

<u>No:</u>	BH2019/03433	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	95 Heath Hill Avenue Brighton BN2 4FH		
<u>Proposal:</u>	Change of use from 6no. bedroom small House in Multiple Occupation (C4) to 9no. bedroom large House in Multiple Occupation (Sui Generis). Proposals also incorporate: the erection of a single storey rear extension; acoustic fencing; the installation of a side window; and the creation of 2no. car parking spaces.		
<u>Officer:</u>	Emily Stanbridge, 293311	<u>Valid Date:</u>	18.11.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13.01.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Steve Granocchia C/O Lewis And 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.

Plan Type	Reference	Version	Date Received
Proposed Drawing	0123.A.03		23 January 2020
Location Plan	0123.A.01		18 November 2019
Proposed Drawing	0123.A.02A		23 January 2020

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 floorplan received on 14th February 2020 and shall be retained as such thereafter. The rooms annotated as living room and kitchen/dining shall be retained as communal space and shall not be used as bedrooms at any time. The bedrooms shown shall be retained in the form shown on the plans and not subdivided.

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

4. The unit hereby approved shall only be occupied by a maximum of nine (9) persons.

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

5. No development shall commence until a swept path analysis of the proposed off-street parking has been submitted and approved in writing by the local planning authority.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

6. All the interior and exterior sound proofing measures shown on drawing 02A received on 23rd January 2020 shall be installed prior to the occupation of the property as a sui generis HMO.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

7. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

8. 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.

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. Planning permission is sought to change the use of the property from a 6 bedroom Small house of multiple occupation (use class C4) to a nine bedroom large house in multiple occupation (Sui generis).
- 2.2. The site is on the north side of Heath Hill Avenue near to its westerly junction with Auckland Drive. It is one of a pair of semi-detached dwellings and similar such structures front the road on both sides. The property is also located within one of the councils HMO Article 4 areas.

3. RELEVANT HISTORY

- 3.1. BH2019/01873: Application for approval of details reserved by conditions 3 and 4 of application BH2018/02532. Under Consideration.
- 3.2. BH2019/01799: Removal of condition 6 of application BH2018/02532 (Change of use from single dwelling (C3) to six bedroom small house in multiple occupation (C4).) relating to extending, enlarging or altering dwelling house without planning. Under Consideration.
- 3.3. BH2018/02532: Change of use from single dwelling (C3) to six bedroom small house in multiple occupation (C4). Approved February 2019.

4. REPRESENTATIONS

- 4.1. **Forty Four (44)** letters have been received from objecting to the proposed development for the following reasons:
- Already too many HMO's in the area
 - Loss of community amenities making way for students
 - Overdevelopment
 - Additional noise
 - Additional litter
 - Additional traffic
 - Parking vehicles in front of the property will be visually detrimental
 - Neighbours will lose pride in the area
 - Shared driveway not taken into consideration
 - Lack of public transport for increase in occupiers
 - Breach of CP21
 - The house is already an HMO for 6 people
 - Local residents survey indicates there are already vacant rooms in the area
 - There are already ample provisions for student accommodation
- 4.2. **Councillor Yates** objects. Please see comments attached.

5. CONSULTATIONS

- 5.1. **Private Sector Housing:** No objection

- 5.2. **Sustainable Transport:** Comment 27.11.2019
- The level of cycle parking provisions proposed is acceptable
 - Off street parking spaces acceptable in principle subject to swept path analysis.

- 5.3. **Natural England** No objection

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);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019).
- 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
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP21	Student housing and Housing in Multiple Occupation

Brighton and Hove Local Plan (retained policies March 2016):

TR7	Safe Development
TR14	Cycle access and parking
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
SU9	Pollution and nuisance control
SU10	Noise nuisance

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

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, the impact of the extension upon the character and appearance of the property, the standard of accommodation provided, the impact on neighbouring properties and transport issues.

Principle of development

- 8.2. The application property is currently in a C4 use following the approval of application BH2018/02532 which sought a change of use from C3 Dwelling to a C4 HMO. As a result of this application the property is currently occupied by six individuals.
- 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, including a change of use from those in an existing C4 use 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. The over-concentration of HMOs in certain parts of Brighton & Hove, as expressed through the Council's Student Housing Strategy, led to the issuing of article 4 directions in five of the city's electoral wards.
- 8.6. Policy CP21 seeks to address the potential impact of concentrations of HMOs upon their surroundings and to ensure that healthy and inclusive communities are maintained across the city.
- 8.7. A mapping exercise has taken place which indicates that there are 16 neighbouring residential properties within a 50m radius of the application property. One (1) neighbouring property has been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 6.25 %.
- 8.8. Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a Sui generis HMO would be in accordance with policy CP21.

- 8.9. It is noted that neighbours have raised concerns with regards to a number of properties within the 50m radius that they consider to be occupied as a C4 Use. Only properties in a lawful HMO use and properties with an extant permission are counted.
- 8.10. One property which has been identified by a residents who have commented on the application, no. 44 Heath Hill Avenue, has recently been refused planning permission, so is not lawful. (A current enforcement case has been opened on this property.)
- 8.11. In regard to No.40 Heath Hill Avenue, council tax records indicate that the property may be in use as an HMO however no planning history can be found for this property and therefore this potential HMO is not considered lawful. (A current enforcement case has been opened on this property.)
- 8.12. The council has looked into 101 Heath Hill Avenue following concerns raised by neighbouring residents however no planning history or enforcement history can be found.
- 8.13. It is noted that No.50 Heath Hill Avenue has an extant permission for student accommodation. The proposed rooms located within this building have not been included in the above calculation as the building is classed as purpose built accommodation within a Sui Generis Use and is not classed as a HMO.

Design and Appearance:

Rear extension

- 8.14. The proposal incorporates the erection of a single storey rear extension. The proposed extension would measure approximately 6.5m in depth and would be inset from the eastern side wall of the original property by approximately 2m.
- 8.15. The extension would incorporate a mono-pitched roof form with a predominantly flat roofed section. The proposed angle of the roof pitch would match that of the main dwelling. In addition the exterior walls would match in material to the main property. It is also noted that the extension would not physically attach the existing rear dormer.
- 8.16. Given the presence of the extension to the adjacent property the extension proposed would not unbalance the semi-detached pair. As such the proposed extension is deemed acceptable.

Provision of hardstanding

- 8.17. The application includes provisions for two off-street parking spaces to the front of the property. This would involve the loss of the existing front garden area which is currently laid to lawn. However there are a number of examples of properties within the streetscene, including opposite the application site, where similar hardstanding's exist. It is therefore not considered that this alteration would cause significant harm to the visual amenities of the street.

Standard of accommodation

- 8.18. 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 adequate outlook 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 a communal lounge.
- 8.19. 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.
- 8.20. The six en-suite bedrooms shown on the plans are as per the approved layout approved under application BH2018/02532.
- 8.21. The proposed floor plans show indicative furniture layouts, which for the bedrooms show how a bed, storage furniture and desk could be accommodated. The proposed layout would allow for all rooms to have adequate natural light and circulation space. Furthermore each of the proposed bedrooms exceeds the national described space standards.
- 8.22. One of the bedrooms on the ground floor of the property is located adjacent to the communal space for future occupiers. In order to minimise noise disturbance to these bedrooms, additional soundproofing measures are proposed which will mitigate any potential noise impact to these occupiers this is by way of soundproofing the walls to 42db and incorporating door soft closers to both internal and external doors in the vicinity of this bedroom.
- 8.23. The communal space comprises of a kitchen/dining area with living area beyond within the proposed extension. This living space would provide a total of 46sqm of communal space. This communal area is laid out in such a way that it could adequately function for 9 occupants. Whilst it is noted that some space will be lost as route space through the kitchen to the living area the space proposed remains sufficient.

Impact on Amenity:

- 8.24. 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.

Use of the site

- 8.25. The increased occupation of the building from 6 individuals to 9 is not considered likely to result in significantly increased activity which would cause noise/disturbance to neighbouring properties beyond the existing C4 use. It is further noted that sound insulation is to be retained to the party wall with the adjoining property at no. 93 Heath Hill Avenue.
- 8.26. It should also be noted that the proposed rear extension which houses the communal space for future occupiers does not physically adjoin the neighbouring property at No.93. The plans submitted also show that an acoustic fence along the boundary with this neighbour is also proposed from the original rear wall of the property to 3m beyond the proposed extension. A condition is recommended to secure this detail. Significant harm to neighbour amenity is therefore not foreseen.

The proposed extension

- 8.27. The proposed extension to the rear of the property extends to a similar depth to that of the existing adjacent extension at No.93. Whilst on site it was noted that there is an existing high level window to the extension of No.93 facing the application site, however after visiting the neighbouring property it became apparent that this window is obscure glazed and provides no outlook. Furthermore the neighbour extension has full height glazing to the western elevation and therefore the window is not a source of light. As a result the extension to the application site would not cause harm to the amenities of this western neighbouring property.
- 8.28. The extension would be separated from No.97 Heath Hill Avenue by a shared driveway and single storey garages. In addition the extension is stepped in from the original eastern elevation of the property by approximately 2.1m. As a result no amenity impact is envisaged to the occupiers of No.97.

Sustainable Transport:

- 8.29. The application includes provisions for two off-street parking spaces within the front garden, this is considered to be acceptable in principle subject to a swept path analysis, requested by the highways team, to ensure vehicles can enter and exit the site in a forward gear.
- 8.30. The application proposes cycle storage within the garage. This provision shall be secured by condition.

Other considerations

- 8.31. Councillor Yates's objection refers to a recent appeal decision at 25 Wheatfield Way which sought a change of use from C4 HMO to Sui Generis HMO.
- 8.32. The property is similar to that at 95 Heath Hill Avenue in that it comprises a semi-detached bungalow, extended at roof level and is in a lawful C4 use. In

his decision the appeal inspector noted that the increase in occupiers to 9 would lead to a noise increase.

- 8.33. However the appeal inspector noted that a number of complaints had been received by local residents and councillors in relation to problems experienced by the existing HMO at 25 Wheatfield Way and that this was an indication of the noise levels that may arise.
- 8.34. It should also be noted that 25 Wheatfield Way is close to the end of a cul-de-sac with relatively little traffic. By comparison 95 Heath Hill Way is located on a main road which experiences higher levels of pedestrian and vehicle movements. Whilst it is acknowledged that the intensity of the occupancy levels would increase, the levels of coming and goings would not be so significant, given the location of the property.

9. EQUALITIES

None identified.

