

<b><u>No:</u></b>	<b>BH2021/00769</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb And Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>52 Barcombe Road Brighton BN1 9JR</b>		
<b><u>Proposal:</u></b>	<b>Change of use from small house in multiple occupation (C4) to eight-bedroom large house in multiple occupation (Sui Generis) incorporating single storey ground floor rear extension.</b>		
<b><u>Officer:</u></b>	Jack Summers, tel: 296744	<b><u>Valid Date:</u></b>	16.03.2021
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	11.05.2021
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
<b><u>Applicant:</u></b>	Rivers Birtwell BN1 5PD	C/o Lewis & Co Planning	2 Port Hall Road Brighton

## 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>
Location Plan	01	-	3 March 2021
Proposed Drawing	02	A	3 March 2021

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. Notwithstanding the requirements of condition 5, the relevant external finishes of the development hereby permitted shall be as follows:

- Brickwork to match the appearance of that found on the existing building.
- Window and door frames painted/coloured white.

**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.

4. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton and Hove Local Plan.

5. One or more bee bricks shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

6. Prior to use of the property as a (sui generis) house in multiple occupation as approved, the following noise mitigation measures shall be implemented as shown on the approved drawings:

- Sound-proofed walls
- Internal and external door soft-closing mechanisms
- External acoustic fencing

These measures shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of the application site and neighbouring properties, and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

7. The room described as 'communal living space' as detailed at ground floor level on the approved plans shall be retained as communal amenity space at all times and shall not be used as one or more bedrooms.

**Reason:** To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

8. The hereby approved development shall only be occupied by a maximum of eight (8) persons.

**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

9. Prior to use of the property as a (sui generis) house in multiple occupation as approved, and notwithstanding the details of the approved plans, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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.

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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
4. The applicant is advised to contact [permit.admin@brighton-hove.gov.uk](mailto:permit.admin@brighton-hove.gov.uk) if they wish to suspend parking outside the application site during the delivery and construction period.

## **2. SITE LOCATION**

- 2.1. The application site is a two-storey terraced dwellinghouse in use as a (C4) small house in multiple occupation on the east side of Barcombe Road, opposite Wild Park that is itself part of the South Downs National Park. The property has previously been enlarged with a bulky and unattractive box dormer.

## **3. RELEVANT HISTORY**

- 3.1. **BH2019/03485** Change of use from small house in multiple occupation (C4) to eight-bedroom large house in multiple occupation (Sui Generis) incorporating single storey ground floor rear extension and associated works. Refused - Appeal Dismissed
- 3.2. The reasons for refusal were as follows:
  1. The centrally-placed bedroom within the converted loft-space, due to its limited usable floor space and poor outlook, would offer a cramped and confined standard of accommodation, detrimental to the amenities of future occupants, contrary to policy QD27 of the Brighton and Hove Local Plan.\*
  2. The proposed ground floor rear bedroom, due to its proximity with shared amenity spaces would provide substandard accommodation impacted on by noise nuisance and limited privacy, detrimental to the amenities of future occupants of this room, contrary to policy QD27 of the Brighton and Hove Local Plan.

*\*It should be noted that although the Inspector dismissed the appeal, they did not uphold this particular reason for refusal.*

## **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought to erect a single-storey rear extension with the aim of making internal alterations to create a total of eight bedrooms, changing the use class to that of a (Sui Generis) large house in multiple occupation with eight bedrooms.

## 5. CONSULTATIONS

### 5.1. Policy

No Comment

### 5.2. Private Sector Housing

No Comment

### 5.3. Transport

The proposed secure cycle parking is too cramped. Considering the number of bedrooms and guidance in SPD14: Parking Standards, a minimum of parking for four cycles would be acceptable. Convenient, usable cycle parking would be preferable to what is proposed; therefore, a reduction and reorganisation of the cycle stands would be welcomed. Additional specification of the model/design of cycle stand is required. It may be difficult to easily manoeuvre a bicycle to the secure parking via the shared alley due to its constraints, however this is deemed to be the best location for cycles to be stored on site.

- 5.4. The net increase in bedrooms may lead to a small increase in trip generation to and from the site but is not deemed to be significant enough to warrant an objection.

## 6. REPRESENTATIONS

- 6.1. **Four (4)** letters have been received, objecting to the proposal on the following grounds:

- Additional HMO accommodation is unnecessary
- The proposed enlargement will make it unlikely that the building will ever be returned to a C3 use class
- The proposed extension will impact on light to neighbouring gardens
- Too many HMOs in the area, leading to:
  - Noise nuisance
  - Littering
  - Parking stress

- 6.2. **Councillor Yates** has also submitted a representation in objection and requested the application be put before the Planning Committee if permission is minded to be approved. A copy of this representation has been attached.

## 7. MATERIAL CONSIDERATIONS

- 7.1. 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.

- 7.2. 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);
- 7.3. 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.

## 8. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
DA3	Lewes Road Area
SA5	The Setting of the South Downs National Park
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP21	Student housing and Housing in Multiple Occupation

#### Brighton & Hove Local Plan (BHLP) (retained policies March 2016)

TR7	Safe development
TR14	Cycle access and parking
QD14	Extensions and alterations
QD27	Protection of amenity

#### Brighton & Hove City Plan Part Two (CPP2)

Policies in the Proposed Submission City Plan Part Two 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 23rd April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM1	Housing, Accommodation and Community
DM7	Houses in Multiple Occupation (HMOs)
DM18	High quality design and places
DM20	Protection of Amenity

DM21	Extensions and alterations
DM36	Parking and Servicing

Supplementary Planning Documents

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

**9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of the change of use, the design and appearance of the external works; the standard of accommodation that would be offered to future residents; and the potential impacts on the amenities of local residents; and on highway safety.

Principle of Development

- 9.2. The existing building is in use as a (C4) small HMO and the proposal would result in an intensification of the use to create a (Sui generis) large HMO. The principle of such a change of use was found acceptable at the time of application BH2019/03485 and was subsequently not raised as an issue by the Inspector. The principle of the development remains considered acceptable at this time.
- 9.3. Concerns have been raised that the proposed development would lead to the loss of family accommodation, but this is not the case. The site has been confirmed as lawfully in use as a small HMO and is not in use as a family dwelling. It is also not considered justified to refuse planning permission on whether the works make it more or less likely that the property will one day be used once again as family accommodation.
- 9.4. It is noted that purpose-built student accommodation has been constructed, or is under construction, in the area, that could curtail the need for additional dwelling houses to be converted. However, it should be considered that HMOs are not occupied exclusively by students and such accommodation can also be occupied by young professionals, therefore the principle of the change of use is not rendered unacceptable by the creation of student accommodation elsewhere.

Design and Appearance

- 9.5. The single-storey rear extension that made up part of the previous application on this site (BH2019/03485) was considered to be acceptable in terms of design and appearance. The current proposal includes an extension of the same form and scale, but with slightly amended fenestration; it remains considered acceptable and is not considered to cause any harm to the appearance of the host building or wider built environment.

Impact on Amenity

- 9.6. As abovementioned, the proposed rear extension matches the scale of that included in application BH2019/03485. It was not considered that such an extension will have any significant harmful impact on the amenities of local

residents. A condition will be attached restricting access to the flat roof for anything other than maintenance or in the event of an emergency. It is considered that access as an amenity space would cause a harmful sense of overlooking for neighbours in the adjoining property.

- 9.7. Concerns have been raised that the proposed increase in the number of residents will cause an increase in noise that would be harmful to the amenities of local residents. This was not considered a reason to refuse planning permission at the time of the previous application (BH2019/03485), nor did the Inspector raise this as a concern during the course of the subsequent appeal. It is not considered that the proposal would inherently lead to an increase in noise that would be harmful to local amenities, but the council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received, therefore it is not warranted to refuse planning permission on this basis. Acoustic fencing at the rear of the site will reduce the potential noise coming from the property and the installation of this fencing shall be secured by condition.

#### Standard of Accommodation

- 9.8. The proposal includes eight bedrooms; two on the ground floor, three on the first floor, and three within the loft-space created by the large dormer window. Concerns were raised during the course of the previous application about the proposed layout on the uppermost floor, which is unchanged in the current proposed, but these concerns were not upheld by the Inspector at the time and it is not considered reasonable to refuse the current application on these grounds.
- 9.9. The other previous reason for concern, at ground floor level, is considered to have been overcome by a reworking of the layout. Both ground-floor level bedrooms are now at the front of the property, benefitting from good natural light and outlook from the existing windows, as well as acceptable space. The inclusion of design features such as sound-proofed walls between the bedrooms and communal areas, and soft close mechanisms on the ground floor doors, should mitigate the potential harm to ground floor residents to an acceptable degree.
- 9.10. Planning conditions shall be imposed restricted the number of residents to eight, and to ensure the retention of the ground floor communal areas. This will help ensure that a satisfactory standard of accommodation is maintained.

#### Impact on the Adopted Public Highway

- 9.11. The increase in the number of residential units and lack of off-street parking has the potential to exacerbate existing reported parking stress in the area. This was raised as a concern at the time of the previous application; the Officer report for BH2019/03485 states:  
*The proposal could lead to an additional two occupants at the application site and it is not considered that the likely subsequent increase in privately owned motor vehicles associated with the works would be considerable enough to cause harm warranting refusal of the scheme.*

9.12. It is also considered that the site lies within Controlled Parking Zone D, and, aside from on match or event days, residents enjoy unrestricted on-street parking therefore the ability of the Council to restrict parking for residents is limited. In addition, it is not considered likely that an additional two residents is likely to have any significant harmful impact on local on-street parking.

9.13. The proposed cycle parking includes three Sheffield stands able to accommodate a total of six cycles within the existing outbuilding. Whilst this is above what would be required to comply with SPD14: Parking Standards, it is considered that at least some of the spaces would be inconvenient to access, and in this instance fewer stands with better access would be most desirable. An amended cycle parking scheme and its implementation would be secured by condition.

#### Other Considerations

9.14. Concerns have been raised that the proposal will lead to increased littering in the local area. It is not considered justified to refuse planning permission on this basis and this relates to the behaviours of individual residents and is not an inherent or unavoidable result of the development. Such behaviour and the potential impacts can be managed through alternative regimes.

9.15. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees. A suitably-worded condition will be attached to secure an appropriate number of bee bricks within the proposal in order to help meet the requirements of policy CP10 of the City Plan Part One.

#### Conclusion

9.16. The proposed development would result in no more than two additional residents occupying the property; it would not result in the loss of family accommodation and the external alterations are considered to be acceptable. The standard of accommodation for future residents, which was the sole reason for refusal of the previous application, is now acceptable and the proposed scheme is considered to have overcome previous reasons for refusal. Biodiversity improvements, sound-reducing measures and cycle parking provision will be secured by condition. Further conditions will ensure that the number of residents does not exceed eight, and that communal amenity spaces at ground floor level shall be retained for such uses and will not be used as one or more bedrooms. For these reasons the proposal is considered to be in accordance with policies TR14, QD14 and QD27 of the Brighton and Hove Local Plan; and CP9, CP10, CP12 and CP21 of the City Plan Part One.

9.17. It is also considered that the proposal would also be in accordance with policies DM1, DM20, DM21 and DM36 of the Proposed Submission City Plan Part Two which is gathering weight. These four policies are considered to have significant weight at this stage.

## **10. EQUALITIES**



None identified

