

<b><u>No:</u></b>	<b>BH2025/02421</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb &amp; Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>54 Auckland Drive Brighton BN2 4JF</b>		
<b><u>Proposal:</u></b>	<b>Change of use from residential dwelling (C3) to 6no bedroom small house in multiple occupation (C4) with associated alterations.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	30.09.2025
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	25.11.2025
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning    Lewis & Co Planning    2 Port Hall Road Brighton    BN1 5PD    United Kingdom		
<b><u>Applicant:</u></b>	Rivers Birtwell    Unit 30    The Waterfront    Brighton Marina Village Brighton    BN2 5WA		

## 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:

- 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
Proposed Drawing	02		30-Sep-25
Location Plan	01		30-Sep-25

- 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.

- Unless otherwise shown on the drawings hereby approved, the external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM21 of City Plan Part Two and CP12 of City Plan Part One.

4. The HMO (six bedrooms/persons) hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans 02 received on 30th September 2025. The internal layouts shall be retained as first implemented thereafter. No part of the communal area shall be used as a bedroom.  
**Reason:** To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 and DM7 of the Brighton and Hove City Plan Part Two.
5. Notwithstanding the approved plans, the development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. Rather than be installed in front of the property as shown on the plans, the cycle store (as drawn on drawing 02 received 30th September 2025) shall be installed to the side of the single storey existing single storey side extension behind the existing fence. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
6. The HMO use hereby permitted shall not be commenced until the sound proofing shown on drawing 02 submitted on 30th September 2025 has been fully installed in all of the places indicated on the floor plans. Once applied, the soundproofing shall be maintained and where necessary repaired to ensure maximum effectiveness for the lifetime of the small HMO use.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove 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 Environment Act 2021.

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.

## **2. SITE LOCATION**

- 2.1. The application site comprises a semi-detached two storey dwelling located on the eastern side of Auckland Drive in Bevendean. The property has brick walls and tiled roof, and the loft has been converted into further habitable space, with a rear dormer and front rooflights. The dwelling is set back from the road edge and has a stepped access from the elevated pavement.
- 2.2. The site is not a listed building and is not within a Conservation Area. There are also no locally listed buildings within the vicinity. The site backs onto fields and is a short distance from the Hyde Business Park.
- 2.3. The site is located within the citywide Article 4 Direction preventing permitted development rights to allow for dwellinghouses (C3) to change use to small HMOs (C4), such a restriction has been in place since 2013 at this location. The restriction means that such changes require planning permission and be determined in accordance with the development plan.

## **3. APPLICATION DESCRIPTION**

- 3.1. Planning permission is sought for the change of use from a residential dwelling (C3) to a 6no bedroom small house in multiple occupation (C4), with associated alterations, including amendments to fenestration.

## **4. RELEVANT HISTORY**

- 4.1. **PRE2025/00081** - Change of use from (C3) dwelling to (C4) small HMO (three to six unrelated occupants).  
Pre-application advice summary:  
The proposed change of use would comply with policy CP21 of the City Plan Part One as there are not more than 10% of properties in use as HMOs within 50m of the site. The proposed change of use would comply with criterion a, b and c of policy DM7 Criterion d and e could not be assessed as no information was provided in the pre- application submission.
- 4.2. **BH2017/02817** - Certificate of lawfulness for proposed loft conversion incorporating rear dormer with front rooflights. Approved 16.10.2017

## **5. REPRESENTATIONS**

- 5.1. Representations have been received from **26 (Twenty Six)** individuals, objecting to the proposed development for the following reasons:
  - Family area does not need more HMOs

- Detrimental effect on property values
- Noise
- Impact on residential amenity
- Overdevelopment
- Overshadowing
- Additional traffic and highway stress
- Increased demand for parking
- Poor waste management with student properties/HMOs
- Antisocial behaviour and drug taking
- Council stated no more HMOs would be created.
- Negative impact on the wellbeing of existing residents
- Overcrowded and overdeveloped HMO accommodation.
- Impact on safety
- Not the right area for students to be housed
- Lack of ventilation
- Impacts on drainage
- Loss of dwelling for family occupation.
- Poor standard of accommodation internally.
- Noise and inconvenience from conversion works.
- Development is not for local people or those wanting to own a home of their own.
- Degradation of community
- Travel is not easy from this location.
- Too many HMOs within the Moulsecoomb & Bevendean ward
- Development will bring transient tenants
- Existing extension to the property was accepted on the basis a family lived there
- Loss of privacy
- Impacts on local schools
- Additional comings and goings of visitors to the occupants of the HMO
- Not close to universities.
- Not in accordance with Policy DM20

5.2. **Councillor Taylor** has objected to the application. A copy of their representation is attached to this report.

5.3. Full details of representations received can be found online on the planning register.

## 6. CONSULTATIONS

### Internal:

6.1. **Housing Strategy:** No comment received

6.2. **Private Sector Housing:** Comment

Should the application be approved then the applicant will be required to apply for an HMO Licence. This can be done online via the council's website.

- 6.3. **Sustainable Transport (verbal):** Awaiting comments  
Full details of consultation responses received can be found online on the planning register.

## 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
CP12	Urban design
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
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, sustainable and active travel
DM36	Parking and servicing

#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations

## 9.      **CONSIDERATIONS & ASSESSMENT**

- 9.1.      The main considerations in the determination of this application relate to whether the creation of a C4 HMO would be acceptable in terms of the standard of accommodation, the impacts of the development on neighbour amenity and transport matters.

### **Principle of the Development:**

- 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 percent 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 (November 2025), which indicates that there are 14 properties within a 50m radius of the application property, none of which have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 0%.

- 9.4.      Based on the existing percentage of neighbouring properties in HMO use, the change of use from a dwellinghouse (C3) to a six-bedroom with a maximum occupation of six-persons 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 used as HMOs has been calculated at 5.41% 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 the proposal also accords with criterion (c). Considerations regarding amenity space and communal living (criteria d) and e) are set out in the Standard of Accommodation section below.
- 9.7. On this basis, the proposal is considered to accord with parts a), b) and c) of Policy DM7 of the CPP2 and the CP21 of the CPP1 and the change of use of the site to a C4 HMO use is acceptable in principle.

**Standard of Accommodation:**

- 9.8. The proposed standard of accommodation for the HMO is being considered against Policy DM1 of the CPP2 which incorporates the minimum space standards within the Nationally Described Space Standard (NDSS) into the development plan. The requirement to meet these standards is further emphasised within d) and e) of Policy DM7 of CPP2.
- 9.9. The proposed HMO layout would have a kitchen/dining space and separate living space on the ground floor, collectively these spaces measure at 27.5sqm. The layout of these spaces is considered acceptable with regard to natural ventilation and outlook for future occupiers. The proposed communal space exceeds the minimum required of 4sqm per person (24sqm for six-person occupancy). The spaces are considered appropriate for the proposed occupancy in terms of their room sizes and shapes.
- 9.10. Overall, there would be six bedrooms, one on the ground floor, three on the first floor and two within the loft. Each bedroom would be for single occupancy. The bedrooms range from 7.5sqm (the minimum accepted for single occupancy) to 8.1sqm. It is considered that each room would be acceptable for single occupancy. The bedrooms are also considered acceptable in terms of width, overall shape and head height.
- 9.11. There are three shower rooms within the proposed layout. Bedrooms and living areas are either on the same floor as bathroom amenities or within one floor of them. It is considered that one shower room on the ground floor and two on the first floor is acceptable.
- 9.12. All bedrooms and communal areas within the property would have access to good outlook through windows which would allow light and ventilation to the habitable spaces.
- 9.13. The proposal has a rear garden with access provided from the kitchen/dining space. The size of the rear garden is considered sufficient for a C4 HMO use.
- 9.14. A condition, securing the layout as set out on the floor plan, is recommended to be attached to ensure that any changes to this layout do not diminish the

standard of accommodation assessed and recommended for approval in this application.

- 9.15. Overall, the small HMO would provide an acceptable standard of accommodation for three to six occupiers and does meet the requirements of policies DM7 and DM20 of the City Plan Part Two.

**Design and Appearance:**

- 9.16. The application proposes some minor amendments to the external appearance of the existing dwelling, specifically to the fenestration with windows being replaced and altered on the east elevation at first floor level. Currently there are three openings, this would reduce to a single opening. On the front elevation an additional window is added at first floor level and the existing middle window opening is reduced in size. At ground floor to the rear, the existing rear access from the kitchen area is changed from a door to a window and a window opening in the main rear elevation is extended to accommodate double doors into the garden.
- 9.17. This is considered acceptable, and a condition is applied to require the infilled windows to match the existing wall and that new windows match those existing within the property.
- 9.18. There are no changes to the access to the property. The proposed cycle store is shown as being located in front of the ground floor bedrooms, this is not considered to be an ideal relationship and would 'clutter' the front of the property. There is an existing side access to the rear garden, and it is considered that the cycle store should be provided behind the fencing adjoining the side extension, this would reduce clutter to the front of the property and increase the security of the cycle store. A condition is attached seeking the cycle store as proposed (in terms of style and number of parking spaces) but requiring relocation to the rear garden.
- 9.19. Overall, the minor alterations to windows within the property and the proposed cycle parking (subject to it being relocated) are considered acceptable alterations to the property and in accordance with policies DM21 and CP12.

**Impact on Amenity:**

- 9.20. 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.
- 9.21. A change of use from a dwellinghouse to a C4 HMO could create more comings and goings from the property and in a different pattern to the existing C3 dwellinghouse use. However, it is not considered that the additional comings and goings from the C4 HMO use would amount to such demonstrable harm to neighbouring properties to warrant refusal of the application. As existing, the property has four bedrooms which are large and the ground floor is all communal space, so it is considered that a large family could be accommodated here,



therefore the difference in movements and noise between that a small HMO is not considered so significant as to warrant a refusal of planning permission.

- 9.22. Furthermore, the proposals would not sandwich any property between HMO uses or create a consecutive stretch of properties all within HMO use, which is in accordance with the requirements of DM7.
- 9.23. The applicant has noted within their planning statement and specified on the plans that the party wall with the adjoining neighbour would be sound proofed. Sectional details of the proposed soundproofing have been included on the proposed plans. It is considered of benefit to the neighbouring dwelling that this is in place prior to first occupation and that the sound proofing is maintained throughout the use to repair any defects which may occur.
- 9.24. There are some changes to windows at the property with the removal of opening on the side elevation and a new window to the front elevation and changes to openings at the rear on the ground floor. The new opening at first floor will overlook the street and is not considered to impact on privacy as the existing window opening (which is made smaller) would have similar views. The change of location of the rear doors to the garden and replacement of the existing door opening with a window is considered to have a neutral impact on neighbour amenity and privacy.
- 9.25. There are no proposed extensions to the property, so it is not considered that there are any overbearing or overshadowing impacts to consider.
- 9.26. The proposal is considered to be in accordance with policies DM20 and DM7 of the City Plan Part Two.

**Sustainable Transport:**

- 9.27. The dwelling has no off-street car parking as existing due to the steep bank to the front of the property. This is not changing as part of the application. It is noted that on-street parking is unrestricted. While there are concerns about increased parking demand from the proposal, the area is not considered to be under parking stress. There is also no residents parking permit scheme which is often an indicator of parking pressures.
- 9.28. The proposal includes cycle parking, and four spaces are proposed. The design section above sets out that the location on the plans is considered to 'clutter' the appearance and should be moved to the side of the property behind the existing fence. This has the added benefit of removing the cycle parking from public view and improving security. The cycle store would be timber and although it is open, it would provide some shelter for cycles from the weather. A condition is recommended to ensure that the cycle parking provision is constructed prior to first occupation to the side of the existing single storey extension and retained as such thereafter.
- 9.29. This section of Auckland Drive is not served by local buses; the nearest bus stop is on the 48-bus route and is located around the bend, past the industrial estate at the junction of Auckland Drive and Plymouth Avenue. This is a short walk, but

sustainable travel is still considered accessible. Through interchanges on Lewes Road, London Road or in the city centre future occupiers can make onward journeys all over the city. The 48-bus route also connects the site with Moulsecoomb train station.

- 9.30. Overall, subject to the cycle parking being revised, which is to be secured via condition, in an alternative location, the proposals are considered acceptable in relation to transport matters.

**Other Matters Including Those Raised in Representations:**

- 9.31. It is noted that objections received refer to the application being submitted by a property developer, however the identity of or the location of the applicant are not material planning considerations. The number of applications submitted by a specific applicant is also not a material planning consideration.
- 9.32. The proposed use would require the applicant to comply with other legislation. Private Sector Housing have noted that a licence would be required for a HMO in this location, their processes will consider aspects such as countertop space and plug sockets, as raised in the comments. These are not matters for the planning decision.

**Biodiversity Net Gain**

- 9.33. 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**

- 10.1. 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.

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.