (24.5sqm), a shower room, a WC and five bedrooms (13sqm, 11.5sqm, 10sqm, 9sqm, 9sqm) on the ground floor, and a shower room and one bedroom (11sqm) on the first floor.
- 8.7 The first floor bedroom has a floorspace of 11sqm with a head height of over 1.5m and a floorspace of 8.3sqm with a head height of over 1.8m. This

bedroom is served by front and rear rooflights. Based on the size and position of the rooflights, it is considered that this room would benefit from adequate outlook.

8.8 Overall the communal space would be adequate for occupation by 6 persons. The bedrooms and communal areas would benefit from adequate circulation space, and the property overall would benefit from adequate natural light and ventilation. The standard of accommodation is considered to be acceptable.

8.9 Design and Appearance:

Two front and two rear rooflights have been installed. Of these one serves the staircase, another serves the shower room, and two serve the bedroom. It is considered that these do not harm the character and appearance of the building.

8.10 The extension to the rear appears to have been in place for more than 4 years according to Google Earth.

8.11 Impact on Amenity:

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.

8.12 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. However as a small HMO (C4), it is considered that the impact would not amount to significant harm of a degree sufficient to warrant refusal of the application.

8.13 Sustainable Transport:

It is considered that the proposed development would not result in a significant uplift in trips sufficient to warrant refusal of the application.

8.14 The application site is not within a Controlled Parking Zone, and outside of CPZ's the Local Planning Authority is not usually in a position to control any overspill parking. It is considered that the proposed development would not result in a significant uplift in parking demand sufficient to warrant refusal of the application.

8.15 SPD14 requires three (3) cycle spaces for a development of this type and level of occupation. The application proposes to install two Sheffield stands in the garage, which is considered acceptable. It is recommended that the implementation of these details be secured by condition.

9. EQUALITIES

9.1 None identified.

