

<u>No:</u>	BH2019/02844	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	31 Dartmouth Crescent Brighton BN2 4HY		
<u>Proposal:</u>	Change of use from single dwellinghouse (C3) to six bedroom house in multiple occupation (C4), with alterations to fenestration. (Retrospective).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	23.09.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18.11.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Rivers Birtwell C/o Lewis _ Co Planning 2 Port Hall Road Brighton BN1 5PD		

Councillor Yates has requested this application is determined by the Planning Committee.

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	01		23 September 2019
Proposed Drawing	02		23 September 2019

2. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no 02, and shall be retained as such thereafter. The layout of the kitchen/dining/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.
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 QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. Within 2 months of the date of this permission hereby approved 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. Within 2 months of the date of this permission hereby approved soundproofing of the party walls between 31 Dartmouth Crescent and 33 Dartmouth Crescent as detailed in the Design and Access Statement and shown on drawing Number 02 received on the 23rd September 2019 shall be implemented and shall thereafter be retained as such.
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.
6. Within 2 months of the date of this permission hereby approved a 2m high close-boarded fence shall be erected along the side garden boundary between 31 and 29 Dartmouth Crescent to provide a screen between the ground floor side windows of the properties. The fence shall be retained in place thereafter.
Reason: To prevent a loss of privacy between the properties and in the interests of the residential amenity of the occupiers in accordance with policy QD27 of the Brighton and 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 an existing semi-detached dwelling house on the south east of Dartmouth Crescent. The two storey property is elevated from street level and has an integrated garage. Living accommodation is on the ground floor and three bedrooms and a family bathroom at first floor level.
- 2.2 The site lies within Moulsecoomb & Bevendean Ward which is one of the five electoral wards in Brighton to which an Article 4 Direction applies. The Article 4 Direction, introduced by the Council on 5th April 2013, removes the permitted development rights of C3 dwellinghouses to change to C4 small HMOs.
- 2.3 Planning permission is sought for the change of use of a (C3) dwellinghouse to a (C4) small house in multiple occupation with 6 occupants. Associated with the change of use, minor fenestration alterations are proposed and the provision of cycle storage within the garage.

- 2.4 A site visit has identified the property as being in HMO use and therefore the application description has been amended to retrospective. The external works have not been undertaken.

3. RELEVANT HISTORY

- 3.1 None.

4. REPRESENTATIONS

- 4.1 One (1) letter has been received objecting to the proposed development for the following reasons:

- Noise
- Traffic
- Parking
- Overdevelopment
- Impact on community resources
- Loss of family housing

- 4.2 **Councillor Yates** objects to the proposal. A copy of the letter is attached to this report.

5. CONSULTATIONS

5.1 Private Sector Housing: Comment

1. The applicant will need to apply for a HMO licence should the application be approved.
2. The applicant should refer to our HMO standards for guidance:
<https://www.brightonhove.gov.uk/sites/brighton-hove.gov.uk/files/HMO%20Standards%20online%20version%2031.1.18.pdf>

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);

* Shoreham Harbour Joint Action Area 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
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
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD14 Extensions and alterations
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPD14 Parking Standards

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the change of use including the impact on the surrounding area, standard of accommodation, the impact on neighbouring amenity, and transport issues.

8.2 Planning Policy:

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:

'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.'*

A mapping exercise has taken place, which indicates that there are 48 neighbouring residential properties within a 50m radius of the application site. Four (4) properties have been identified as being potentially in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 8.3%. Based upon this percentage, which is less than 10%, the proposal to change of use would be in accordance with policy CP21. The development is not considered to result in an concentration of HMO use in the immediate area. In regard to meeting the Councils housing targets, this application does not result in a net gain or loss in residential units. There remains the need to provide a range of housing types for our communities as identified by development plan policies.

8.3 Standard of Accommodation

In regard to the standard of accommodation proposed, HMO licensing seeks to secure minimum standards of accommodation fit for human habitation such as fire safety standards and access to basic facilities such as a kitchen, bathroom and toilet. The Local Planning Authority's development plan has a wider remit to secure a good quality of accommodation which would ensure a good standard of amenity for future occupiers. It is therefore clear that the remit of the Planning regime allows the Local Planning Authority to consider a wider range of issues and to seek to secure a higher standard of accommodation than the bare minimum fit for human habitation secured by the licencing requirements.

Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes the Government's Technical Housing Standards - National Described Space Standards March 2015 document states that "in order to provide one bed space, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide". The minimum floor space requires a head height of above 1.5m.

The proposed layout shows that all 6 of the proposed single bedrooms would be either 7.5m² or 7.6m² and are of good shape to allow for the necessary furniture required for each individual. All bedrooms are served with good natural light, and outlook.

The kitchen/dining space provides 23.5m² and the indicative layout shows adequate kitchen space and a siting area. Access to the garden is from this space. No separate living room is proposed and such spaces are important to allow for relaxation / socialising away from the kitchen area. However the shape and layout of the kitchen dining area does lend itself to a cooking and food preparation in one side of the room and siting area in the other. This is depicted on the plans. On balance therefore, it is considered that amenity layout is acceptable.

The proposed arrangement will provide two shower rooms with WCs and a third WC for use between the six occupiers.

Overall the size, layout and amenity space of the property is considered suitable for a small HMO of up to 6 occupiers. Given the amenity space, and given that

the bedrooms are single occupancy a condition to restrict the occupancy to 6 is not required.

8.4 Design and Appearance:

The proposed works which form part of this application are considered acceptable. Minor alterations to the fenestration of the side elevation are proposed to align with the new layout. An existing WC window at ground floor and a stairwell window would be blocked up and made good in matching brown brick. A new window would be installed to serve a bedroom at ground floor, whilst a slim, horizontal window would be added at first floor. A condition relating to matching materials would be required.

A refuse and recycling area is designated to the front of the site which remains as the existing arrangement and is acceptable.

8.5 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.

Six single-occupancy bedrooms are proposed where the existing C3 house would reasonably accommodate five occupiers given that there are 2no double and 1no single bedrooms showing on the existing floorplans. There would therefore be a small increase in the amount of activity associated with the change of use, but not to a significant level compared to the existing use. It is acknowledged that the change in the occupancy from a single dwelling to HMO occupation may result likely change to the demographic at the property but within the mix of dwelling types in the area, a small HMO use would not be incongruous, nor as compliance with policy CP21 has indicated, would it result in an overconcentration of this use.

The Applicant proposes soundproofing, over and above the requirements of building regulations, to be installed to the party wall with the adjoining property no33. As noted on the proposed plans soundproofing, capable of reducing noise transference by 56db is proposed for the party wall with no33 Dartmouth Crescent.

Although this is not standard practice, it is considered that this presents an opportunity to improve the soundproofing between the properties, and it is considered a favourable approach which demonstrates a commitment from the applicant limit the potential for noise and disturbance to neighbouring properties. This approach is compatible with Policy SU10 of the Brighton and Hove Local Plan. This will be secured by condition.

An additional window on the side elevation at ground floor level is proposed to serve one of the additional bedrooms. Subject to the boundary treatment between 29 and 31 Dartmouth Crescent being upgraded with a closed boarded fence, there would be no loss of privacy from the new window.

8.6 Sustainable Transport:

A small 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. The property benefits from an off-street car parking space. Dartmouth Crescent is not within a controlled parking zone and the current on-street parking situation is not considered to be under an identifiable strain.

Secure, covered cycle storage is proposed within the existing garage area. This is shown to be three Sheffield stands capable of securing six bicycles. The location, type and amount of cycle parking is considered acceptable.

9. EQUALITIES

9.1 None identified.

