

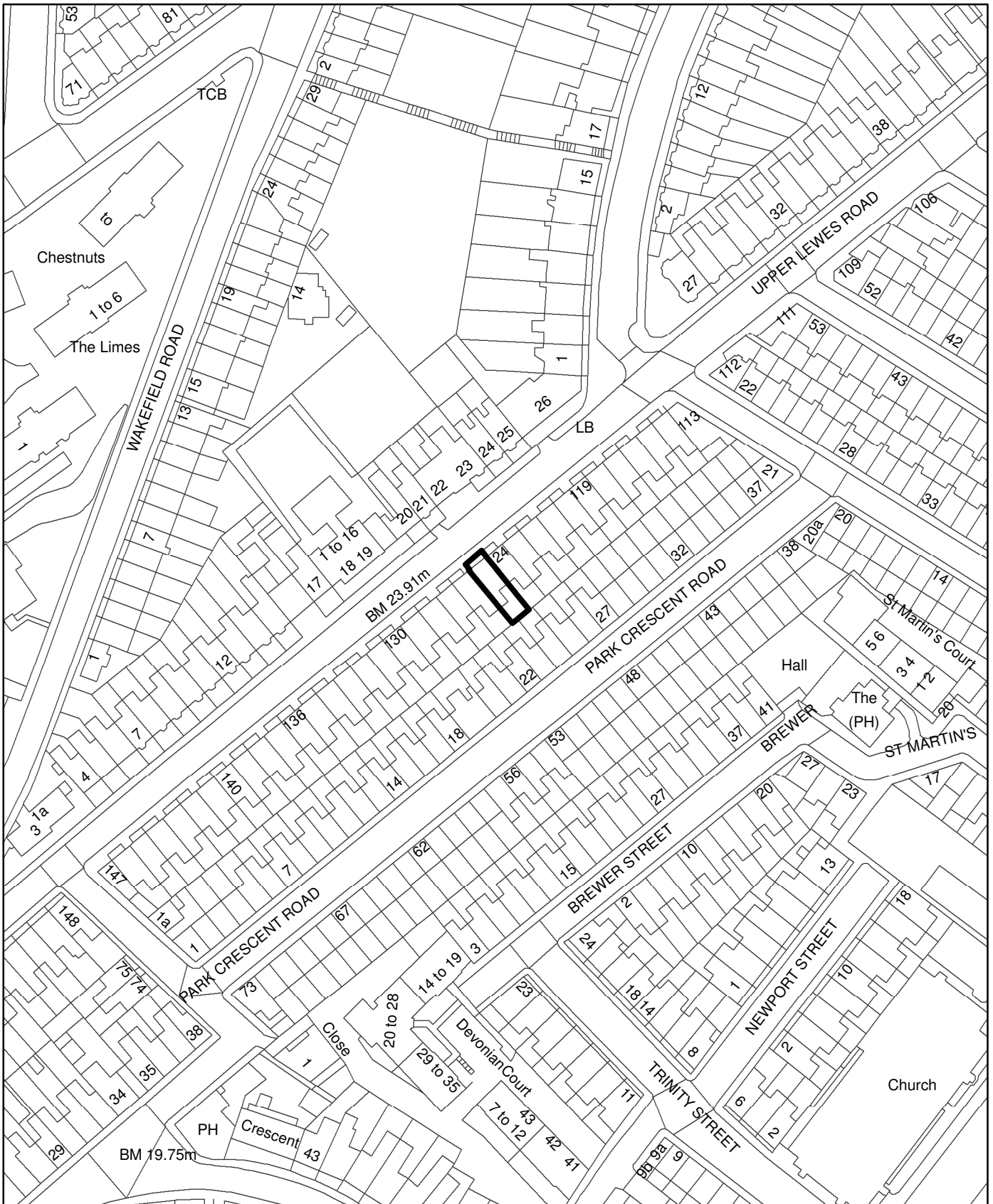
ITEM L

125 Upper Lewes Road, Brighton

**BH2013/02231
Full planning**

11 DECEMBER 2013

BH2013/02231 125 Upper Lewes Road, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02231	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	125 Upper Lewes Road Brighton		
<u>Proposal:</u>	Change of use from small House in Multiple Occupation (C4) to large House in Multiple Occupation (sui generis) and erection of first floor rear extension to create additional bedroom.		
<u>Officer:</u>	Sue Dubberley Tel 293817	<u>Valid Date:</u>	10/07/2013
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	04 September 2013
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	The Alexander Partnership, Europa House, Goldstone Villas, Hove, East Sussex BN3 3RQ		
<u>Applicant:</u>	Mr Y Rana, Batchelors, Emms Lane, Barns Green RN13 0QG		

This application was deferred at the 30 October meeting for members to conduct a site visit.

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 relates to a two storey plus basement terraced property located on the south side of Upper Lewes Road. The site is in use as a small House in Multiple Occupation (C4) and registered as such with the Council.
- 2.2 The site is located within the recently introduced Article 4 Direction area which removes permitted development rights to change from a C3 (dwellinghouse) Use to a C4 (houses in multiple occupation) Use, which came into effect from 5 April 2013.

3 RELEVANT HISTORY

None.

121 Upper Lewes Road

BH2006/01582 First floor rear extension. Approved 05/07/2006.

4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use from small House in Multiple Occupation (C4) to large House in Multiple Occupation (sui generis) and erection of a first floor rear extension to create an additional bedroom.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: None received.

5.2 Councillor Pete West: Objects and requests that the application goes before the Planning Committee. (Full comment appended)

5.3 Internal

Sustainable Transport: Support Recommended approval as the Highway Authority has no objections to this application, subject to the inclusion of the necessary conditions.

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) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

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
QD14	Extensions and alterations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO8	Retaining housing
HO14	Houses in multiple occupation (HMOs)

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

SPD08	Sustainable Building Design
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Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP21	Student Housing and Housing in Multiple Occupation

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the proposed change of use, the design of the proposed alterations, impact upon neighbouring amenity, the standard of accommodation which the proposed use would provide, transport and sustainability.
- 8.2 **Principle of development**
The proposed development is a change of use from a C4 (house in multiple occupation) to a use which would allow occupation of the property as a Sui Generis HMO providing accommodation for more than 6 unrelated individuals (total of 7 bed spaces) who share basic amenities including a kitchen and a bathroom.
- 8.3 The Brighton & Hove Local Plan pre-dates the formulation of the C4 use class, but does make specific reference to houses in multiple occupation. The sub-text of policy HO14 details that:
- 8.4 *'It is recognised that in some areas of the city, a concentration of HMOs can cause various problems arising from heavy concentrations of people living within a small geographical area. Appropriate policies elsewhere in the Plan aimed at protecting amenities will also be important factors in assessing new proposals in respect of new HMOs and the loss of existing HMOs. Particularly important in this respect are policies QD27 and HO4.'*

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- 8.5 Policy CP21 of the Brighton & Hove Draft City Plan Part One specifically addresses the issue of changes of use between use classes C3 and C4 and states that:
- 8.6 *'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 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.'*
- 8.7 This policy at present has some weight as the adopted Local Plan is silent on the issue. The site is located within the recently introduced Article 4 Direction area which removes permitted development rights under Class I (b) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, to change from a C3 (dwellinghouses) Use to a C4 (houses in multiple occupation) Use, which came into effect from 5 April 2013. The property is already in C4 use and has been since prior to 5 April 2013. A mapping exercise has taken place which indicates that there are 122 separate residential properties which fall within a 50 metre radius of the site, 43 of which have been identified as being in Class C4, mixed C3/C4 or other types of HMO in a sui generis use, these figures include the application site. This represents a percentage of 35% as the overall concentration of C4/HMOs, within a 50m radius of the site, however this percentage figure would not be altered by the proposal and as such in principle the change of use to a Sui Generis HMO is considered acceptable.
- 8.8 The proposal does not give details any provision for refuse and recycling storage and therefore a condition requiring details of these forms part of the recommendation.
- 8.9 **Design and Appearance**
The first floor extension would be sited on the footprint of the existing ground floor kitchen extension, with a monopitched roof. The extension would be rendered with a tiled roof to match the existing building, the roof form and pitch reflects that of the host building. The design of the extension is considered acceptable and in keeping with the host building. On inspection of the site it is was noted that there is a similar first floor extension at no.121 Upper Lewes Road approved in 2006.
- 8.10 **Amenity**
Policy QD14 of the Local Plan seeks to ensure that development would not result in a significant loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use would 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.

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- 8.11 The property currently has 5 bedrooms and the proposal involves the addition of a new bedroom in the proposed first floor extension and the rearrangement of the lower ground floor accommodation to create a further bedroom, giving a total of 7 bedrooms with shared kitchen/diner. In regard to the standard of living accommodation, it is acknowledged that the first floor bedroom which would be created by the extension and the bedroom below this at ground floor (formerly the kitchen area) are small. Overall however the standard of accommodation is considered acceptable in the absence of any technical guidance on minimum room standards and shared facilities.
- 8.12 The use of the property would increase with the potential to accommodate two additional persons living in the house. It is considered that this small increase in occupancy would not have a significant impact in terms of additional noise and disturbance which would warrant refusal on these grounds.
- 8.13 The roof would be pitched away from the neighbour at 124 Upper Lewes Road and set 2.2m from the joint boundary which is considered acceptable in this high density area and would not cause significant harm. However a new window is proposed on the first floor side elevation and it is considered that this window could cause overlooking into the rear garden of the no.124 and a condition requiring this window, which is a secondary window to be obscure glazed, and fixed shut unless the parts of the windows which can be opened are more than 1.7 metres above the internal floor is recommended.
- 8.14 On the opposite side the extension would be located on the joint boundary with no.126 Upper Lewes Road; and would be adjacent to a window. However the window is to a landing and not a habitable room and therefore the impact on this property is considered acceptable in terms of loss of daylighting. While there may be some loss of daylight, given the window serves a landing then refusal on these grounds could not be justified. It is considered that the rear window would provide similar views of neighbouring gardens to the existing fenestration. Due to the distances involved it is not considered that there will be any significant intensification of overlooking of the properties to the rear. It is acknowledged that there will always be some level of mutual overlooking between residential properties in built up residential area such as this.
- 8.15 **Sustainable Transport**
The Traffic Engineer has raised no objections to the application. The proposals may increase trips slightly above existing levels as the number of bedrooms is increasing from 5 to 7. However, the increase is not considered to cause a negative highway impact which would warrant a refusal of planning permission. In light of this and on the basis that the development is below the Temporary Recession Measures the Highway Authority would not look for a S106 financial contribution to off set the impact in this instance.
- 8.16 The applicant could not propose any on-site car parking spaces, which is the same as the existing provision. The forecast level of overspill car parking is not considered to be significant given that the increase in units is by only 2.

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8.17 The applicant has stated in the application form that there are currently 5 cycle spaces and this would be increased to 7 cycle parking spaces. However, none of the submitted plans indicate cycle parking provision. It is unclear as to where the existing spaces would be located, although the applicant has stated that the front basement area is informally used. While there is a rear garden, access to this space is not ideal as it involves taking the bikes downstairs and through the house. A condition requiring details of cycle parking therefore forms part of the recommendation.

9 CONCLUSION

9.1 The proposal for a change of use to a use which would allow occupation of the property as a Sui Generis HMO providing accommodation for more than 6 unrelated individuals (total of 7 bed spaces) is considered acceptable as this small increase in occupancy would not have a significant impact on the residential amenities of the area.

9.2 The proposed extension would not significantly harm the appearance of the recipient building or surrounding area and would not result in a significant impact on the amenity of any adjacent residential properties.

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
Block plan	01/1303564		01/07/13
Site plan	02/1303564		01/07/13
Existing floor plans	03/1303564		01/07/13
Existing floor plans	04/1303564		01/07/13
Existing section	05/1303564		01/07/13
Existing elevation	06/1303564		01/07/13
Existing elevation	07/1303564		01/07/13
Proposed floor plans	13/1303564		01/07/13
Proposed first floor plans	14/1303564		01/07/13
Proposed section	15/1303564		01/07/13
Proposed rear elevation	16/1303564		01/07/13
Proposed side elevation - east	17/1303564		01/07/13

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Proposed side elevation - west	17/1303564		25/10/13
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- 3) 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 QD1 and QD14 of the Brighton & Hove Local Plan.

- 2) The upper ground floor side window to Bedroom 7 in the east elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

- 4) 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.
- 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.

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:
 - (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

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(ii) for the following reasons:-

The proposal for a change of use to a use which would allow occupation of the property as a Sui Generis HMO providing accommodation for more than 6 unrelated individuals (total of 7 bed spaces) is considered acceptable as this small increase in occupancy would not have a significant impact on the residential amenities of the area.

The proposed extension would not significantly harm the appearance of the recipient building or surrounding area and would not result in a significant impact on the amenity of any adjacent residential properties.

Dear Sue,

I would like to object to application BH2013/02231 125 Upper Lewes Road, Brighton for change of use from House in Multiple Occupation (C4) to Full House in Multiple Occupation (SG08) and erection of single storey rear extension to the first floor to create an additional bedroom.

Upper Lewes Road and the areas surrounding already have a high density of HMO's many occupied by students. The impact of studentification on this neighbourhood has driven many family households away from the area. The manifest problems are well understood including late night noise, waste generation and poor refuse storage, and I would refer you to the scrutiny on studentification that was conducted a few years ago. This application will only add to the negative impacts on the area and further tip the balance of the occupancies here. We need to limit the size and number of HMO's in the area, not allow further cramming and overwhelming of the local community. This application does not support this need.

I request that if your recommendation is to grant the application that the decision be taken by the Planning Committee.

I'm copying in Maureen Winder, Chair of the Triangle Community and Annie Rimmington, Chair of the Round Hill Society for their information.

As we are now in the school summer holiday period I will be away on family vacation for the next few weeks, but will endeavour to check my emails periodically when I have access to a connection.

Best regards,

Councillor Pete West

Green City Councillor for St. Peter's & North Laine Ward, Brighton & Hove City Council.

BHCC Committee positions: Chair of Environment, Transport & Sustainability Committee, Member to Policy & Resources Committee.

BHCC appointee to: City Sustainability Partnership, B&H Estates Conservation Trust, Brighton Race Course Trust, LGA Rural Commission, City in Bloom, Southern Regional Flood & Coastal Committee.

Member of the South Downs National Park Authority (BHCC appointee).

SDNPA Committee positions: Deputy Chair of Resource & Performance Committee.