

<u>No:</u>	BH2023/00469	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	2 Gordon Road Brighton BN1 6PD		
<u>Proposal:</u>	Erection of single storey rear extension at lower ground floor level, two storey side extension, rear dormer extension, revised fenestration and associated works to existing HMO property, property increasing capacity from a seven person, seven bedroom HMO to an eight person, eight bedroom HMO.		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	20.03.2023
<u>Con Area:</u>	None	<u>Expiry Date:</u>	15.05.2023
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	12.07.2023
<u>Agent:</u>	McGregor White Architects, Basing House, 46 High Street Rickmansworth WD3 1HP		
<u>Applicant:</u>	St Mungo's, 3 Thomas More Square, Tower Hill, London E1W 1YW		

RECOMMENDATION

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	2219-MWA-00-ZZ-DR-A-01	A	6 March 2023
Block Plan	2219-MWA-00-ZZ-DR-A-02		6 March 2023
Proposed Drawing	2219-MWA-00-ZZ-DR-A-05		16 February 2023
Proposed Drawing	2219-MWA-000-DR-A-11	A	24 May 2023
Proposed Drawing	2219-MWA-001-DR-A-10	B	24 May 2023
Proposed Drawing	2219-MWA-001-DR-A-12	A	24 May 2023
Proposed Drawing	2219-MWA-002-DR-A-13	A	24 May 2023

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 eight bedroom HMO hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans and shall be retained

as such thereafter. The kitchen/living/dining room shall be retained as communal space at all times and shall not be used as a bedroom(s).

Reason: To ensure a suitable standard of accommodation for occupiers and to comply with Policy DM1 of the Brighton & Hove City Plan Part Two.

4. The eight bedroom HMO hereby approved shall only be occupied by a maximum of eight (8) persons.
Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with Policies DM1 and DM20 of the Brighton & Hove City Plan Part Two.
5. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development 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 DM33 of the Brighton & Hove City Plan Part Two.
6. Notwithstanding Condition 1 the extensions hereby permitted shall not be occupied until the western facing windows for 'Bedroom 4' and 'Bedroom 7' (as shown on the approved plans) have been installed with obscure glazing, and non-opening below 1.7 m from the internal floor level. Once installed the windows shall be retained in this state thereafter.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part Two
7. The development hereby permitted shall incorporate at least 3 swift bricks within the external walls of the development and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
8. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
9. Notwithstanding condition 1 no part of any flat roof of the development hereby permitted shall be used as a roof terrace. Access to the flat roof over the extensions hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 and DM21 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.
2. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
4. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
5. In order to be in line with Policy DM33 of the City Plan cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for purpose-built secure cycle stores (e.g., Tri-metal). Alternatively stores such as sheds made from other materials such as wood must be covered and include a concrete base with Sheffield type stands to ensure the main frame of the bicycle can be secured.

SITE LOCATION

The application site is located on the southern side of Gordon Road, near to its junction with Surrenden Road. It is an end-of-terrace property that appears to be two storeys fronting Gordon Road, but is three storeys to the rear by virtue of land sloping to the south. The site is currently in use as a seven-bedroom house in multiple occupation (HMO).

The property backs onto the rear gardens of properties facing Herbert Road and is directly to the east of a four-storey (plus basement) purpose-built block of flats, Florence Court.

Preston Park Conservation Area is immediately to the west of the site, incorporating Florence Court and the green space around it.

RELEVANT HISTORY

BH2002/02975/FP Conversion of a single dwelling into 2 no. self-contained flats. Approved 19.12.2022

BH1999/01779/FP Change of use from Shop (A1) to Residential (C3). Approved 15.09.1999

APPLICATION DESCRIPTION

The application seeks permission for the erection of a single storey rear extension at lower ground floor level, a two storey side extension at ground and first floor, a rear dormer extension including reinstatement of the top part of the gable end, revised fenestration and associated works. The proposed works would facilitate the increased capacity of the accommodation from a seven person, seven bedroom HMO to an eight person, eight bedroom HMO which would also encompass a staff area.

The application does not involve a change of use of the site, only an increase in the number of occupants permitted, as well as the physical extensions.

REPRESENTATIONS

Forty (40) comments (excluding duplicates) have been received, objecting to the proposed development on the following grounds:

- Increased noise from the property.
- Overdevelopment, extensions are too high, overbearing, loss of privacy.
- Impact on neighbours' wellbeing.
- Additional traffic
- Poor design
- Additional parking pressure
- Detrimental impact on property value.
- Overshadowing/loss of light
- Concerns about the management of the HMO, antisocial behaviour, drugs/alcohol should be banned.
- Comings and goings out of keeping with character of area.
- Lack of appropriate bathrooms
- Lack of consultation from the applicant and BHCC
- Should be a family home.
- Neighbouring amenity would be impacted by the increased capacity of the HMO from 7 beds to 8 beds – should be limited to 6 persons.
- Pets for each occupant would be excessive/should be prohibited
- The applicant should apply for a change of use as it will be providing high levels of care/support. Therefore not an HMO
- The proposal is not in line with SPD12.
- The degree of support and use may change in the future and become more intensive, HMO may expand.
- The development would house alcoholics and a pub is nearby
- The property will have full time staff onsite and not on application form

- The property will have staff accommodation
- The amount of residential units will increase and not on the application form
- Adverse effect on conservation area
- Out of keeping with the general form of development in area
- Needs structural survey, party wall details, soundproofing details, details of all potential residents.
- Need an agreement and duty of care with surrounding residents and applicant
- Fire risk of the proposed development

CONSULTATIONS

Private Sector Housing

I have considered the above application and have no comments to make.

Policy

Policy comment not required.

Heritage

The Heritage team will not be commenting on this application.

Transport Verbal 03/05/2023 No Objection - subject to cycle parking condition

The applicant is proposing no car parking on site and overspill may occur on the public highway due to this development. This site is located in a Controlled Parking Zone (CPZ F). However, CPZ F appears to have spare capacity to accommodate the likely demand for on street car parking and we would therefore wish not to object.

The applicant does not indicate cycle parking for this proposal. SPD14 requires a minimum 1 space per 2 bed spaces for large HMO. It appears to be space on the proposed lower back garden for cycle parking. We therefore ask for further details regarding cycle parking via condition.

The proposed increase from 7 to 8 bedrooms is likely to increase the number of trips to the location however, these are unlikely to be significant enough to object.

MATERIAL CONSIDERATIONS

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.

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);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

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
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP12 Urban design
CP14 Housing density
CP15 Heritage
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 (HMOs)
DM20 Protection of Amenity
DM21 Extensions and alterations
DM26 Conservation Areas
DM33 Safe, Sustainable and Active Travel
DM36 Parking and Servicing
DM37 Green Infrastructure and Nature Conservation
DM40 Protection of the Environment and Health - Pollution and Nuisance
DM44 Energy Efficiency and Renewables

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan

WMP3e Waste management in new development

Supplementary Planning Document:

SPD11 Nature Conservation & Development
SPD12 Urban Design
SPD14 Parking Standards

CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate to the intensification of use, design and appearance, the standard of accommodation which the development would provide, and the impact upon neighbouring amenity and transport issues.

Principle of Development:

The application seeks permission to provide for an intensified use of the existing seven bedroom, seven person large House in Multiple Occupation (HMO) to an eight person, eight bedroom large HMO. Both uses are in planning terms 'sui generis', falling outside of any use class. The use of the site as an HMO has already been established and licensed by Brighton & Hove City Council (BHCC) since 2007.

On this basis the principle of the use of the property as a sui generis HMO is already established and accepted in planning terms. Therefore, the criteria in respect of the acceptable density of new HMOs in an area set out in Policy CP21 of City Plan Part One

and Policy DM7 of City Plan Part Two do not apply to the determination of this application.

It is noted that objections have raised that a change of use is occurring, due principally to the inclusion of a staff room and that the applicant should apply for planning permission on this basis. Officers have queried this with the agent who has confirmed that the staff area would be used for visiting staff as an area to consult with residents if and when any support maybe needed by the occupiers of the HMO. There would be no staff resident on site.

The agent has confirmed that no significant level of support is anticipated for occupiers and no elements of care would be provided.

This being the case, officers consider the use of the site in planning terms would remain residential, as an HMO. This is considered acceptable in principle, subject to consideration of the impact of the increased number of occupants, and the proposed extensions, as set out below.

The agent and applicant have been made aware that if the level of support and/or any care provided leads to a material change of use for the building, then planning permission would be required.

Design and Appearance:

The proposed development includes numerous external changes to provide reorganised internal accommodation and the provision of an extra bedroom in the roof.

The proposed extensions to the side and rear of the property are considered acceptable. The single storey extension to the rear would add 3 metres to the depth of the existing outrigger at lower ground floor level so that the rear elevation would be extended across its full width. At ground and first floor level, the extension would be the same depth as the existing outrigger, across the full width of the property. The net result would be that the existing outrigger would be extended full height to the western side, with an additional single storey rear extension to the lower ground area.

The design of these extensions have been amended during the course of the application to improvements their appearance, and now include more fenestration on the extensions to alleviate what would have been a large expanse of blank render. A small set-back has been added to the outrigger side extension to show differentiation between the host property and outrigger.

The side extension to the outrigger would match and continue the flat roof of the existing outrigger. The rear extension will have a dual shallow pitch roof surrounded by a parapet on two sides to have a similar appearance to the flat roof design of the outrigger. The parapet would not extend to the eastern side to mitigate impacts on the neighbouring properties amenity, which will be discussed later in this report.

The proposed extensions would cause some harm to the host property with a loss of definition to the existing outrigger but considering that the majority of works would be located to the side and rear, with detailing to ensure that the extensions would not have the appearance of a very large blank side elevation, the impact is considered acceptable.

A full-width flat-roofed rear dormer would be added, set in from the sides of the roofslope and eaves and set down below the height of the existing and reinstated gable end to differentiate it from the main roofline. The finish would be Cedral weatherboard cladding to match the existing tiles in colour. The design is considered acceptable, broadly following the requirements set out in SPD 12. It would be located to the rear of the property and not highly visible in the public realm so any harm to the surrounding area would be minimal, particularly noting that examples of full width dormers exist at the neighbouring terraced properties, No.6 and No.8 Gordon Road.

As stated above the development would also see the creation of a pointed apex to the western gable of the building. Currently this gable has a flat area at the top as the apex appears to have been removed at some point in the past. The reinstatement of the pointed apex is considered to bring improvements to the host property and balances/matches the end of terrace gable on the opposite side of the road, at No.1 Gordon Road.

The whole of the property would be through rendered in a white/off-white colour which is considered acceptable and brings visual improvements and coherence to the host property and surrounding area as the existing finish/render is deteriorating.

The proposed windows would be white uPVC, matching the existing, and replacing originals where needed, which would have a neutral effect on the host property and surrounding area.

Overall the development adds suitable additions to the building that would not significantly harm its appearance or that of the wider area, in accordance with policy DM21 of City Plan Part 2 and SPD12 guidance.

Impact on Conservation Area:

The property is located to the east of a modern four storey block of flats (Florence Court) which forms the edge of the Preston Park Conservation Area. The existing use would remain as an HMO and those external changes which are visible in the wider public realm would have a neutral or positive impact on the host property, and hence wider streetscene. The proposed development is not considered to have any adverse impacts on the adjacent Preston Park Conservation Area or its heritage features.

Impact on Residential Amenity:

Policy DM20 of City Plan Part 2 states that planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.

The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, overshadowing, outlook, noise and privacy following a site visit and investigation and no significant harm has been identified.

The form of the proposed lower ground extension, which extends an additional three metres along the shared boundary with No.4 Gordon Road has the potential for increased enclosure and overshadowing of occupiers of the neighbouring property,

albeit it would be at single storey height. The plans have been amended to reduce the impacts on this property, with a dual pitched roof form which would have no parapet detailing on the eastern shared boundary with No.4 Gordan Road. This has reduced the potential for increased enclosure and overshadowing effects, and increased the amount of direct light that would remain to the fenestration at the rear of No.4, and the garden area. The resulting impact on this property is therefore considered acceptable.

The proposed side extension to be added to the western side of the existing outrigger would abut the open land and car parking access road of Florence Court so would have little impact on residential amenity by way of loss of light or outlook.

The dormer and increased fenestration in the proposed extensions have the potential to result in increased overlooking. However, the west facing windows in the side extension at ground and first floor would be obscure-glazed and non-opening which would be secured by condition. The other new windows at ground, first and dormer level would face to the rear. While they would increase the potential for overlooking from the existing situation, given the dense urban grain of the location, the surrounding four storey flatted blocks and the high degree of existing mutual overlooking that already exists, the impact on amenity is acceptable.

While the increase from a seven person to an eight person HMO has the potential to result in some increase in noise and disturbance, it is not considered that this would be of such a magnitude to cause demonstrable harm. The improved internal facilities and communal space could bring improvements in sound insulation to meet current Building Regulations.

It is noted that many objections relate to the noise and disturbance that could be caused due to anti-social behaviour, and the use of alcohol and/or drugs by occupants. However, the use of drugs or alcohol on private property is not a matter that is regulated by the Local Planning Authority. This would be a matter that the landlord of the property would need to address if required, and any anti-social behaviour would be a matter for the police, as with any residence.

The application seeks to increase the number of residents permitted in an existing HMO. The applicant and the nature of residents they accommodate is not a material consideration, particularly noting that the planning permission, if granted, runs with the land, not the applicant.

Objections have been raised in respect of the disturbance that could be caused by the pets of future occupiers. This is a matter the landlord of the property would need to address if required.

It is noted that HMOs of this size require licensing by the Council's Private Sector Housing team and would 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.

On this basis, the application is considered acceptable in terms of its impact on residential amenity.

Sustainable Transport

The applicant is proposing no car parking on site which may result in increased parking pressure on the public highway. Concerns have been raised by objectors about the additional parking pressure in the immediate vicinity of the site. However, the site is located within a Controlled Parking Zone (CPZ), giving the parking authority the ability to limit the issue of resident parking permits if necessary and otherwise control parking. The Local Highway Authority raised no objection in respect of any additional on street parking impact, and confirm that spare capacity currently exists. The impact of one more resident on site is not considered significant in terms of parking impact.

A suitable condition will be added to the application to secure cycle parking spaces.

While the intensification of use as an HMO would likely increase the number of trips to the site slightly, any additional impact on the highway is not considered to be significant.

Standard of Accommodation

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).

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.

The proposed accommodation comprises eight single bedrooms between approximately 9.2sqm and 16.7sqm. Rooms would be of suitable sizes and proportions meeting or exceeding the minimum NDSS allowing space for furniture and circulation. Access to natural light and outlook is considered acceptable given each room has at least one window.

The communal area at lower ground floor would measure approximately 41.4sqm in area which is considered sufficient for an eight person occupancy, noting that Policy DM7 recommends 4sqm per occupant, with a minimum of 16sqm. The space would be functional with adequate levels of circulation space, light and outlook and would therefore provide an acceptable standard of accommodation. A staff room area to the lower ground floor is also proposed which is not included in these calculations.

The proposed standard of accommodation for the future occupiers of the building is considered to be an improvement over the existing HMO layout with a better standard of bedroom sizes and outlook overall, and an increased size and improved layout to the communal areas.

Other Considerations

The planning system does not exist to protect private interests such as the value of land or property, and as such the effect the proposed development could have upon

neighbouring property values does not hold weight in the determination of this planning application.

Concerns have been raised from objectors about the fire risk and structural integrity of the works. These are matters that are not regulated by the planning regime but are managed through Building Regulations.

Concerns have been raised from objectors about the management of the property. As already noted, the management of this HMO is not a material planning consideration as planning permission runs with the site, so this has not been assessed as part of this application.

Concerns have been raised that further occupants (above 8) could be housed within the development. Planning permission would be required for an increase in occupancy above 8 persons so if this occurred, enforcement action could be taken.

Concerns have been raised from objectors about the consultation that the applicant has undertaken with local residents. While consultation by applicants is encouraged, it is not required as part of the planning process, so this is not a material consideration in deciding this application.

Concerns have also been raised from objectors about the consultation that the Local Planning Authority has undertaken with local residents. However, the consultation undertaken accords with the requirements set out in legislation and the Statement of Community Involvement comprising letters to neighbouring properties, site notices and within local papers.

Conclusion

The proposed increased occupancy of the HMO from seven to eight persons is considered acceptable in principle, and while there may be some impact on local residents, this would not be significant, particularly noting the nature of the applicant cannot be taken into account. The built works to enable this would have no significant harm on the host property or surrounding streetscene, with some elements improving the appearance of both, and the resulting impacts on the amenity of neighbouring residents would be acceptable. The internal rearrangement of the property would bring improvements to the standard of accommodation of future occupiers with larger communal areas and improved bedrooms overall.

On this basis the application is recommended for approval.

CLIMATE CHANGE/BIODIVERSITY

The proposed works increase the usable floorspace of the current property, providing additional space for the existing dwelling, making more efficient use of brownfield land. A bee brick and swift boxes would be secured by condition.

EQUALITIES

None identified

