

<u>No:</u>	BH2025/00230	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	47 Eastbrook Road Portslade BN41 1LN		
<u>Proposal:</u>	Change of use from single dwelling house (C3) to 5no bedroom small house in multiple occupation for up to six persons (C4).		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	18.02.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15.04.2025
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	CAT Architectural Services 3A West View Seaford BN25 1JR		
<u>Applicant:</u>	WSE Property Services Ltd 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.

Plan Type	Reference	Version	Date Received
Location Plan	03		27-Jan-25
Proposed Drawing	02	V1	22-Apr-25
Report/Statement		Design & Access	27-Jan-25

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 HMO use hereby approved shall only be implemented in strict accordance with the proposed layout detailed on the proposed floor plans ref. 02 V1, received on 22nd April 2025 and shall be retained as such thereafter. The layout of the kitchen/dining space and living room shall be retained as communal space at all times and shall not be used as bedrooms. The ground floor bedroom is considered acceptable for double occupancy if required.

Reason: To ensure a suitable standard of accommodation for occupiers and to comply with Policies DM7 and DM20 of the City Plan Part Two.

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.

Biodiversity Net Gain

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Brighton & Hove City Council.

2. SITE LOCATION

- 2.1. The application site is a two-storey terraced property with rear outrigger, located on the northern side of Eastbrook Road. It is not a listed building or within a conservation area. The site is covered by the city-wide Article 4 Direction restricting the permitted development right to change the use of a property from a dwellinghouse (planning use class C3) to a small House in Multiple Occupation (HMO) (planning use class C4). There are no other relevant designations.

3. RELEVANT HISTORY

- 3.1. **BH2024/00872** - Erection of single storey rear extension and roof alterations incorporating rear/side dormer and front rooflights. Approved 12.08.2024
- 3.2. **BH2024/00555** - Change of use from single dwelling house (C3) to flexible use residential and 6no bedroom small house in multiple occupation (C3/C4) with associated works including single storey rear extension and loft conversion with rear dormers and front rooflights. Withdrawn

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the change of use of the property from a single dwellinghouse (C3) to 5no. bedroom small HMO for up to six persons (C4).

The description has been amended to reflect that the plans had been drawn incorrectly and that the rooflights in both the rear extension and the front roof slope were not changing from the arrangement approved under BH2024/00872. The drawings have also been corrected.

5. REPRESENTATIONS

5.1. Representations have been received from 43 people, objecting to the proposed development for the following reasons:

- Overdevelopment
- Increased noise – walls of houses too thin so noise carries
- HMO for six persons plus partners or visitors is too much.
- Increased stress on sewerage network, local services, rubbish.
- Increase in anti-social behaviour.
- Poor design
- Loss of family home: detracts from family orientated character of street, community cohesion, occupants will be transient, will encourage other HMOs.
- Detrimental effect on property value.
- Increased comings and goings.
- Breaks house up into rooms.
- Lack of parking: Eastbrook Road has unrestricted parking this will make parking more difficult.
- Supportive comments outside of the local community should not be considered.
- Impacts on road safety, and increased traffic
- Extensions are jarring and out of character.
- Increased pollution
- Applicant has sought to encourage support for plans with takeaway vouchers, affecting transparency and integrity of the process.
- Developer doing this for profit.
- Previous application withdrawn – why allowed to apply again?

5.2. Representations have been received from 9 people supporting the proposed development for the following reasons:

- Good design
- Unfair to assume student/young tenants will cause issues.
- Not all HMO tenants have cars/public transport use is high.
- Developer properties are good and affordable, have soundproofing.
- HMOs are a good option for young working professionals, especially for those on one income. Good alternative to live-in landlord.
- If used as a family home, there is no guarantee it will be problem free.
- Good bedrooms and ensuites.
- Addresses a shortage of this type of housing.
- Accommodation is needed for the Performers' College.

5.3. There have been objections on this application detailing that the applicant has sought to encourage supportive comments on the application from their tenants

in other properties and offered a reward for doing so. Copies of the communication sent to their tenants have been reviewed and the applicant has confirmed that this happened. It is noted that the supportive comments are dated on or after the applicant's intervention in the public consultation.

- 5.4. In light of this **limited weight** is attributed to the supportive comments received for this application. However, the Local Planning Authority cannot completely disregard the comments or not acknowledge them within the consideration as it cannot be proved that all supportive comments were a result of the applicant's intervention.

6. CONSULTATIONS

Internal:

- 6.1. **Housing Strategy:** No comment received
- 6.2. **Private Sector Housing:** Comment
For 6 people (as opposed to 5) there will need to be a second set of kitchen facilities (sink/dishwasher, cooker/microwave, plus sufficient cupboard storage in the kitchen.
- 6.3. The owner will need to apply to Private Sector Housing for an HMO Licence.
- 6.4. **Planning Policy:** No comments to make
- 6.5. **Sustainable Transport:** No objection
The property does not have off-street parking as existing, there is unrestricted on-street parking outside the property. It is unlikely that overspill parking would increase parking stress in the area.
- 6.6. Cycle parking should be provided; however, the dwelling is terraced, and cycle parking would need to be in the rear garden, requiring cycles to be taken through the dwelling which is not convenient.
- 6.7. The proposed development is expected to result in an increase in trips generated by the site. However, this is not considered to be a reason to object.

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; revised October 2024; revised October 2024);
- 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
CP1	Housing delivery
CP9	Sustainable transport
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
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, sustainable and active travel
DM36	Parking and servicing

Supplementary Planning Documents:

SPD14	Parking Standards
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to whether the change of use to small HMO (C4) is acceptable in principle, the proposed standard of accommodation for future occupiers of the HMO, impacts on neighbouring amenity and transport matters.

Principle of the Change of Use:

- 9.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to planning use class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation (HMO) 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, 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."*
- 9.3. A mapping exercise has been undertaken (April 2025) which indicates that there are 51 dwellings within a 50m radius of the application property, none of which

have been identified as being in HMO use. The percentage of neighbouring dwellings in HMO use within the radius area is thus 0%.

- 9.4. Based on the existing percentage of neighbouring dwellings in HMO use, which is less than 10%, the change of use to a five-bedroom, six-person HMO (C4 use) would not conflict with the aims of policy CP21.
- 9.5. 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."*
- 9.6. Criterion a) has been assessed and the percentage of dwellings in the wider neighbourhood area has been calculated at 1.56% so it has been met. In relation to 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 also accords with criterion (c). Considerations regarding amenity space and communal living (criteria d) and e) are set out below.
- 9.7. On this basis, the scheme is considered to accord with Policy DM7 of CPP2 and CP21 of the CPP1 and the change of use of the site to a small HMO is acceptable in principle.

Standard of Accommodation:

- 9.8. The proposed HMO would have a communal area within the rear ground floor containing a kitchen, dining and living space (27.8sqm). For the six occupants proposed, this exceeds the 4sqm per person minimum required by policy DM7. The overall shape and layout of space is considered to be appropriate for up to six occupiers.
- 9.9. There is also a WC on the ground floor which would be easily accessible to future occupiers using the communal space.
- 9.10. The first bedroom is on the ground floor and is ensuite. The bedroom area excluding the ensuite space is 12.8sqm which is large enough to be suitable for double occupancy.

- 9.11. On the first floor there are two ensuite bedrooms and a shower room. The front bedroom has a floor area of 9.4sqm (excluding ensuite) which is above the 7.5sqm required for a single occupancy bedroom. The rear bedroom, also single occupancy, has a floor area of 10sqm (excluding ensuite) so again is suitable for single occupancy.
- 9.12. At second floor there are two more bedrooms. The front bedroom has restricted head height and is the only room not to have an ensuite, though there is a communal shower room on the first floor which provides facilities for the occupier of this bedroom, especially given every other room has an ensuite. Although there is a relatively large floor area within this bedroom, 8.16sqm of this floor area would have a head height of above 1.5m from the finished floor level, exceeding the 7.5sqm required for single occupancy.
- 9.13. The rear bedroom would not have restricted height and has a floor area of 9.3sqm (excluding ensuite).
- 9.14. It is acknowledged that the rear bedrooms within the outrigger on the first and second floor are slightly narrower than the minimum width for a single occupancy bedroom. The minimum width for a single occupancy bedroom is 2.15m. The first-floor rear bedroom has a width of 1.99m for most of the bedroom floor area. The second-floor rear bedroom has a width of 1.94m for most of the bedroom floor area.
- 9.15. However, although the rooms are narrow the overall floor area is above the minimum required and the plans indicate a furnished layout for the rooms which demonstrates that the rooms would not be cramped.
- 9.16. Overall, it is considered that the proposed layout of the property as a small HMO (up to six persons) would provide suitable standard of accommodation for the number of occupants proposed and is therefore in accordance with policies DM1 and DM7 of the City Plan Part Two.
- Impact on Amenity:**
- 9.17. Policy DM20 of City Plan Part Two 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.
- 9.18. The proposed change of use from a dwellinghouse to small HMO may create more comings and goings from the property and in a different pattern to the existing dwellinghouse use. However, it is not considered that the additional comings and goings from a small HMO use would amount to such substantial harm to neighbouring properties to warrant refusal of the application.
- 9.19. As noted above, the application site is not in an area which currently has more than 10% of dwellings within 50m radius being in HMO use or 20% of the wider neighbourhood area. While any additional HMOs may have the potential to increase the cumulative impact and harm to amenity with which they are often associated, in this instance the existing numbers of HMOs in the area is not

enough to warrant refusal of the application on the grounds of potential amenity impact.

- 9.20. Furthermore, it is noted a HMO of this size would require licensing by the Council's Private Sector Housing team and thus be required to comply with management standards, amongst other requirements. Additionally, the granting of this planning permission would not prohibit the Environmental Health team acting against 'statutory nuisance' under the Environmental Protection Act 1990 if this was required in the future.
- 9.21. The proposed alterations to the rooflights at the front to make them larger and to omit a rooflight on the rear would have a neutral impact on neighbour amenity.
- 9.22. Accordingly, the development would be considered acceptable in terms of any impacts on neighbouring amenity. It is also noted that the proposal complies with policy DM20 of the City Plan Part Two.

Sustainable Transport:

- 9.23. The proposed development is expected to result in an increase in trips generated by the site. However, considering the small size of the development the trip generation impact would not be significant and would not therefore be grounds for objection under the National Planning Policy Framework.
- 9.24. The parking standards SPD14 requires a minimum of 3 cycle parking spaces. The applicant proposes a secured cycle shed in the rear garden. However, the site does not have direct access to the rear garden, so the future residents will push their bikes through the habitable space. This is considered inconvenient. Due to the constrained nature of the site, additional cycle parking cannot be delivered by condition in this instance.
- 9.25. In terms of car parking, it is acknowledged that there is no driveway or off-road parking associated with the property. The site has access to good public transport connection through the bus services serving Church Road and Fishersgate Railway Station is within walking distance of the property. Therefore, it is considered that future occupiers would not need to rely on a private vehicle to live here.
- 9.26. Several of the objections to the application cite parking as a concern for the application. In their response the Local Highway Authority has noted that the road has unrestricted parking and has noted that any overspill parking would not result in parking stress in the area. One of the objections has also noted that the parking situation for the small HMO may not be too dissimilar from the use as a dwelling as the family occupying the property have multiple cars, which can often be the case.
- 9.27. Accordingly, the proposal is considered to comply with policies CP9 of the City Plan Part One and policies DM33 and DM36 of the City Plan Part Two.

Other Matters Including Those Raised in Representations:

- 9.28. The impact on sewerage infrastructure has been raised as a concern but it is not considered the use would increase pressure on services over that of a family.
- 9.29. The nature of future residents has been raised as an issue such as their potential to be students. However, this is not a planning matter.
- 9.30. It is noted that the comments of Private Sector Housing state that a second set of kitchen facilities would be required for six-person occupation. The planning decision is not securing a specific kitchen provision but instead considered the overall provision of communal space, including the kitchen but also dining and living space. It is for the applicant to ensure they have all the correct permissions/licences etc. for the small HMO being considered here.

Biodiversity Net Gain

- 9.31. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

10. EQUALITIES

Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.1. Officers considered the information provided by the applicant, together with the responses from consultees and any representations made by third parties and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

