

<u>No:</u>	BH2017/02836	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	150 Heath Hill Avenue Brighton BN2 4LS		
<u>Proposal:</u>	Change of use from four bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4), associated (retrospective) erection of a single storey rear extension.		
<u>Officer:</u>	Charlotte Bush, 292193	tel: <u>Valid Date:</u>	22.08.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	17.10.2017
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Dowsett Mayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	WSE Property Services Ltd C/o Dowsett Mayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		

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.

Plan Type	Reference	Version	Date Received
Location Plan			22 August 2017
Floor plans/elevations/sect proposed	EAD/0022/17/12		22 August 2017
Floor Plans Proposed	EAD/0022/17/13		22 August 2017

2. Within three months of the approval hereby given, 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 within one month of the details being agreed, 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.
3. The kitchen and dining areas as detailed on 'EAD/0022/17/12' received on the 22/08/2017 shall be retained as communal space at all times and shall not be used as a bedroom.

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

- 4 No extension, enlargement, alteration or provision within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, 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 to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

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 relates to a two storey semi-detached house on the western side of Heath Hill Avenue. The property is not located in a conservation area. However, there is an Article Four Directive present which restricts the change of use from C3 single dwellinghouse to C4 small HMO.
- 2.2 This is a retrospective application for change of use from a four bedroom single dwelling house (C3 use class) to a 6 bedroom small house in multiple occupation (HMO) in C4 use class. The house was occupied by six individuals at the time of the Officer's inspection on the 6/10/2017.
- 2.3 The property has been extended with a single storey rear extension measuring 2.77m to the top of the eaves, 11.2m wide and projecting 2.9m from the original rear elevation. Building Control received an initial notice for the single storey rear extension on the 07/06/2017. An application for a 6 bedroom HMO licence was applied for on the 12/09/2017. Given this timeline, it is considered that the single storey rear extension was built to facilitate the change of use to a small HMO, and the extension is therefore considered as part and parcel of the works and will be assessed as part of this application. The description has been amended accordingly.

3. RELEVANT HISTORY

2017/04238/HMOADD/PS - HMO Licence for 6 occupants applied for on the 12.09.2017

2017/1477/IN - Building Control initial notice for a single storey rear extension received on the 07.06.2017

4. REPRESENTATIONS

4.1 Thirty one (31) letters have been received objecting the proposed development for the following reasons:

- We need to protect Bevendean, there are too many HMO's full of disruptive students.
- Loss of local amenities such as doctors, nurseries, local churches, community centres, youth centres and schools
- Houses and gardens are being neglected
- Noise and anti-social behaviour
- The frequent changing of residents is losing the community feel
- Children can't play outside
- There are so many students that we can't even get on the busses in the morning
- Existing parking and traffic problems will be exacerbated
- Rubbish bins are overflowing and there is litter everywhere
- In their planning statement no. 8.6. "We have undertaken an assessment as to the number of HMOs within a 50m radius of 72 Stephens Road." the planning application is for 150 Heath Hill Avenue and therefore this statement is totally invalid and their claim that there are no HMO's within a 50m radius should be discounted. (N.B. The planning statement has since been amended)
- By granting this application you would be going against the City Plan which states that it aims to maintain balanced communities
- Councillors should visit the area

4.2 **Councillor Daniel Yates** objects to the application, a copy of the letter is attached to the report.

5. CONSULTATIONS

5.1 **Housing:** No comment

5.2 **Planning Policy:** No comment

5.3 **Sustainable Transport:** No comment

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);
- 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

Supplementary Planning Guidance:

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide, the design and appearance of the single storey rear extension, and transport issues.

8.2 Principle of Development:

The development is for retrospective change of use from a C3 dwelling to a use which would allow occupation of the property as a C4 HMO providing accommodation for up to 6 unrelated individuals (in this case 6 bedspaces) who share basic amenities including a kitchen and bathrooms.

8.3 Policy CP21 of the Brighton and Hove 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:

- 8.5 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.'
- 8.6 A mapping exercise has taken place which indicates that there are 20 neighbouring residential properties within a 50m radius of the application property. No neighbouring properties have been identified as being in HMO use within the 50m radius.
- 8.7 The proposal to change to a C4 HMO would therefore be in accordance with policy CP21.

8.8 Standard of Accommodation

Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers. Accommodation should therefore provide suitable circulation space within bedrooms once the standard furniture for an adult has been installed (such as a bed, wardrobe and desk), as well as good access to natural light and air in each bedroom. The communal facilities should be of a sufficient size to allow unrelated adults to independently cook their meals at the same time, sit around a dining room table together, and have sufficient space and seating to relax in the communal lounge.

- 8.9 The 'Nationally Described Space Standards' 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 and relate to new build developments, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m².

- 8.10 The ground floor layout comprises:
Bedroom 1: 10.94m²
Bedroom 2: 13.42m²
Bedroom 3: 8.46m²
Open plan lounge/kitchen/dining room: 32.44m²
Shower room
Separate W.C

The first floor layout comprises:

Bedroom 4: 7.83m³
Bedroom5: 12.86m²
Bedroom 6: 10.96m²
Bathroom

- 8.11 The kitchen/lounge/diner would measure over 32.44m² and is considered to provide sufficient communal space for 6 individuals. All of the proposed bedrooms measure over 7.5m² and are considered to provide sufficient space and access to natural light and air as single occupancy rooms.
- 8.12 The proposed standard of accommodation is therefore considered acceptable and offers current and future occupants a reasonable standard of living accommodation, in accordance with policy QD27 of the Brighton and Hove Local Plan.
- 8.13 **Design and Appearance:**
Building Control records received an application for the single storey rear extension on the 07/06/2017. Private Sector Housing received an application for a 6 bedroom HMO licence at this address on the 12/09/2017. The extension was therefore built to facilitate the change of use and is consequently considered as part and parcel of this application.
- 8.14 The rear extension measures 2.77m to the top of the eaves and 3.4m to the top of the three roof lanterns; projects 2.9m from the original rear elevation, is 11.2m wide and adjoins a single storey side projection which may be part of the original building (several other properties have similar-styled side projections, and 'Google Streetview' shows that the side projection has been in situ since at least 2009). The side projection may therefore be part of the original dwelling.
- 8.15 The scale of the rear extension is in proportion with the existing dwelling and overall the rear extension is not considered to cause any harm to the character and appearance of the host property or the wider streetscene.
- 8.16 **Impact on Amenity:**
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.
- 8.17 The existing four bed property could be occupied by 5 or 6 family members within the existing use class. The occupancy will be restricted by the C4 use class to 6 unrelated persons residing within the property. It is therefore not considered that any increased impact to adjoining occupiers in regards to noise and disturbance would be of a magnitude which would warrant the refusal of planning permission.
- 8.18 The overall percentage of HMO's within a 50m radius is 0% which is within the 10% limit specified within policy CP21. As such, the cumulative impact of the proposed HMO in the area is not considered to cause harm to local amenity.
- 8.19 The rear extension measuring 2.77m to the top of the eaves and less than 3m deep is not considered to cause harm to neighbouring amenity at the adjoining property No. 148 Heath Hill Avenue in terms of overlooking, loss of privacy,

overshadowing or loss of privacy. The extension is situated approximately 14m from the rear boundary line and 2 metres from the boundary to No.152 Heath Hill Avenue. The proposed rear extension is therefore considered to be of a sufficient distance way from these neighbouring properties to not cause any harm to neighbouring amenity.

8.20 Sustainable Transport:

Secure cycle parking facilities have not been presented as part of this application, and will be secured by condition.

8.21 There is no off-street parking proposed with the application in-line with the current arrangement, which is considered acceptable.

8.22 There is not forecast to be a significant increase in pedestrian or vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal so the application is deemed acceptable.

9. EQUALITIES

9.1 None identified

