

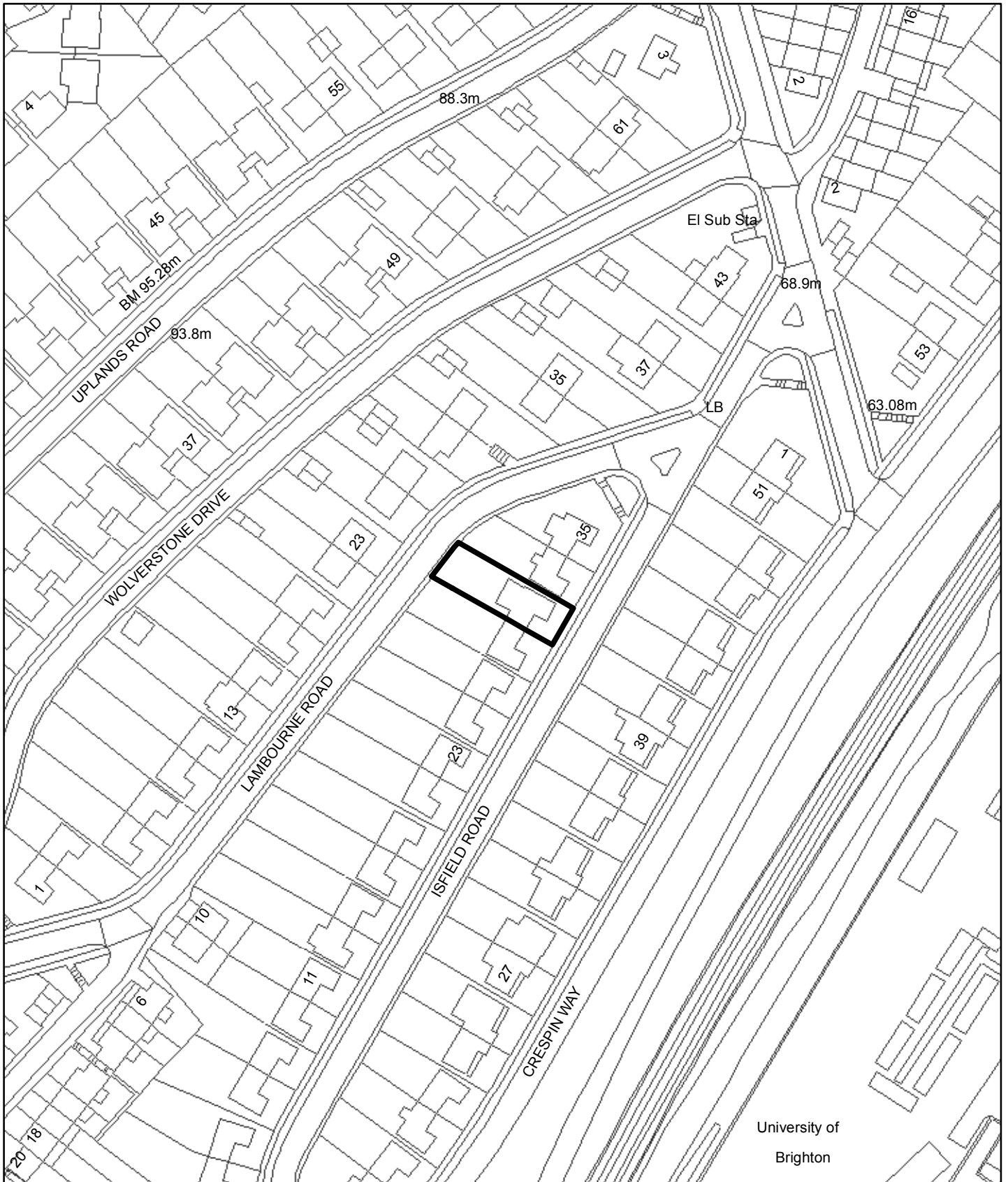
# **ITEM I**

**31 Isfield Road, Brighton**

**BH2014/00431**  
**Full planning**

**02 APRIL 2014**

# BH2014/00431 31 Isfield Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

PLANNING COMMITTEE LIST- 02 APRIL 2014

<b><u>No:</u></b>	<b>BH2014/00431</b>	<b><u>Ward:</u></b>	<b>HOLLINGDEAN &amp; STANMER</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>31 Isfield Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Change of use from 6 bedroom small house in multiple occupation (C4) to 7 bedroom house in multiple occupation (Sui Generis) including insertion of window to north east elevation.</b>		
<b><u>Officer:</u></b>	<b>Adrian Smith Tel 290478</b>	<b><u>Valid Date:</u></b>	<b>11 February 2014</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>08 April 2014</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>PlanRight UK Ltd, 28 Tysoe Hill, Glenfield, Leicester LE3 8AQ</b>		
<b><u>Applicant:</u></b>	<b>John Panteli, C/O PlanRight UK Ltd, 28 Tysoe Hill, Glenfield, Leicester LE3 8AQ</b>		

**1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

**2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site comprises the northern half of a pair of semi-detached houses located on the west side of Isfield Road, Brighton. The building has a 4.8m deep single storey extension to the rear and an integral garage to the front set at basement level owing to steep land level changes through the site.

**3 RELEVANT HISTORY**

None.

**4 THE APPLICATION**

- 4.1 Planning permission is sought for the change of use of the dwelling from a six-bedroom (C4) small House in Multiple Occupation to a seven-bedroom (sui generis) large House in Multiple Occupation. A single window is proposed at ground floor level in the north side elevation to service the additional bedroom.

**5 PUBLICITY & CONSULTATIONS**

**External**

- 5.1 **Neighbours: Five (5)** letters of representation have been received from **33 Isfield Road; 23 (x2) & 25 Lambourne Road; and 43 Crespian Way**, objecting to the application for the following reasons:
- This is a residential area of 3-bedroom family houses not 7-bedroom houses for student accommodation

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- There is an over-concentration of student lets in the area, estimated at 16-20%
  - Loss of privacy from the additional window
  - A 7-bedroom house could effectively become a party house
  - There is already loud music played from the existing house
  - Rubbish is left out and furniture left in front gardens of HMOs in the area
  - HMOs in the area are generally in a poor state of repair
  - The rear garden is unkempt and neglected
  - Noise from the house and garden in term times is already unbearable
  - Occupants spend a lot of time outside given a lack of internal communal space- this creates noise issues. All HMOs should have communal areas inside
  - Increased parking pressure
  - The number of bedrooms in an HMO does not bear any relation to the number of people in the house
  - Noise and vehicle damage from students in the wider area returning home late at night
  - The universities should build more purpose built accommodation
  - Increased stretch on local services
- 5.2 **Councillors Lepper and Summers** have objected to the application. A copy of the letter is attached.

### **Internal:**

- 5.3 **Environmental Health:** No objection
- 5.4 **Housing:** No objection
- 5.5 **Sustainable Transport:** No objection

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.

- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD14	Extensions and alterations
QD27	Protection of Amenity
HO3	Dwelling type and size
HO13	Accessible housing and lifetime homes

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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#### Supplementary Planning Documents:

SPD08	Sustainable Building Design
SPD12	Design Guide for Extensions and Alterations

#### Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP21	Student housing

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the change of use and its impacts on the amenities of adjacent occupiers and the wider area. The external alterations are a further consideration in respect of the application.

**Planning Policy:**

- 8.2 The site as existing forms a six-bedroom C4 small HMO licensed prior to the Article 4 Direction coming into force on 5 April 2013. As such the C4 use of the dwelling is established. The applicants are seeking to add an additional bedroom at ground floor level to create a 7-bedroom sui generis HMO. Undertaking the assessment of existing HMO uses in the 50m radius of the site as required under policy CP21 of the submission City Plan Part 1, which normally permits a maximum of 10%, it is calculated that 15.4% of properties are in HMO occupancy. This figure includes the existing C4 HMO at the application site. However, given that there is an existing lawful C4 HMO at the site, its expansion to form a seven-bedroom HMO would not directly conflict with policy CP21 as the scheme does not propose the provision of a new HMO. As such the principle of change of use is accepted, subject to the acceptability of the accommodation to be provided, and the increased number of bedrooms and occupiers not having a demonstrably harmful impact on the amenities of the area.

**Impact on Amenity:**

- 8.3 Policy QD27 states that planning permission for any development 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.
- 8.4 The main concern is whether the increased number of bedrooms at the property would result in demonstrable amenity harm, both to neighbouring properties and to the surrounding area. Residents have identified that occupiers of the existing property and similar properties in the wider area have caused noise disturbance. Residents have submitted a list of properties in the area they consider to be in HMO use. These mainly sit to the south of the site along Isfield Road, Lambourne Road and Crespian Way. Records indicate the 10 properties referred to (including the application site and attached dwelling) are in licensed HMO use.
- 8.5 Whilst the concerns of local residents are recognised, there is no evidence that the addition of a single bedroom to the existing HMO at 31 Isfield Road would result in significant and demonstrable amenity harm. From the office site visit the site and surrounding streets were in a tidy condition with no refuse issues or noticeably unkempt properties. Similarly, there was no evidence of excessive noise emanating from any property. Environmental Health records confirm three student-related complaints having been received in the area comprising Isfield Road, Crespian Way and Lambourne Road in the last two years, two of which were noise related and one an (unsubstantiated) refuse complaint. Environmental Health officers do not consider this to represent persistent amenity harm from HMO uses in the area. On this basis it is considered that the addition of a bedroom would not result in significant amenity harm, in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 8.6 The proposed side window to the rear would overlook a fence panel and would not result in the overlooking of neighbouring properties

- 8.7 In order to preserve the amenities of adjacent occupiers and avoid the potential aggregation of harm, conditions are recommended to restrict the number of occupants to seven and to restrict permitted development rights for extensions and alterations. These measures would ensure that the building could not be extended and the number of bedrooms increased further without the need for planning permission. A further condition is recommended to secure details of formal refuse and recycling storage facilities.

**Standard of Accommodation:**

- 8.8 The proposed HMO would have seven bedrooms of a good size, each with access to natural light, outlook and ventilation. Occupants would also have access to a good sized open plan kitchen and lounge communal area as well as a rear garden. As such the standard of accommodation is considered acceptable having regard the nature of the occupancy.

**Sustainable Transport:**

- 8.9 The property has off-street parking to the front in the form of a driveway and integral garage at basement level, whilst there is street parking in the vicinity of the site. This is suitable provision for a 7-bedroom HMO. No details of cycle parking have been provided however this can be addressed by condition.

**9 CONCLUSION**

- 9.1 The proposed change of use via the addition of an additional bedroom to the existing C4 House in Multiple Occupation would not result in significant amenity harm to the amenities of adjacent occupiers or the wider area, in accordance with development plan policies.

**10 EQUALITIES**

- 10.1 None identified

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 Regulatory Conditions:

- 1) 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.
- 2) 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
Site plan	-	-	10/02/2014
Block plan	-	-	10/02/2014
Existing floor plans and elevations	14468-01	-	10/02/2014

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Proposed floor plans and elevations	14468-02	-	10/02/2014
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- 3) The number of persons residing at the premises shall not exceed seven (7) at any one time.  
**Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 4) No extension, enlargement or other alteration of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

### 11.2 Pre-Commencement Conditions:

- 5) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 6) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted 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.

### 11.3 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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. This decision to grant Planning Permission has been taken:



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- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  
- (ii) for the following reasons:-  
The proposed change of use via the addition of an additional bedroom to the existing C4 House in Multiple Occupation would not result in significant amenity harm to the amenities of adjacent occupiers or the wider area, in accordance with development plan policies.

5<sup>th</sup> March 2013

**Planning Application BH/2014/00431 31 Isfield Road, Brighton**

We would like to register our objection to the above planning application which seeks a change of use from a 6 bedroom HMO to a 7 bedroom HMO.

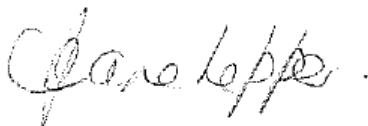
It may not seem that one extra bedroom has much significance but when one takes into account the nature of this particular area of Hollingdean it can be argued that this will have an impact.

Because of the proximity of Isfield Road to Moulsecomb station and the University of Brighton in Lewes Road it, and neighbouring roads, have a large proportion of HMOs, mainly for students. In addition there are other houses, not HMO's, that also have several students living in them.

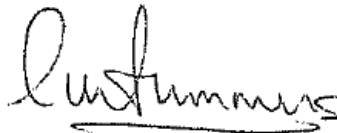
This leads to problems connected with parking, waste disposal and a sense of overcrowding. We are concerned that allowing this application for an increase in rooms, in what was originally a three bedroom family home, could lead to others being extended... one room here, then another....

Hollingdean and Stanmer ward is subject to the Article 4 Directive which seeks to limit the number of HMOs in roads where there is already a significant number. It could be argued that this policy is undermined when additional rooms are applied for separately by those who already held an HMO licence before the Article 4 Directive came into force.

Yours sincerely



Councillor Jeane Lepper



Councillor Christina Summers