

|                                      |   |                            |                  |
|--------------------------------------|---|----------------------------|------------------|
| <b><u>No:</u></b>                    | <b>BH2023/00481</b>   | <b><u>Ward:</u></b>        | <b>Wish Ward</b> |
| <b><u>App Type:</u></b>              | <b>Full Planning</b>  |                            |                  |
| <b><u>Address:</u></b>               | <b>26 Glebe Villas Hove BN3 5SN</b>   |                            |                  |
| <b><u>Proposal:</u></b>              | <b>Change of use from existing dwelling (C3) to dual use as either dwelling (C3) or a six bedroom small house in multiple occupation (C4). External alterations including revised fenestration.</b> |                            |                  |
| <b><u>Officer:</u></b>               | Alice Johnson, tel: 296568  | <b><u>Valid Date:</u></b>  | 17.02.2023       |
| <b><u>Con Area:</u></b>              |   | <b><u>Expiry Date:</u></b> | 14.04.2023       |
| <b><u>Listed Building Grade:</u></b> |   | <b><u>EOT:</u></b>         |                  |
| <b>Agent:</b>                        |   |                            |                  |
| <b>Applicant:</b>                    | Steve Leung 11 Radinden Drive Hove BN3 6LB  |                            |                  |

## 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 and block plan | 26P6/LP002       |                | 21 April 2023        |
| Proposed Drawing        | 26P6/FP002C      |                | 21 April 2023        |
| Proposed Drawing        | 26P6/EL001       |                | 21 April 2023        |

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 C4 HMO use hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans and shall be retained as such thereafter. The kitchen/living/dining room shall be retained as communal space at all times and shall not be used as a bedroom(s).

**Reason:** To ensure a suitable standard of accommodation for occupiers and to comply with Policy DM1 of the Brighton & Hove City Plan Part Two.

4. Prior to first occupation of the development hereby permitted, 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 DM33 of the Brighton & Hove City Plan Part Two.

5. The C4 HMO use 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 Policies DM1 and DM20 of the Brighton & Hove City Plan Part Two.

6. The development hereby permitted shall not be occupied until a details of the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in full prior to occupation.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals 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. SITE LOCATION**

- 2.1. The application relates to a two storey detached dwellinghouse on the western side of Glebe Villas. The site is not listed nor is it within a conservation area or the setting of either.
- 2.2. There is an Article Four Direction in place restricting the conversion of single dwellinghouses (C3) to small houses in multiple occupation (C4) without express planning permission.

## **3. APPLICATION DESCRIPTION**

- 3.1. The application seeks permission to use the property flexibly as either a dwelling (planning use class C3) or a six bedroom small house in multiple occupation (planning use class C4). Planning permission is also sought for external alterations which include revised fenestration.

## **4. RELEVANT HISTORY**

- 4.1. **BH2022/01170** Certificate of Lawfulness for the proposed development of a loft conversion with dormers to left and right elevations and additional windows to front and rear elevations. Approved 24.05.2022
- 4.2. **BH2022/01179** Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 8.00m, for which the maximum height would be 3.95m, and for which the height of the eaves would be 2.50m. Approved 20.05.2022

## 5. CONSULTATIONS

- 5.1. Private Sector Housing Should the application be successful then the applicant will be required to apply for a HMO Licence. This can be done on-line via the council's website.
- 5.2. Transport Verbal 02/05/2023 Objection
- The applicant is proposing 2 car parking spaces. SPD14 states a maximum of 0.25 car parking spaces per bedroom for a HMO (between 3 - 6 unrelated individuals) in Outer Areas. The proposed amount is over the maximum and therefore unacceptable.
  - The applicant is proposing 4 cycle parking spaces on 2 Sheffield stands. SPD14 require a minimum of 1 cycle parking space per 2 beds. The proposed amount is above the minimum requirements, and this is welcomed, however, we do require further details to ensure secure/covered cycle parking via condition.
  - The proposed change of use from C3 to C4 are likely to increase the number of trips to the site however, these are unlikely to be significant enough to object.

## 6. REPRESENTATIONS

- 6.1. Twelve (12) letters and one (1) representation said to have been made on behalf of a number of residents of Glebe Villas have been received, objecting to the proposed development on the following grounds:
- Increased noise from the property and in the garden area.
  - Overdevelopment.
  - The proposal would not meet acceptable living standards for the occupants.
  - Impact on neighbours garden space and wellbeing.
  - Additional traffic
  - Poor design
  - Residential amenity
  - Additional refuse and parking pressure
  - Detrimental impact on property value.
  - Overshadowing.
  - Concerns about the management of the proposed HMO and a neighbouring HMO.

- Concerns about antisocial behaviour.
- Lack of appropriate bathrooms.
- Room sizes are too small.
- Fences erected between no. 26 and no.28 Glebe Villas will limit the visibility from the driveway.
- Loss of a family home.
- Pattern of behaviour and comings and goings from the property will be out of character in the area.
- Neighbouring amenity would be impacted by the proposed HMO in addition to the existing neighbouring HMO.
- Additional refuse and parking pressure.
- The properties gross internal floor space is below that required for minimum floor space.
- The bedrooms do not all meet the internal floor space required.
- Overbearing and perceived/actual overlooking onto no.24.
- The proposal does not meet the required communal space for DM7
- The proposal is not in line with SPD14.
- Bin storage and cycle storage is not shown on the plans.
- The HMO may expand in the future and permissions for expansion of the property have been given.
- The width of the proposal combined with the existing neighbouring HMO would result in the equivalent of 3.5 HMO's.

6.2. One (1) letter has been received from **Councillor Sankey** objecting to the proposed development and the letter is 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 City Plan Part Two (adopted October 2022);
- 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).

## 8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

|      |  |
|------|--|
| SS1  | Presumption in Favour of Sustainable Development   |
| CP8  | Sustainable buildings                              |
| CP9  | Sustainable transport                              |
| CP12 | Urban design                                       |
| CP19 | Housing mix  |
| CP21 | Student housing and Housing in Multiple Occupation |

Brighton & Hove City Plan Part Two:

|      |   |
|------|---|
| DM1  | Housing Quality, Choice and Mix                                   |
| DM7  | Houses in Multiple Occupation (HMOs)                              |
| DM20 | Protection of Amenity   |
| DM33 | Safe, Sustainable and Active Travel                               |
| DM36 | Parking and Servicing   |
| DM40 | Protection of the Environment and Health - Pollution and Nuisance |

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan

|       |                                     |
|-------|-------------------------------------|
| WMP3e | Waste management in new development |
|-------|-------------------------------------|

Supplementary Planning Document:

|       |                                   |
|-------|-----------------------------------|
| SPD11 | Nature Conservation & Development |
| SPD12 | Urban Design                      |
| 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, design and appearance, the standard of accommodation which the use would provide, impact upon neighbouring amenity and transport issues.

**Principle of Development:**

- 9.2. The application seeks permission to provide for the flexible use of the property as either a dwelling (planning use class C3) or a six bedroom small house in multiple occupation (HMO) (planning use class C4).
- 9.3. Policy CP21(ii) 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 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.”*
- 9.4. A mapping exercise has taken place which indicates that there are 31 neighbouring residential properties within a 50m radius of the application

property. One (1) of the neighbouring properties has been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 3.2%.

- 9.5. Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21.
- 9.6. Policy DM7 of CPP2 includes additional criteria to those set out in Policy CP21, and states the following:  
*"Applications for new build HMOs, and applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use, will be permitted where the proposal complies with City Plan Part One Policy CP21 and all of the following criteria are met:*
- a) fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs;*
  - b) the proposal does not result in a non-HMO dwelling being sandwiched between two existing HMOs in a continuous frontage;*
  - c) the proposal does not lead to a continuous frontage of three or more HMOs;*
  - d) the internal and private outdoor space standards provided comply with Policy DM1 Housing Quality, Choice and Mix;*
  - e) communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants."*
- 9.7. Criterion a) has been assessed and the percentage of dwellings in the wider neighbourhood area in use as HMOs has been calculated at 1.4% so the criterion has been met. In terms of criterion b) the area has been assessed and it is confirmed that the proposal would not 'sandwich' a non-HMO between two existing HMOs; and would not lead to a continuous frontage of three or more HMOs so accords with criterion (c). Considerations regarding amenity space and communal living (criteria d) and e)) are set out below.
- 9.8. On this basis, the scheme is considered to accord with Policy CP21 (ii) and with criteria a), b) and c) of Policy DM7.

Design and Appearance:

- 9.9. Alterations are proposed to the southern side elevation of the building at ground floor level. These windows would be white UPVC, matching the existing, providing a more sympathetic appearance, so are considered suitable additions to the building that would not harm its appearance or that of the wider area, in accordance with policy DM21 of City Plan Part 2 and SPD12 guidance.
- 9.10. A proposed bin store is located to the frontage of the property. Further details have been secured by condition to ensure any recycling / refuse storage facilities have an appropriate impact on the streetscene.

Sustainable Transport

- 9.11. The Local Highway Authority objected to the scheme due to the number of carparking spaces to be provided, namely two. However, the front drive way is

a hardstanding as existing and the application does not propose any changes to the existing parking situation. The application is therefore acceptable in this regard.

- 9.12. A suitable condition will be added to the application to secure cycle parking spaces.
- 9.13. While the change of use to an HMO would likely increase the number of trips to the site any additional impact on the highway is not considered to be significant.
- 9.14. Concerns have been raised from objectors about the additional parking pressure in the immediate vicinity of the site. However, the site is located within a Controlled Parking Zone (CPZ) which will mitigate against potential for overspill parking. The Local Highway Authority raised no objection in respect of any additional on street parking impact.

Impact on Residential Amenity:

- 9.15. Policy DM20 of City Plan Part 2 states that planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.16. With regard to amenity, no significant adverse impacts are expected as a result of the development. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, overshadowing, outlook, noise and privacy following an investigation and no significant harm has been identified.
- 9.17. While the change of use from a dwelling to HMO has the potential to result in an increase to noise and disturbance, it is not considered that this would be of such a magnitude to cause demonstrable harm. It is noted that six adult members of a family could live in the dwelling under the existing C3 use. Furthermore, Policy CP21 of the Brighton and Hove City Plan Part One supports the change of use to C4 House in Multiple Occupation, provided that there is not an excessive proportion of neighbouring dwellings in HMO use (over 10% within a 50 metre radius). The application accords with policy CP21 in this regard and given the limited number of HMOs in the vicinity of the site, the cumulative impact is also not considered to be of concern.
- 9.18. Changes are proposed to the ground floor windows on the south facing elevation. These changes would result in two larger windows instead of three smaller windows. While an increase in size the windows are not considered to provide any significantly opportunity to views towards the neighbouring property over and above the existing situation.

**Standard of Accommodation**

- 9.19. 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. Policy DM1 of the City Plan Part Two requires new residential development to comply with the Nationally Described Space Standards (NDSS).

- 9.20. 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.
- 9.21. The proposed accommodation comprises six bedrooms between approximately 7.87sqm and 11.5sqm. Rooms would be of suitable sizes and proportions meeting or exceeding the minimum NDSS allowing space for furniture and circulation. Access to natural light and outlook is considered acceptable given each room has a window.
- 9.22. The communal area at ground floor would measure approximately 24.9sqm in area which is considered sufficient for a six person occupancy. The space would be functional with adequate levels of circulation space, light and outlook and would therefore provide an acceptable standard of accommodation. All the bedrooms proposed meet the government's minimum space standards and would have good levels of natural light and outlook.

#### **Other Considerations**

- 9.23. The planning system does not exist to protect private interests such as the value of land or property, and as such the affect the proposed development could have upon neighbouring property values does not hold weight in the determination of this planning application.
- 9.24. Concerns have been raised by objectors about the additional pressure on refuse collection. The increase in occupancy would not put any undue strain on the refuse collection service above that which could result from a large family occupying the dwelling. Details are secured by condition to ensure the refuse and recycling facilities are suitable and have an appropriate impact on the appearance of the streetscene.
- 9.25. Concerns have been raised from objectors about the management of the adjoining HMO. The management of this HMO is not a material planning consideration as planning permission runs with the site, so this has not been assessed as part of this application.
- 9.26. Concerns have been raised that further occupants (above 6) could be housed within the development. Planning permission would be required for an increase in occupancy above 6 persons so if this occurred, enforcement action could be taken.
- 9.27. Concerns have been raised from objectors about the addition of fencing. This application does not include fencing and therefore this has not been assessed as part of the proposal. It is noted boundary fencing up to a height of 2m can be erected to the rear garden of the property under permitted development rights.

## **10. CLIMATE CHANGE/BIODIVERSITY**



None identified

**11. EQUALITIES**  
None identified

