

<b><u>No:</u></b>	<b>BH2025/02640</b>	<b><u>Ward:</u></b>	<b>Westbourne &amp; Poets' Corner Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>23 Byron Street Hove BN3 5BA</b>		
<b><u>Proposal:</u></b>	<b>Change of use from residential dwellinghouse (C3) to four-bedroom small house in multiple occupation (C4). (Retrospective).</b>		
<b><u>Officer:</u></b>	Joanne Doyle, tel: 292198	<b><u>Valid Date:</u></b>	11.11.2025
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	06.01.2026
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	13.03.2026
<b><u>Agent:</u></b>			
<b><u>Applicant:</u></b>	Miss Louise Gauld 23 Byron Street Hove BN3 5BA		

## 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	001	-	29-Oct-25
Proposed Drawing	008	-	29-Oct-25

2. The small HMO hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans 008 received on 29th October 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.

3. The HMO (C4) hereby approved shall only be occupied by a maximum of four (4) persons.

**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and to comply with policies DM7 and DM20 of the Brighton and Hove City Plan Part Two.

4. Unless otherwise approved in writing, within four months of the date of this permission hereby permitted, full details of soundproofing measures to the party walls of the property adjacent communal areas (lounge and kitchen) shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. The agreed measures shall thereafter be retained as such.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

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 relates to a two-storey terraced property, located on the north side of Byron Street. The site is subject to the city-wide Article 4 Direction that has removed the right to change the use class of any (C3) residential unit to a (C4) small house in multiple occupation.
- 2.2. The application site is not listed, and the property is not within a conservation area.

**3. RELEVANT HISTORY**

None.

**4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the change of use from a 4-bedroom dwellinghouse (C3) to a 4-bedroom small house in multiple occupation (C4). This is a retrospective application as the property has been in use as an HMO for two years.

## 5. REPRESENTATIONS

- 5.1. Seven (7) letters of representations have been received objecting to the proposal for the following reasons:
- The houses in the street are mainly occupied by families, couples or single residents.
  - The houses have poor sound insulation and tiny backyards
  - High-use communal areas and a bedroom now sit directly beside neighbouring ground-floor rooms
  - Intensifies the property's use far beyond normal and reasonable residential occupation
  - Character of the area has changed
  - Noise and disturbance
  - Loss of privacy
  - Light pollution
  - Harm neighbours' living conditions
  - Increased rubbish and waste
  - Security issues
  - Traffic and parking issues
  - The current use as a HMO is resulting in noise and disturbance
  - Formal noise complaint and police called out
  - Using the rear garden as an overflow living area
  - The interior living space is inadequate for 6 unrelated occupants
  - The property has not been properly regulated or managed as a HMO
  - Impact on wi-fi
  - Long-term impact on neighbouring property values
- 5.2. Full details of representations received can be found online on the planning register.

## 6. CONSULTATIONS

- 6.1. **Sustainable Transport:** Comment  
No objection in principle. An informative should be added setting out that a parking beat survey produced to the Lambeth Methodology standard should be submitted to show that there is capacity for parking in the surrounding streets and to attach a cycle parking condition.

## 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)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017)
- Hove Station Neighbourhood Plan (adopted February 2024)
- Rottingdean Neighbourhood Plan (adopted February 2024)
- Shoreham Harbour Joint Area Action Plan (adopted October 2019)

## 8. **POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban Design
CP14	Housing density
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
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

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework
SPD14	Parking Standards

## 9. **CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of development, the standard of accommodation to be provided, impact of the development upon neighbouring amenity and highways issues.

### **Principle of Development**

- 9.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either use 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...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."*

- 9.3. A mapping exercise has been undertaken which indicates that there are 77 properties within a 50 metre radius of no. 23 Byron Street and 1 property has been identified as a HMO, resulting in there being 1.3% of HMOs within a 50 metre radius. Therefore, the proposal would not exceed the 10% allowance stated in policy CP21 of the City Plan Part One.

- 9.4. Policy DM7 of CPP2 includes additional criteria to those set out in Policy CP21.

- 9.5. Criterion a) has been assessed and the percentage of HMO dwellings in the wider neighbourhood area has been calculated at 1.65% and therefore the proposed HMO would meet the wider neighbourhood threshold test (20%) in DM7. The proposal would not result in a non-HMO dwelling being sandwiched between two existing HMOs (b) and would not lead to a continuous frontage of three or more HMOs so accords with criterion (c).

- 9.6. Considerations regarding amenity space and communal living (criteria d and e) are set out further below.

### **Design and Appearance**

- 9.7. No external alterations are proposed.

### **Standard of Accommodation**

- 9.8. HMO licensing seeks to secure minimum standards of accommodation fit for human habitation such as fire safety standards and access to basic facilities such as a kitchen, bathroom and toilet. The Local Planning Authority's development plan has a wider remit to secure a good quality of accommodation which would ensure a good standard of amenity for future occupiers. It is therefore clear that the remit of the Planning regime allows the Local Planning Authority to consider a wider range of issues and to seek to secure a higher standard of accommodation than the bare minimum fit for human habitation secured by the licencing requirements.

- 9.9. 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).

- 9.10. 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.
- 9.11. There would be no internal changes made to the property, which provides 3 bedrooms and bathroom at first floor and 1 bedroom and separate kitchen and lounge at ground floor. The applicant has confirmed that prior to the property being used as an HMO the ground floor rear room was used as a 4th bedroom for the C3 house use.
- 9.12. The living / dining room at ground floor would measure approximately 12.65sqm and the separate kitchen would measure approximately 8.5sqm (overall 21.15sqm) which is considered sufficient for a four person occupancy which would require a minimum of 16sqm of communal space. The space would be functional with adequate circulation space, ventilation, light and outlook and would therefore provide an acceptable standard of accommodation. The property would include an adequate sized bathroom, storage and the use of outside amenity space. All four bedrooms proposed meet the government's minimum space standards for single rooms and would have good levels of natural light and outlook. The spaces are considered appropriate for the proposed occupancy in terms of their room sizes and shapes.
- 9.13. Whilst adequate in size, if the communal areas were converted to bedrooms in the future this would restrict the level of shared space available to occupants. Therefore, a condition has been attached restricting the use of the communal areas to ensure that alterations to the layout are not made at a later date. The minimum space required for communal space within a HMO is 4sqm per person, and therefore the communal space (21.85sqm) would be below the requirement for a 6 bedroom HMO (24sqm). There are 4 single bedrooms and therefore a condition has been attached restricting the number of occupants to 4 persons to ensure there is an acceptable standard of accommodation.
- 9.14. The accommodation proposed is considered acceptable, in accordance with policy DM1 and DM20 of City Plan Part Two.

**Impact on Amenity:**

- 9.15. 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.
- 9.16. The change of use from a 4 bedroom dwellinghouse to a 4 bedroom HMO would result in a more intensive use of the property. The change of use from a dwellinghouse to a small HMO can create more comings and goings from the

property and a different pattern to the pre-existing dwellinghouse use. However, it is not considered that the additional comings and goings from a small HMO use for 4 people would amount to such substantial harm to neighbouring properties to warrant refusal of the application when compared to a dwellinghouse use. While the change of use from a dwelling to HMO may cause an increase in disturbance, it is considered that a large family could be accommodated here, therefore the difference in movements and noise between that and a small HMO is not considered harmful.

- 9.17. As noted above, the application site is not in an area which currently has more than 10% of properties 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. In addition, 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.
- 9.18. Furthermore, it is noted an 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.
- 9.19. A condition has been recommended regarding improved sound insulation on the party walls to help mitigate any noise transmissions and that the sound proofing is retained in situ thereafter.
- 9.20. Accordingly, the development would be considered acceptable in terms of any impacts on neighbouring amenity, in accordance with policy DM20 of the City Plan Part Two.

#### **Sustainable Transport**

- 9.21. The change of use has a potential to result in a slight increase in trips to and from the site and there may also be a slight increase in parking demand if the residents have cars. However, it is not considered that this would be substantial or amount to a severe impact upon surrounding highway and transport networks.
- 9.22. Parking in the local area is already covered through the management of the Controlled Parking Zone (CPZ) R and any overspill parking into the surrounding streets would be managed through this. A parking beat survey produced to the Lambeth Methodology standard suggested by the transport officer is considered unreasonable and is therefore not required.
- 9.23. The Local Highway Authority have requested the provision of 4 cycle parking spaces. There is limited space to the front of the property and no separate access to the rear, and as such it is not considered a condition to provide secure cycle parking is necessary or reasonable to attach.

### **Biodiversity Net Gain**

- 9.24. 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.

- 10.2. 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 development would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

- 10.3. The HMO would not offer level access given the small step to access the property so would not be suitable for wheelchair-users or those with a mobility-related difficulty, however, this is an existing situation and therefore this is accepted in this instance.