

<b><u>No:</u></b>	<b>BH2021/00617</b>	<b><u>Ward:</u></b>	<b>Hangleton And Knoll Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>57 Northease Drive Hove BN3 8PP</b>		
<b><u>Proposal:</u></b>	<b>Change of use from existing 6no bedroom small house in multiple occupation (C4) to 7no bedroom large house in multiple occupation (sui generis). Erection of a two storey side extension and single storey rear extension.</b>		
<b><u>Officer:</u></b>	Joanne Doyle, tel: 292198	<b><u>Valid Date:</u></b>	09.03.2021
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	04.05.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	JDRM Architects Studio 8 Beaconsfield Studios 25 Ditchling Rise Brighton BN1 4QL		
<b><u>Applicant:</u></b>	A Ward 57 Northease Drive Hove BN3 8PP		

## 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 and block plan	2142(11)1000		23 February 2021
Proposed Drawing	2142(21)1000	B	16 August 2021
Proposed Drawing	2142(31)1000	A	16 August 2021

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 2142 (31) 100 rev A, and shall be retained as such thereafter. The layout 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 HMO unit hereby approved shall only be occupied by a maximum of seven (7) 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. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development 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 and SPD14: Parking Standards.

6. The development hereby permitted shall not be occupied until the extended crossover and access has been constructed.

**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

7. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

8. The external finishes of the extensions to the existing building 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. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the

Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

## 2. SITE LOCATION

- 2.1. The application relates to a two-storey, semi-detached property fronting Northease Drive, located on a corner plot of land on the junction of Northease Drive and Spencer Avenue. There is an Article Four Direction in place restricting the conversion of single dwellinghouses to houses in multiple occupation (HMOs)(planning use class C4, or sui generis (outside of a use class)).

## 3. RELEVANT HISTORY

- 3.1. **BH2020/00820-** Erection of a two storey, 2no. bedroom dwelling (C3) attached to the west elevation of the existing no.57 Northease Drive, with associated works. Refused 04.06.2020. The reason for the refusal was as follows:

1. The proposed dwellinghouse would, by virtue of its scale and siting represent a visually incongruous and prominent addition to the streetscene that would disrupt the pattern of development and erode the open, spacious character of the corner of Northease Drive and Spencer Avenue. Accordingly the proposal is considered to be contrary to policies CP12 and CP14 of the City Plan Part One.

This application was the subject of an appeal to the Planning Inspectorate (W/4001441).

The appeal was dismissed on 14.01.2021.

- 3.2. **BH2020/00533-** Erection of 1no one bedroom dwelling (C3) incorporating parking and associated works. Refused 15.04.2020. The reasons for the refusal were as follows:

1. The plot size, footprint and scale of residential redevelopment of the site would not be in keeping with the character and appearance of the wider area and prevailing pattern of development. This would lead to a cramped form of development and would have a detrimental impact on the surrounding area. The plot is unable to accommodate a residential dwelling which is in keeping with the wider area, compromising on the quality of the proposed accommodation in terms of layout. As such, the proposal is contrary to policies CP12, CP14 and CP19 of the City Plan Part One and QD5 and QD27 of the Brighton and Hove Local Plan.
2. The proposed residential unit due to its constrained layout would provide a poor standard of accommodation which would harm the amenities of future occupiers contrary to policy QD27 of the Brighton and Hove Local Plan.

- 3.3. **BH2019/03085-** Erection of 1no two bedroom dwelling (C3) incorporating parking and associated works. Refused 11.12.2019. The reasons for the refusal were as follows:
1. The proposal, by reason of its constrained plot size and the plot coverage of the proposed dwelling would fail to respect the established pattern of development and urban grain of the local area which is characterised by mid-size properties within spacious plots that include lengthy rear gardens. This would detract from the established character of the streetscene and would appear as an incongruous addition that is contrary to policies CP12 and CP14 of the Brighton and Hove City Plan Part One.
  2. The proposed dwellinghouse, due to its lack of a usable, private rear garden would be overly reliant on the garden area to the front of the property which create a poor standard of amenity space. This substandard outside amenity space is contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.
  3. The proposed dwellinghouse due to its height and proximity with existing buildings would present as dominant and overbearing addition, creating a perceived loss of privacy and actual loss of light to occupants of Nos.55 and 57 Northease Drive, contrary to policy QD27 of the Brighton and Hove Local Plan.

#### **4. APPLICATION DESCRIPTION**

- 4.1. This application seeks consent for the change of use from existing six-bed 'small HMO' (use class C4) to a seven-bed 'large HMO' (sui generis – no use class). External alterations are proposed to facilitate the change of use including the erection of a two-storey side extension and single storey rear extension.
- 4.2. During the course of the application the scheme has been amended from an eight-bed HMO to a seven-bed HMO, which included omitting one bedroom at second floor level. This followed discussions over the concern of the impact of the proposal on neighbouring amenity.

#### **5. REPRESENTATIONS**

- 5.1. Eight (8) letters of representations have been received objecting to the proposal for the following reasons:
  - Parking issues
  - Traffic and highway safety issues
  - Poor cycle provision
  - Loss of light and sunlight
  - Devalue property prices
  - Poor design
  - Loss of privacy
  - Increased noise
  - interrupt the sensitive spacing

- Out of character
- Plot cramped and at odds with streetscene
- Significant side extension
- Density at odds with prevailing character of the area
- Built form and footprint out of scale, bulk and jarring
- Disrupt the streetscene, unbalanced and visual prominence
- Poor amenity space
- Poor standards for residents
- Back land 'land-grab'
- Existing property in poor condition

5.2. **Councillor Barnett** has objected to the proposal on the grounds of; plot size, out of character with the area, lack of outside amenity and loss of privacy; extensions will cause obstruction; parking and safety issues and that the application is essentially the same proposal as those previously refused.

## 6. CONSULTATIONS

### 6.1. Transport Verbal:

No objection subject to recommended conditions.

## 7. MATERIAL CONSIDERATIONS

7.1. 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

7.2. 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 JAAP (adopted October 2019).

7.3. 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.

## 8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing Delivery
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

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM1	Housing Quality, Choice and Mix
DM7	Houses of Multiple Occupation (HMOs)
DM20	Protection of Amenity
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents

SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. 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 impacts of the proposal.

**Principle of Development:**

- 9.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to planning use 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, 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."*

- 9.3. A mapping exercise has been undertaken which indicates that there are no existing HMOs within a 50m radius of the application property.
- 9.4. Based on no properties within 50m of the site being in HMO use, the change of use to a seven-bed large HMO (sui generis) would not conflict with policy CP21.

**Design and Appearance:**

- 9.5. Policy CP12 of the Brighton & Hove City Plan Part One seeks to ensure that all new development raises the standard of architecture and design in the City. In tandem with this, Policy CP14 of the City Plan seeks to encourage a higher density of development than those typically found in the locality provided developments will, amongst other things, respect, reinforce or repair the character of a neighbourhood and contribute positively to its sense of place.
- 9.6. The property features an existing two-storey side extension, visible from both Northease Drive and Spencer Avenue because of the openness of the site. The extension is relatively small, with a ridgeline subservient to the main dwelling.
- 9.7. The proposed replacement two-storey side extension would maintain the building line on Northease Drive, but would increase the side projection to come forward of the building line on Spencer Avenue by approximately 1m. However, the building fronts Northease Drive and is viewed separately to properties on Spencer Avenue so it is not considered the extension would be detrimental to the character of its streetscene.
- 9.8. The two-storey extension would emulate the form and appearance of numbers 55 & 57 Northease Drive in terms of roof-form, fenestration pattern and form. It is also acknowledged that the presence of the existing two storey side extension, albeit smaller than the proposal, does already result in an unbalance of the existing pair of semi-detached houses. The two-storey side extension would be set in from the front building line and set in appropriately from the boundary so that the openness of the site is maintained.
- 9.9. The single-storey full width rear extension would be appropriate in design, form and detailing and with both extensions complimenting one another.
- 9.10. It is noted that in the previous refusals and the subsequent appeal for the new dwelling on the site, concerns were raised with regards to the excessive bulk and extension beyond the building line of the Spencer Avenue streetscene. The present proposal is considered to overcome these concerns, significantly reducing the scale of the extension so that it is now considered acceptable in design terms.
- 9.11. The overall design approach, scale, appearance, roof form, materials and features of the extensions would be proportionate and would fit appropriately

with the building and within the streetscene, in accordance with policy CP12 of the Brighton and Hove City Plan Part One and policy DM21 of CPP2 (which can be given significant weight).

**Standard of Accommodation:**

- 9.12. 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, Policy DM1 of Draft City Plan Part 2 proposes to adopt them and can now be given significant weight.
- 9.13. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5m<sup>2</sup>, and a double bedroom should measure at least 11.5m<sup>2</sup>. The minimum floor space requires a head height of above 1.5m. Rooms are also assessed for their ability to provide suitable room to circulate within them by future occupants.
- 9.14. The changes to the internal layout and extensions of the property would result in an open plan kitchen/living/dining area with three bedrooms and two en-suites at ground floor level, and four bedrooms and two bathrooms at first floor level.
- 9.15. The communal area at ground floor would measure approximately 41.2sqm in area which is considered sufficient for a seven person occupancy. The space would be functional with good levels of circulation space, light and outlook and would therefore provide an acceptable standard of accommodation. The six bedrooms proposed meet the government's minimum space standards. Whilst it is noted that one bedroom at first floor level measures 6.9sqm which is slightly below the standards (normally requiring 7.5m<sup>2</sup>), the indicative floorplans does show that the room could easily contain the furniture needed and with adequate circulation space and therefore is considered acceptable in this instance. All of the bedrooms would have good levels of natural light and outlook.
- 9.16. Whilst adequate in size, if the communal areas were converted to bedrooms in the future this would restrict the level of shared space available to occupants. Therefore, a condition is recommended restricting the use of the communal areas to ensure that alterations to the layout are not made at a later date that reduces the amount of communal space provided for the occupiers. A condition has also been recommended restricting the overall property to seven people to safeguard the impact upon neighbouring amenity.
- 9.17. The accommodation proposed is considered acceptable, in accordance with policy QD27 of the Brighton and Hove Local Plan and emerging policy DM1 of CPP2 (of which can be given significant weight).

**Impact on Amenity:**

- 9.18. Policy QD27 of the Brighton & Hove Local Plan and emerging policy DM21 of City Plan Part 2 (that can be given significant weight) state 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.

- 9.19. The proposed change of use from existing six bed small HMO to a seven bed HMO would result in a more intensive use of the property. However, it is not considered that the increased noise/disturbance would be sufficient to warrant refusal of the application.
- 9.20. As already noted, Policy CP21 of the Brighton and Hove City Plan Part One supports the change of use to a sui generis House in Multiple Occupation, provided that there is not an excessive proportion of neighbouring dwellings in HMO use (over 10% within a 50 metre radius). The application accords with policy CP21 in this regard and any increased impact likely to be caused in this case would not be of a magnitude which would cause demonstrable harm.
- 9.21. The external alterations to facilitate the change of use includes the erection of a two storey side extension and single storey rear extension. The extensions to the property are set at a sufficient distance from any neighbouring properties to ensure there would be no harm to amenities in terms of overshadowing or loss of outlook or light. It is acknowledged that in suburban areas there will always be a degree of mutual overlooking and it is considered that the nearest neighbours, no.1 Spencer Avenue and no.55 Northease Drive, are a sufficient distance from the proposal that there would not be any harm to the amenities of these occupants from overlooking or loss of privacy.
- 9.22. Overall whilst there may be some limited impacts over and above those which exist at the site, the impact on amenity of neighbouring occupiers is not considered to be so detrimentally significant as to warrant refusal of the application.

**Sustainable Transport:**

- 9.23. The proposed development would not result in a significant increase in trip generation and any impact on the highway would be considered to be minimal.
- 9.24. The site is located outside a Controlled Parking Zone (CPZ) and the proposed level of car parking (two spaces) is policy compliant.
- 9.25. Concern has been raised through consultation that there is existing situation with overcrowding of vehicles in the area which is exacerbated in the mornings and mid-afternoons by the presence of the nearby Hangleton Primary School which has a drop-off point opposite No.57 Northease Drive. These issues are all acknowledged but are not considered grounds for refusal of the current proposal.
- 9.26. The existing crossover would need to be amended to accommodate the proposed parking area for 2 cars and therefore the extended crossover condition has been attached to the permission. The Highway Officer has requested a condition for posts to be installed either side of the highway tree to stop people parking on the verge and for a condition to be attached to ensure a footway is installed from the car parking area to the dwellinghouse. However, given that

this is an existing situation and the small scale nature of the development this is not considered necessary in this instance.

- 9.27. The submitted plans indicate two cycle parking spaces however this provision should be increased to seven spaces and therefore full details have been secured via condition.

**10. EQUALITIES**  
None identified