

<b><u>No:</u></b>	<b>BH2019/00656</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb And Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>15 Norwich Drive Brighton BN2 4LA</b>		
<b><u>Proposal:</u></b>	<b>Change of use from a single dwelling house (C3) to 6 bedroom small house in multiple occupation (C4) incorporating conversion of integral garage to habitable space, provision of cycle storage, removal of chimney and revised fenestration.</b>		
<b><u>Officer:</u></b>	Joanne Doyle, tel: 292198	<b><u>Valid Date:</u></b>	06.03.2019
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	01.05.2019
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Mr Paul Joyce 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	RIB Ltd C/O Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

## 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 Plan	01		6 March 2019
Proposed Drawing	02		6 March 2019

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 development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no. 0130.02 received on 6th March 2019, and shall be retained as such thereafter. The layout of the kitchen/dining room and living room shall be retained as communal space at all times and shall not be used as bedrooms.

**Reason:** To ensure a suitable standard of accommodation for occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

4. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be

retained for use by the occupants of, and visitors to, the development 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 and SPD14: Parking Standards.

5. 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 QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

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. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application site relates to a two storey semi-detached property located on the west side of Norwich Drive.
- 2.2. The property is not located in a conservation area, but there is an Article Four Directive in place restricting the conversion of single dwelling houses to houses of multiple occupation (C4 or sui generis use class).
- 2.3. This application seeks consent for the change of use from a single dwelling house (C3) to 6 bedroom small house in multiple occupation (C4) incorporating conversion of integral garage to habitable space, provision of cycle storage, removal of chimney and revised fenestration.

## **3. RELEVANT HISTORY**

None

## **4. REPRESENTATIONS**

- 4.1. **Fifteen (15)** letters of representation have been received objecting to the proposal for the following reasons:
  - Noise nuisance and anti-social behaviour
  - Litter problems
  - Overdevelopment
  - Already too many HMO's in the area
  - Extra strain on services and parking
  - Area needs more family homes

4.2. **Councillor Yates** objects to the proposal. Copy of the objection is attached.

## 5. CONSULTATIONS

5.1. **Transport:**  
No comment

5.2. **Private Sector Housing:**  
The applicant should apply for a HMO license.

## 6. MATERIAL CONSIDERATIONS

6.1. 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

6.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- The East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

Supplementary Planning Documents

SPD14	Parking Standards
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## **8. CONSIDERATIONS & ASSESSMENT**

8.1. The main considerations in the determination of this application relates to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide and transport issues.

### **Principle of Development:**

8.2. This application seeks consent for change of use of existing single dwelling house (C3) to 6 bedroom small house in multiple occupation (C4).

8.3. Policy CP21 of the Brighton and Hove Draft City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:

8.4. 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.

8.5. A mapping exercise has taken place which indicates that there are 14 neighbouring properties within a 50m radius of the application property; 2 other properties have been identified as potentially being in use as a HMO.

8.6. One of the properties, 12 Norwich Drive, however, appears to have been in an unauthorised use as a HMO. A Lawful Development Certificate was refused in 2016 (2016/05003) for a single storey rear extension and loft conversion. A HMO licence 2013/06537/HMOADD/PS for four individual occupants was granted on the 13/03/2014. No planning permission has been granted for this use. The reason for the refusal of the application was that 'the proposed works are intended to enable a change of use to a large House in Multiple Occupation (use class Sui Generis HMO) which represents development that requires planning consent'. A subsequent application BH2017/00605 (Change of use from a small HMO (C4) to 4no 2 bedroom dwellings (C3) including erection of 2 storey building next to existing building and side extension and associated alterations) was approved on 18.09.2017. Whilst the description details a change of use from a HMO, the report made it clear that use of the property as a HMO was unlawful and the lawful use is as a (C3) dwellinghouse. The report prepared for this application stated, 'it was noted on the site inspection on the 11/04/2017 that the property is currently occupied as a HMO. No planning consent has been sought for the conversion, and the matter will be referred to the Planning Enforcement Team.' This is currently been looked into. Given the status of this property, this does not count towards the existing proportion of properties in HMO use.

8.7. On this basis, only 1 other property has been identified as being in use as a HMO and the percentage of HMOs within the designated area is thus 7.14%.

Based upon this percentage, which is less than 10%, the proposal to change to a HMO would be in accordance with policy CP21.

**Design and Appearance:**

- 8.8. The proposed external alterations to the property, including the widening of a ground floor rear window, the removal of the first floor front bay window, the replacement of the existing garage door opening with a window and the removal of the chimney are considered acceptable in design terms.

**Standard of Accommodation:**

- 8.9. 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. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. 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.
- 8.10. The changes to the internal layout of the property, including the conversion of the garage to habitable space would result in 2no bedrooms, shower room and wc and kitchen/dining room and separate living room at ground floor level and 4no bedrooms at first floor level.
- 8.11. The bedrooms meet the government minimum national space standards and are adequate in terms of size, circulation space and layout to cater for the furniture needed and with good levels of natural light and outlook within the unit.
- 8.12. The communal area, consisting of a kitchen and dining area and separate living room, measuring approximately 32.8sqm combined would be overly sufficient for a 6 person property. The space would be functional with good levels of circulation space, light and outlook and would provide an acceptable standard of accommodation.
- 8.13. The kitchen/dining room, measuring approximately 21.8sqm, would in itself be adequate to provide an acceptable level of communal space for the number of occupants, particularly given the functioning layout, the adequate size and circulation space of the bedrooms and the property benefiting from a rear garden space. Notwithstanding this, a condition is recommended restricting the use of the living room to communal use only to ensure that alterations to the layout are not made at a later date that reduces the amount of communal space provide for future occupiers.
- 8.14. The accommodation proposed is considered acceptable, in accordance with policy QD27 of the Brighton and Hove Local Plan.

**Impact on Amenity:**

- 8.15. Policy QD27 of the Brighton & Hove Local Plan 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.
- 8.16. The property most likely to be affected by this development is the adjoining properties no's 13 and 17 Norwich Drive.
- 8.17. The proposed change of use from a C3 dwellinghouse to a six bedroom C4 HMO would result in a more intensive use of the property and a greater impact on the immediate and surrounding area. It is considered that the increased impact likely to be caused in this case would not be of a magnitude which would cause demonstrable harm to neighbouring amenity and would not warrant the refusal of planning permission.
- 8.18. The proposed external works would not result in amenity harm.
- 8.19. Given that there is a maximum occupancy of 6 persons and an increase in occupancy would amount to a change of use to a Sui-Generis use which would require planning permission, it is not considered necessary to restrict 'permitted development rights' by way of a condition. Furthermore, it is not considered that further extensions to the property under permitted development would have an adverse impact on the character of the property or surrounding area or cause detriment to the amenities of occupiers of nearby properties
- Sustainable Transport:**
- 8.20. An uplift in the number of trips could be expected as a result of the proposals. However, it is not considered that this would be substantial or amount to a severe impact upon surrounding highway and transport networks.
- 8.21. Cycle parking is proposed in the form Sheffield stands to the front of the property which is considered adequate for the type of development. The provision of these will be secured via condition.

**9. EQUALITIES**  
None identified