

<u>No:</u>	BH2021/01877	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Flat 1 1 Alfred Road Brighton BN1 3RG		
<u>Proposal:</u>	Change of use of ancillary accommodation to the existing ground floor flat to a holiday letting room/ancillary residential (Sui Generis) and installation of roller shutter to the front of the former garage as per the approved design under BH2017/02976. (Part-retrospective)		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	11.11.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	06.01.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>			
<u>Applicant:</u>	Ms Nicola Hudson Flat 1 1 Alfred Road Brighton BN1 3RG		

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	005	A	8 November 2021
Location and block plan	001	C	8 November 2021
Proposed Drawing	002	A	8 November 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 roller shutter shown on the approved plans shall be installed in front of the timber doors within 3 months of the date of the decision, and thereafter maintained throughout the use of the site as approved.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with polices HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. The holiday let hereby approved shall not be let for more than 28 consecutive days at a time.

Reason: To protect future occupiers from unsuitable long term accommodation and to prevent the garage from being used as longer term accommodation to the detriment of local residents in accordance with policy QD27 of the Brighton & Hove Local Plan.

5. The holiday let hereby approved shall not be occupied by more than two persons at a time.

Reason: To prevent overcrowding or a poor standard of accommodation in the holiday let, and to minimise the impact on neighbouring occupants, and to be in accordance with policy 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

- 2.1. This application relates to the former garage attached to 1 Alfred Road. The site now forms part of the habitable space assigned to Flat 1, the ground floor flat, and is situated on the southern side of Alfred Road. It is noted that the former garage is currently in use as short-term accommodation rather than as additional habitable space for Flat 1.
- 2.2. The application site falls within the West Hill Conservation Area and covered by the accompanying Article 4 direction that restricts changes to house frontages that would otherwise fall under permitted development rights.

3. RELEVANT HISTORY

- 3.1. **BH2017/02976** - Conversion of garage into habitable space incorporating roof alterations and revised fenestration. Approved 08.11.2017

4. APPLICATION DESCRIPTION

- 4.1. The application seeks planning permission for the change of use of the former garage to use as a short-term holiday let, and associated alterations.
- 4.2. It is noted that planning permission (BH2017/02976) was previously obtained for alterations to form a habitable space within the former garage for use in association with the host property. However, this has not taken place in accordance with the approved plans.

- 4.3. The change of use to form a holiday let has already taken place, but the part-retrospective nature of the application is not a material consideration in its determination.
- 4.4. The current application would formalise the change of use and also proposes some external alterations, namely altering the glazing at the front of the property to provide internal doors. These would be similar to those approved under the previous application but with grey painted frames, set slightly forward within the footprint of the garage and opening inward. This would allow for the shutter door on the front of the building to open and close without the internal doors causing an obstruction.

5. REPRESENTATIONS

- 5.1. **Five (5) letters** have been received, objecting to the proposed development for the following reasons:
- Additional Traffic
 - Detrimental effect on property value
 - Noise and disturbance to other flatted developments nearby.
 - Overdevelopment
 - Unclear relationship to existing residential unit
 - Drawings differ from what is on site.
 - Bifold doors are not shown on the plan
 - Previous application to create habitable space has not been fully implemented.
 - Adversely affects the conservation area
 - Poor design
 - Would not set a good precedent for other garages in the vicinity
 - Current doors are not in keeping with the rest of the street.
 - Increased security risk
 - Holiday let guests have already compromised the privacy of the flats within the building and immediate neighbours.
 - Temporary change - for how long? What next?
 - Description is misleading and misrepresents the proposal
 - Increase in density
- 5.2. Following a second round of consultation as the description was changed and new plans were submitted, **two (2)** further objection comments were received:
- Shutter/door relationship not properly described
 - Poor design
 - Adverse effect on conservation area
 - Access to holiday let is through the front doors - when in use the shutter would be open all the time.
 - Shutter could not be used when there are people in the holiday let to allow light into the unit and for ease of access.

6. CONSULTATIONS

- 6.1. **Environmental Health:** No comment received
- 6.2. **Housing Strategy :** No comment received
- 6.3. **Planning Policy:** No objection
 The proposed scheme would add to the stock of visitor accommodation in the city and therefore make a small contribution to the tourism economy. No C3 housing unit would be lost so policies seeking to retain housing do not apply in this instance.
- 6.4. **Private Sector Housing:** No comment
- 6.5. **Sustainable Transport:** No objection
 We have no objection to this application as the change of use from habitable space to a small holiday let is not likely generate a significant enough increase in trips to warrant a reason for refusal. The existing car parking space on the front drive is retained and we would not wish to request cycle parking in this instance. No equalities impact identified.
- 6.6. *A second comment was provided following the second consultation, but this did not highlight any new points.*
- 6.7. **Tourism and Leisure:** No comment received

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
CP5	Culture and tourism
CP6	Visitor accommodation
CP8	Sustainable buildings
CP9	Sustainable transport
CP14	Housing density
CP15	Heritage

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD27	Protection of amenity
HO8	Retained housing
HE6	Development within or affecting the setting of conservation areas

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.

DM1	Housing, Accommodation and Community
DM2	Retaining Housing and residential accommodation (C3)
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD14	Parking Standards
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of using the building as a short-term holiday let unit, the impact of the proposal on the West Hill conservation area, the impact on neighbouring amenity and transport matters.

Principle of Development:

- 9.2. The proposal is to change the use of the former garage and create a separate holiday let. No additional built footprint is proposed.

- 9.3. The scheme would not result in a change in bed spaces but would introduce a new type of tenure to the area through short term visitors. The Planning Policy team do not object to the change of use and state it will not result in a loss of a residential unit whilst making a small contribution to visitor accommodation capacity within the just outside the core hotel area within the City.
- 9.4. The unit has an approximate size of 17.1sqm which provides sleeping accommodation, kitchen facilities and a small shower room.
- 9.5. It is noted that there have been recent advertisements for the unit as a short-term holiday let, sleeping three to four people on a double bed and a sofa bed.
- 9.6. To put the size of the holiday let into context, the minimum for a residential studio, set out in Policy DM1 of CPP2, is 37sqm for a single occupant, with minimum bedroom sizes for single occupancy of 7.5sqm and 11.5sqm for double. While there are no minimum standards for hotels or visitor accommodation, the unit is considerably smaller than a studio unit, especially when floor space is apportioned for cooking and washing facilities.
- 9.7. Although the principle of the use is supported, it is proposed that the maximum occupancy be capped at two persons and that this is secured as a condition to prevent overcrowding and a poor standard of accommodation.
- 9.8. Due to the limited size and useability of the space it would be unsuitable for use as a separate dwelling. To protect the amenity of future occupiers it is also considered necessary to limit the length of stays to no more than 28 days consecutively. This is recommended to be secured by condition.

Design, Appearance and Heritage:

- 9.9. The site is located within the West Hill Conservation Area. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.10. As noted, the revised proposals seek to alter the glazing at the front of the property to allow for internal doors to allow for the shutter to open and close without the internal doors causing an obstruction. The proposals are acceptable in design terms and would have an acceptable impact upon the building, the streetscene and the wider conservation area. Conditions are recommended to ensure that the shutter is installed, and that the glazed doors behind the shutter only open inwardly to preserve the building line when in use.
- 9.11. The holiday let is modest in scale and sited within an existing building and the introduction of this use is not considered to harm the character of the conservation area.
- 9.12. Overall, the proposal would not harm the appearance or character of the building, or that of the wider area, in accordance with policies CP12 and CP15

of the City Plan Part One, QD14 and HE6 of the Brighton & Hove Local Plan and SPD12 guidance. It is also noted that the development would be in accordance with policy DM21, DM26 and DM29 of the emerging City Plan Part Two which can now be given significant weight

Impact on Amenity:

- 9.13. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which 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.
- 9.14. It is considered that the proposed change of use from residential garage to a holiday let does have the potential to cause material nuisance to the neighbours, including those from other flats within Number 1 itself. Objections have been received to the application which suggest that the potential for increased disturbance and loss in privacy are of most concern.
- 9.15. However, the increase in comings and goings, and general noise is not considered to be significant, particularly with a condition limiting occupancy within the unit. Although there is no information to set out the how frequently the holiday let would be in use, the conditions around occupancy and duration would limit the impact on neighbours to an acceptable level.
- 9.16. It is also noted that the holiday let would have a close relationship with the existing lower ground floor flat, particularly as there is a small outdoor amenity area to the rear which occupies a part of the existing garden relating to the ground floor flat. Although there is planting to divide the spaces, it is not formally separated.
- 9.17. However, it is noted that the closest side window to the holiday let serves a bathroom, reducing the potential for disturbance. Further, while there may be increased use of the garden, it has always provided external amenity space so there is an expectation that there would be outside noise.
- 9.18. Accordingly, the use of the former garage as a holiday let would not create significant noise and disturbance concerns owing to the increased comings and goings from the holiday let to be considered harmful to neighbouring amenity contrary to policy QD27.

Sustainable Transport:

- 9.19. The site is in a sustainable location, close to Brighton Station.
- 9.20. It is noted that the development boundary does not include the land to the front of the garage which is annotated as 'existing parking space'. Although the transport comments state that off-street car parking is provided, as this is not within the red-line this cannot be relied upon for this development. It is understood that the parking space is let separately.

- 9.21. However, the area is covered by a Controlled Parking Zone (CPZ), Zone Y, which would prevent non-residents from parking cars within the zone. Any unauthorised parking would be subject to the management controls in place for the parking zone. On this basis, the impact of the scheme on parking in the area, and highway capacity/road safety is considered acceptable.
- 9.22. No cycle parking none has been requested by the transport team, and the internal space would not be sufficient to provide cycle storage. Further, a cycle store on the frontage would detract from the streetscene and conservation area and conflict with the existing parking space.
- 9.23. Whilst the proposal has the potential to result in an increased level of vehicular trips it is not considered that any increase would be of a magnitude which would negatively impact the local transport network.
- 9.24. Accordingly, the proposals are considered to be in accordance with policy TR7 of the Brighton and Hove Local Plan and policy CP9 of City Plan Part One.

Sustainability:

- 9.25. The application concerns the change of use of an existing building and would be considered a conversion so it would not be considered appropriate to apply polices or conditions relating to sustainability.

10. EQUALITIES
None identified

11. CLIMATE CHANGE/BIODIVERSITY

- 11.1. The development is in a sustainable location with good access to travel options and local facilities/services for future occupiers.