

Appeal Decision

Site visit made on 15 March 2016

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 March 2016

Appeal Ref: APP/Q1445/W/15/3130421
189 Hollingdean Terrace, Brighton BN1 7HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr William Mason against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/01417, dated 21 April 2015, was refused by notice dated 23 June 2015.
 - The development is described as the change of use from C3 (dwelling house) to C4 (small HMO).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from Class C3 (dwelling house) to Class C4 (six bedroom, small house in multiple occupation) at 189 Hollingdean Terrace, Brighton BN1 7HF in accordance with the terms of the application, Ref BH2015/01417, dated 21 April 2015, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1069/02 Location Plan; 1069/03 Site Plan; 1069/05 Floor Plans after conversion to C4; 1069/06 Floor plans before conversion to C4.
 - 2) Within two months of the date of this decision, details of secure cycle parking facilities for the occupants of and the visitors to the development shall have been submitted to the local planning authority, for their approval in writing. The approved facilities shall be implemented within two months of the date of approval of the details, and shall thereafter be kept available for the parking of bicycles.

Preliminary Matters

2. The planning application form states that the change of use has been effected, and I saw at my site visit the additional bedroom in use.
3. The description of development in the header is taken from the planning application form; however, in the interests of clarity, I have adapted it in the formal decision section.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupants of the appeal property having particular regard to the size of the
-

second floor, front bedroom, as well as the size of the smaller, first floor back bedroom.

Reasons

5. The house the subject of this appeal is a two-storey, bay-fronted, terraced house with a roof conversion. It stands in an area of the city covered by an Article 4 Direction which removes permitted development rights for a change of use from Class C3 Dwelling House to Class C4 House in Multiple Occupation (HMO). This Direction gives the Council the power to control the location of HMOs through the planning system.
6. The Council is concerned that the size of the smaller, first floor, back bedroom, and the front bedroom at second floor are inadequate, and contrary to Policy QD27 of the Brighton and Hove Local Plan 2005 (LP) which seeks to prevent changes of use or development which would be detrimental to human health, or which cause loss of amenity to proposed residents.
7. While the Council refers to the national technical space standard for guidance on the acceptable size of a bedroom, it does not refer to any space standard policy in its Local Plan as it is required to do by paragraph 018 of the Planning Practice Guidance. In any event, the standard deals with internal space only in new dwellings. Therefore, the space standard referred to has limited relevance to this proposal.
8. I agree that the first floor bedroom feels small; of all the bedrooms it has the least floor area. However, it includes a wash-hand basin and has sufficient space for a bed, a wardrobe and a chest of drawers, as well as a large, west-facing window providing a good level of daylight and afternoon sunlight with an outlook over surrounding gardens. Taking into account these compensating factors, I find this an acceptable size of bedroom.
9. The area of the second floor bedroom is restricted by the slope of the ceiling, which covers a large part of the room, and restricts movement. However, it has a large bed, wash-hand basin, chest of drawers, and a dressing table, which are arranged to maximise the available headroom for movement. It has a large east-facing skylight with an outlook to the street. Taking into account these factors, I find this an acceptable bedroom.
10. From my inspection of the house, I could see nothing unacceptable in the size of these bedrooms. Each has a good level of privacy, daylight and outlook, as well as a radiator for heating, a window for ventilation, and a wash-hand basin. The space in each room is adequate for sleeping, dressing and relaxing.
11. I therefore conclude that the living conditions of the occupants of the appeal property with particular regard to the size of the second floor, front bedroom, as well as the size of the smaller, first floor, back bedroom, are satisfactory and in accordance with Policy QD27 of the LP, as well as one of the core planning principles of the Framework (paragraph 17); that planning should seek to ensure a good standard of amenity for future occupants of land and buildings.

Other Matters

12. I note the planning representations from local residents and a Councillor including the effect of the proposal on a mixed and balanced community, parking pressure, noise, and refuse storage.

13. The Planning Officer's report indicates that of the 59 properties within a 50m radius of the site, 5 of them, or as a proportion, 8.47% of them, are in HMO use. The Council's City Plan Part One though it has not yet been adopted, has advanced through its examination in public and therefore carries significant weight; I note that the Council considers that the proposal would be in accordance with Policy CP21 of that Plan, which has a threshold of 10%, above which planning permission may not be granted for applications similar to this one. I agree with the Council's assessment that the proportion of Class C4 use resulting from this change of use does not materially harm the character of the area with regard to the balance and mix of households.
14. The rooms of the house are well contained and there is space to store refuse and bicycles in the back garden. Whilst the intensity of use of the house may be greater in Class C4 use than in its use in Class C3, it would not have an adverse impact on the living conditions of surrounding occupiers, nor would it exacerbate parking pressures in the surrounding streets.
15. I note the concerns of neighbours over the planning history of the site and issues of neighbourliness, however, the Council's reason for refusal is clearly focused on the living conditions of the occupants of the appeal property, and this is the basis upon which the appeal has been made.

Conditions

16. The appeal being allowed, to avoid uncertainty I attach a condition requiring that the development be carried out in accordance with the approved plans. Given the limited size of the garden, together with the number of residents and the likelihood that they would use bicycles, I consider it reasonable to apply a condition requiring the provision of bicycle storage to details for approval by the Council.

Conclusion

17. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should succeed.

Patrick Whelan

INSPECTOR

