

<u>No:</u>	BH2020/02482	<u>Ward:</u>	Queen's Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	7B Wentworth Street Brighton BN2 1TT		
<u>Proposal:</u>	Roof alterations including raising the ridge height to facilitate the installation of an additional floor, rooflights to the front and rear elevations and revised fenestration to facilitate the creation 3no additional bedrooms to existing (C4) property.		
<u>Officer:</u>	Nicola Van Wunnik, tel: 294251	<u>Valid Date:</u>	10.09.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	05.11.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Whaleback Ltd. Office 11 The Old Bank 257 New Church Road Hove BN3 4EE		
<u>Applicant:</u>	Lazova Investment Properties Ltd C/o Whaleback Office 11 The Old Bank BN3 4EE		

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 Plan	EXT.01A		4 September 2020
Proposed Drawing			4 September 2020

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 second floor kitchen and living/dining room area as detailed on the approved plans 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 to comply with policy QD27 of the Brighton & Hove Local Plan.

4. The development hereby permitted shall not be commenced until full details of all new sliding sash window(s) and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been

submitted to and approved in writing by the Local Planning Authority. The windows shall be painted timber double hung vertical sliding sashes with concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details, prior to the additional bedrooms being occupied and shall be retained as such thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

5. Notwithstanding the approved plans, full details of the proposed rooflights shall be submitted to and approved by the Local Planning Authority in writing. The rooflight(s) shall have steel or cast metal frames, colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

6. All new render finishes shall be smooth, lime based, wet render without external beads, stops, bell drips or expansion joints.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

7. All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted black and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

8. The external surfaces of the roof hereby permitted shall be natural slate and match in material, colour, style, bonding and texture those of the existing building and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

9. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, 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 before occupation.

Reason: This 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 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. With regards to condition 5, the size of these rooflights should not exceed 517x980mm.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a two storey, terraced building located on the western side of Wentworth Street. The site is within the East Cliff conservation area and within the boundary of the Queen's Park Ward, which is covered by an Article 4 Directive restricting permitted development rights to convert single dwellinghouses (Planning Use Class C3) to Houses in Multiple Occupation (HMO)(Planning Use Class C4). Wentworth Street is narrow, with the eastern side containing the rear of listed properties fronting New Steine.
- 2.2. Planning permission was granted in 2019 to change the use of the property from a single dwellinghouse (C3) to a small house in multiple occupation (C4) with a condition restricting occupancy to a maximum of three.
- 2.3. This application proposes alterations which would allow a maximum occupancy of six occupants. The house would remain in the C4 (small HMO) Use Class.
- 2.4. The application proposes to raise the ridge height of the building by 1.2m to create useable loft accommodation at the second floor level, and the insertion of rooflights to the front and rear roofslopes. The loft space would contain a communal kitchen and living room for occupants, as well as a single bedroom and toilet/ shower room. The first floor would be reconfigured to form five further bedrooms and two small bathrooms. The application also seeks consent for revised fenestration to the front elevation.
- 2.5. No site visit was carried out for this application due to Covid restrictions, but it was possible to make use of photographs taken for the previous application, as well as using up-to-date streetview and aerial views of the site. The absence of a site visit on this occasion did not hamper consideration of the application.

3. RELEVANT HISTORY

- 3.1. **BH2020/00217** Roof alterations including raising the ridge height to facilitate the installation of an additional floor, rooflights to the front and rear and revised fenestration to facilitate the creation 3no. additional bedrooms to existing (C4) property (Amended Description). Refused 5/6/2020 on the following ground:

The proposed accommodation within the converted loft-space, due to its limited usable floor area, limited head height and poor outlook, would offer a poor standard of accommodation, detrimental of the amenities of future occupants, contrary to policy QD27 of the Brighton and Hove Local Plan.

- 3.2. /00244 - Raising the roof of the property to facilitate a new floor level with associated alterations. Response provided 12 December 2019.
- 3.3. **BH2019/02646** - Change of use from 3no bedroom flat (C3) to 3no. bedroom small house in multiple occupation (C4). (Retrospective) Approved 07/11/2019
- 3.4. Condition 3
The room annotated as 'communal' as set out on the proposed floor plans drawing 2005 002, received 04 Sep 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.
- 3.5. Condition 4
The HMO unit hereby approved shall only be occupied by a maximum of three (3) persons. Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 3.6. **BH2018/02903** - Raising of roof to facilitate second floor including re-distribution of space to allow enlargement of 7C (C3) and provision of additional space and alteration to 7B (C4). Appealed for non-determination; appeal withdrawn
- 3.7. **BH2017/01014** (7A & 7B Wentworth Street) Revised fenestration to front elevation and conversion of garage into habitable space with associated alterations. Approved 18/5/2017
- 3.8. **BH2001/00631/FP** (7C Wentworth Street) Conversion of garage to self-contained bedsit flat with elevational alterations. Approved 26/11/2001.
- 3.9. **73/1840** (7A & 7B Wentworth Street) Conversion of existing premises (flat and store) to form two self-contained flats. Approved 13/07/1973.

4. REPRESENTATIONS

- 4.1. **Nine (9)** letters have been received objecting to the proposed development for the following reasons:
- Poor design, adversely affects the conservation area, including loss of chimney
 - Overdevelopment
 - Increase in noise/disturbance/potential 'party house'
 - Head height restrictions in rooms limit useable space
 - Overshadowing
 - Loss of privacy

- Too many HMOs in the area - profits over community
- Increased foot and vehicle traffic
- Increased litter
- Previous applications have not been implemented fully
- Existing property not well-maintained
- Applicant owns flat below the application site - could form eight bedroom party house

5. CONSULTATIONS

Internal

- 5.1. **Heritage:** No Objection Supported recent (refused) application. Current proposal minor alterations to that, including to internal layout, third roof light to front, and revised fenestration. Additional rooflight not considered harmful to character and appearance of conservation area, but size should not exceed 517x980mm. Proposal for vertically proportioned sliding-sash timber windows on frontage supported. Details of rooflights and fenestration should be secured by condition.
- 5.2. **Housing Strategy:**
No comments received
- 5.3. **Private Sector Housing:**
No comments received
- 5.4. **Verbal Transport Comments:**
No objection to the scheme. Due to constraints of the site - no cycle parking possible. Car free condition to be added if approved. Likely to generate some up lift in trips but not significant enough to refuse.

External

- 5.5. **Conservation Advisory Group** Recommend refusal due to impact of increased ridge height on house to immediate north; loss of chimney stack; proportions of facade unbalanced; replacement of front doors should have graduated six-panelled sections with smallest at top. Requests referral to the Planning Committee unless refused under delegated powers.

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);
- Shoreham Harbour JAAP (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 Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation which ended on the 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP21	Student housing and Housing in Multiple Occupation

Brighton and Hove Local Plan (retained policies March 2016):

TR7	Safe Development
TR14	Cycle access and parking
HO14	Houses in multiple occupation (HMOs)
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to the design and appearance of the external works proposed on the host building, setting of nearby Listed Buildings and the wider conservation area, standard of accommodation proposed and the impact of the additional occupancy on residential amenity of neighbouring occupiers and future residents. The impact of the works on transport and car parking is also a consideration.

8.2. The current proposal follows an approved application (BH2019/02646) for the change of use from a three-bedroom flat to a three-bedroom small house in multiple occupation (C4). An application submitted earlier this year for works similar to this proposal was refused due to the poor standard of accommodation (BH2020/00217).

Principle of Development

8.3. Policy CP21 of the City Plan Part One seeks to ensure that mixed and balanced communities are retained, and that a range of housing needs can be provided throughout the city. Changes of use to a house in multiple occupation - whether that be a small HMO (C4) or large HMO (Sui Generis) - will only be permitted where the number of residential properties in use as HMOs within 50m of the application site makes up less than 10% of the total number of residential units.

8.4. The existing property has a lawful use as a (C4) small house in multiple occupation. It is acknowledged that the proposed alterations would facilitate an increase in the number of occupants from three to six. However, as the property would remain in the same use class (C4), Policy CP21 is not applicable, and there is no objection to the principle of intensification of use, subject to compliance with other policies.

Design and Heritage:

8.5. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

8.6. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".

8.7. This application follows pre-application advice provided in November 2019, and an application refused in relation to the standard of accommodation provided (BH2020/00217). As set out above, the physical works proposed in the current scheme comprise the raising of the ridge height to allow accommodation in the roof space, three roof lights on the frontage, and revisions to the Wentworth

Street fenestration, all of which are supported by the Council's Heritage team, which also supported the previous scheme.

- 8.8. The proposed roof alterations would increase its ridge height by 1.2m, with the roof pitch matching the existing, finished with natural slate tiles. The proposed increase materials and ridge height are considered acceptable as they would maintain the varied roof-forms along the western side of Wentworth Street
- 8.9. It is also proposed to reorganise the fenestration to the front elevation, including replacing casement windows with timber sliding sash windows, which is welcomed and would result in more uniform appearance to the front of the property, better in keeping with the conservation area.
- 8.10. SPD12 advises that in Conservation Areas, a single rooflight may be acceptable in order to preserve the historic character of buildings and streetscenes. In this application, three rooflights are proposed to the front and three to the rear elevations which is in excess of the adopted guidance. However, the roof slope of the property is not visible from public vantage points. The roof slopes of the properties on Wentworth Street are varied and even if the ridge height of this property is extended, this roofslope would not be prominent. It is wide enough to accommodate three roof lights without appearing crowded or harming the historic character of the property or the area. Furthermore, the Council's Heritage officer does not object to the number of rooflights proposed, subject to a planning condition securing roof light details.
- 8.11. It is acknowledged that the loss of the chimney has caused some concerns from neighbours and the Conservation Advisory Group. However as noted above, the roofslope of this property is not visible from public vantage points, is not prominent in the streetscene and is not significant to the historic character of the property. Furthermore it is considered that this application offers the opportunity to improve the front elevation of the property as a whole and the loss of the chimney is considered acceptable in this instance.
- 8.12. Concerns have also been cited that the previous works to the property have been done in a 'piecemeal fashion'. The improved window configuration in the 2017 approval (change of use to garage residential accommodation) was not implemented when the conversion was undertaken, and the approved works were not completed in their entirety. However, this was not a formal breach of a planning condition.
- 8.13. Nevertheless, it is considered justifiable to ensure that works to improve the windows are completed as an integral part of the development, which can be controlled by condition. With a suitably worded condition in place, the applicant will be required to undertake the improvements to the front elevation prior to the increase in occupation of the building occurring.
- 8.14. Subject to the imposition of conditions, therefore, the external alterations are not considered to cause any harm to the character and appearance of the host property, the Wentworth Street streetscene, the setting of nearby Listed Buildings or the wider East Cliff conservation area in accordance with policies.

Standard of Accommodation

- 8.15. It is noted that the existing layout of the HMO is not the layout that was approved under application BH2019/02646. One of the bedrooms is accessed via the communal space, instead of via a hallway and an additional bathroom has been included on the first floor. It can be seen therefore that the applicant is in breach of condition 3 of this approval which required the communal space outlined on the approved plans to be retained for communal use. This change in layout does not, however, allow additional occupation beyond that which has been approved in 2009. Communal space remains for the three occupants, and an additional bathroom has been created.
- 8.16. More recently, the additional bedrooms which were proposed in the previous, refused application were to be located in the loft space and were considered unacceptable due to the cramped nature and restricted outlook of the bedrooms. The current application proposes similar external works for the property. This application seeks to respond to the reason for refusal by locating the communal living space in the converted roof space and locating all but one of the bedrooms at first floor level.
- 8.17. 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.
- 8.18. The NDSS provides 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. The proposed bedrooms are:
- Bedroom One: 9.6m²
 - Bedroom Two: 9.15m²
 - Bedroom Three: 8.6m²
 - Bedroom Four: 8.5m²
 - Bedroom Five: 8m²
 - Bedroom Six (in roofspace): 9.9m² over 1.5m head height
- 8.19. In this application, all of the proposed bedrooms meet the minimum required floor space standards as a single bedroom occupation so meet the NDSS standards, and could be furnished whilst providing adequate circulation space.
- 8.20. Occupiers in HMOs are more likely to spend a significant amount of time in their individual bedrooms, so natural light and outlook to the bedrooms is considered to be of increased importance in the layout of these properties.
- 8.21. Although each of the bedrooms would exceed 7.5sqm, the second floor bedroom would be within the roof space adjacent to the communal kitchen/lounge area.

This bedroom would be served by two rooflights for natural light and ventilation, but without other windows. This is not ideal, but given that it is an adequately sized room, the rooflights would be at head height so some outlook would be possible, and given the other bedrooms are considered well-proportioned and with good outlook, it is felt that overall the standard of bedroom accommodation is sufficient, and would not be detrimental to the amenity of future occupiers.

- 8.22. With reference to the communal areas, approximately 27sqm of kitchen /living space would be available for future inhabitants of the HMO, which is considered acceptable for the level of occupancy proposed. The submitted section shows that rooflights related to the communal areas would be positioned to provide some views of the surrounding area, not just skyward views. Two toilet/shower rooms are provided for the occupiers on the first floor and a larger toilet/shower room on the second floor. This is considered an adequate provision for 6 occupants. Conditions are recommended to retain the floor plan shown on the approved plans. A condition to restrict occupancy of the building to six occupants is not required in this instance as 6 is the maximum number of occupiers for a C4 HMO.
- 8.23. Overall the standard of accommodation is considered acceptable.

Impact on Amenity:

- 8.24. 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.
- 8.25. Due to the Covid-19 pandemic a site visit has not been undertaken in this instance, however, the impacts of the proposal can be clearly assessed from the plans provided and site photographs.
- 8.26. Neighbour representations have raised concerns on the basis that the development would lead to increased noise and disturbance. It is acknowledged that the additional three residents could have the potential to increase the noise output of the property. However it is considered that in this central location, the increase in occupancy would not result in an increase so significant as to warrant refusal of the application.
- 8.27. A HMO with six adults is not considered at conflict with the prevailing residential character of the area. The locality has a range of different types of property and the continued use of the property as a small HMO use Class C4 is compatible with other residential uses in the vicinity.
- 8.28. The applicant has confirmed that soundproofing measures would be installed to the new walls which is considered acceptable for the determination of this application. The proposed roof extension would be subject to Building Regulations which would require adequate sound proofing measures are incorporated.

- 8.29. Representations received from neighbours indicate that there have been issues with current occupants of the property, citing anti-social behaviour and concern that additional bedrooms will exacerbate current problems. Council records show there have been no noise complaints regarding the property since 2009. There is Environmental Health legislation in place to deal with noise issues from residential properties and this would offer protection should issues arise in the future.
- 8.30. It is noted however that this property does have a permitted use as a HMO and an additional three bedrooms would not result in a demonstrable increase in noise and disturbance sufficient to warrant refusal, particularly given the noise which could result from a large family living in such accommodation. It is also noted that the new communal areas would be at the rear of the property, without windows facing onto the street which would help to minimise noise.
- 8.31. Comments have also been received raising concerns with regard to loss of privacy and overshadowing. Given the height of the proposed rooflights, these have been positioned to provide natural light and outlook, but by their very nature, the direct outlook from the rooflights to neighbouring properties would be restricted by their angle. Direct views into neighbouring windows would be limited. For this reason, this proposal would not result in significant loss of privacy or harmful overlooking.
- 8.32. It is noted that the proposal may cause some additional overshadowing of the rear windows of the properties fronting Margaret Street, however it is considered that this would not result in significant degree of harm to warrant refusal. The existing arrangements and layouts of the properties means that restrictions in light already exist between properties and by raising the ridge height by 1.2 metres, additional increase in overshadowing would be relatively small and not so significant as to warrant refusal of the application.

Sustainable Transport:

- 8.33. The Sustainable Transport Team have reviewed the application and have no objection to the scheme. It is considered that the additional bedrooms would result in some uplift in trip generation from the site, but not so significant as to warrant refusal for the development. The central location of the site means that occupants would be well-served in terms of sustainable transport options. It is noted that the site is constrained and there is no space for cycle storage that might otherwise have been required for a development of this sort and so this will not be requested on this occasion.
- 8.34. In regard to car parking, currently the existing property could be occupied by three adults and the occupants are entitled to parking permits. This application would see a doubling of residents with six occupants entitled to car parking permits. Due to the additional bedrooms being proposed, it is considered that the development may put further strain on parking provision in the vicinity of the site and it is therefore justifiable to seek a car-free condition on the planning permission. Restricting access to private car use will also encourage the use of sustainable transport modes in accordance with CP9 of the Brighton and Hove City Plan.

9. EQUALITIES

- 9.1. None identified. There are no proposed alterations from the street access to the property.