

<b><u>No:</u></b>	<b>BH2021/02656</b>	<b><u>Ward:</u></b>	<b>Hollingdean And Stanmer Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>184 Saunders Hill Brighton BN1 9ES</b>		
<b><u>Proposal:</u></b>	<b>Change of use from six bedroom small house in multiple occupation (C4) to seven bedroom, seven person house in multiple occupation (Sui Generis), incorporating erection of new single storey rear extension and roof alterations incorporating rear dormer.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	23.08.2021
<b><u>Con Area:</u></b>	None	<b><u>Expiry Date:</u></b>	18.10.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	18.11.2021
<b><u>Agent:</u></b>	Drysdale Architects 2 Oldbury Row Brighton BN1 7GY		
<b><u>Applicant:</u></b>	Anindita Sengupta 40 Bank Street Canary Warf London E14 5NR		

## 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 Plan	BTN.21.119.00		19 July 2021
Block Plan	BTN.21.119.002	A	12 November 2021
Proposed Drawing	BTN.21.119.110	B	16 March 2022
Proposed Drawing	BTN.21.119.100	B	13 April 2022
Proposed Drawing	BTN.21.119.120	C	16 May 2022
Proposed Drawing	BTN.21.119.300	C	16 May 2022

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 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, CP12 of the Brighton & Hove City Plan Part One and DM21 of the emerging City Plan Part Two.

4. At least one 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, DM37 of the emerging City Plan Part Two and Supplementary Planning Document SPD11 Nature Conservation and Development.
  
5. The seven-bedroom large HMO (sui generis) 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 and DM7 and DM20 of the emerging City Plan Part Two.
  
6. The seven-bedroom large HMO use hereby approved shall be implemented in strict accordance with the proposed layout detailed on the proposed floor plan, received on 16th March 2022 and 13th April 2022 and shall be retained as such thereafter. The layout of the kitchen and living room shall be retained as communal space at all times and shall not be used as bedrooms. In addition, the box room shall be retained as additional communal space and not be used as a bedroom owing to the small size of the room.  
**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan and DM7 and DM20 of the emerging City Plan Part Two.
  
7. 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, CP9 of the City Plan Part One, DM33 and DM36 of the emerging City Plan Part Two and SPD14: Parking Standards.
  
8. The development hereby approved shall not be occupied until refuse and recycling storage facilities have been installed to the side or rear of the building 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 DM21 of the Submission City Plan Part 2, 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.

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. 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 site is a two storey semi-detached property located on the southern side of Saunders Hill at the northern edge of Coldean, with the A27 some 85m north beyond woodland on a steep slope.
- 2.2. The house is brick built with a tiled roof and uPVC fenestration, and has a conservatory to the rear. The application site is not a listed building, nor is it sited within a conservation area.
- 2.3. The whole city is now covered by an Article 4 Direction to remove permitted development rights for the change of use from a single dwellinghouse (C3) to small HMO (C4). However, as this property is within the Hollingdean and Stanmer ward, this area has been subject to this restriction since April 2013.

## **3. RELEVANT HISTORY**

- 3.1. **BH2014/01579** - Change of use from residential dwelling (C3) to a six bedroom small house in multiple occupation (C4). Approved 17.07.2014

## **4. APPLICATION DESCRIPTION**

- 4.1. This application seeks planning permission for the change of use of 184 Saunders Hill from a small house in multiple occupation (HMO)(planning use class C4) to a large HMO with seven bedrooms (planning use sui generis), an increase of one bedroom and one occupant over the existing situation. A single storey rear extension is also sought to replace an existing conservatory, along with a rear dormer.
- 4.2. The application has been amended since submission to reduce the number of bedrooms from eleven down to seven, and to eliminate a proposed outbuilding in the garden which would have contained residential accommodation. The replacement of the rear conservatory with a larger extension is now proposed. Revisions have also been made to the proposed rear dormer.

## **5. REPRESENTATIONS**

Plans as submitted:

- 5.1. **Twenty-Five (25) letters** have been received objecting to the proposed development for the following reasons:

- Overdevelopment considering that as-built these are 2/3 bedroom houses
- Increased waste, impact on sewage systems, and vermin
- Additional traffic and parking stress
- Detrimental effect on property value
- Potential for increased comings and goings, noise and anti-social behaviour
- Outbuildings are out of character
- Unsuitable for a street of family homes
- Poor living spaces for future occupiers
- Creates untidiness
- Loss of community spirit
- Overshadowing
- Poor design
- House is poorly cared for as a small HMO
- Pond and fruit trees should not be removed
- Harm to mental health and wellbeing of local residents
- Long term this will harm demand for local services (e.g. schools, doctors)
- Too many people for one dwelling
- Impact on residential amenity
- Harm to the garden estate of Coldean
- Inappropriate height/scale
- Restriction of view
- Neighbours will be left with no sunlight
- Guests of future residents would cause further harm
- Use of rear access will create more noise
- Students should be using the new developments on Lewes Road.
- Family housing should be preserved in Coldean
- Adds to overpopulation of the area.
- Too close to boundary
- Creates cramped conditions
- Increase in surface water runoff
- Significant reduction in available amenity space.
- Damaging precedent for other HMOs to be overdeveloped.
- Does not reflect CP14 of City Plan Part One.

5.2. **Councillor Osborne** has objected to the application for the following reasons:

- Overdevelopment in terms of the increase in occupancy
- Residential amenity
- Harm to living conditions for future occupiers
- Loft and garage conversions are examples of overdevelopment
- Increased comings and goings to and from the site and within the proposed layout
- The proposals could encourage future residents to congregate at the front of the property.
- Removal of dense vegetation and trees will harm the wider area
- Application should be referred to the planning committee.

5.3. **Councillor John** has objected to the application for the following reasons:

- Overdevelopment

- Residential amenity
- Outbuilding will take up valuable outside space
- There would be a number of extra cars, noise, waste and other amenity impacts.
- The proposals could encourage future residents to congregate at the front of the property.
- Application should be referred to the planning committee.
- The residents of proposed outbuildings would still need to access the main house.

Consultation on amended proposals:

5.4. **One (1) letter** was received objecting to the proposed development for the following reasons:

- Additional traffic
- Good design
- Overdevelopment
- Residential amenity
- Traffic or highways
- Standard of accommodation is poor, and most rooms cannot fit furniture and be functional.
- Proposed kitchen space is not big enough for seven persons

5.5. **Coldean Neighbourhood Forum** have objected to the proposals for the following reasons:

- Loss of family homes to HMOs is a concern locally.
- Area is over-burdened by student accommodation
- Impact on Coldean Primary School
- Completion of purpose built student accommodation has reduced demand for HMOs.
- In Coldean existing HMOs have been vacant since September 2021.

## 6. CONSULTATIONS

6.1. **Private Sector Housing:** Comment

Should the application be approved then the applicant would need to contact the Private Sector Housing Team and make an application to vary the existing HMO licence.

6.2. **Sustainable Transport** - Verbal Comment: No objection

Cycle storage would use an existing building. The access to the cycle parking is not ideal (stepped from street and mud track to rear), however this provision is accepted as the site is constrained to provide an alternative. It is noted that the spacing of the stand is not in accordance with the Manual for Streets (should be 0.055m from wall) but given the constraints of the outbuilding this is difficult to achieve without making accessing the standards difficult. The cycle parking is therefore accepted on balance based on the specific circumstances of this site.

- 6.3. The change of use and increase in occupancy would result in a slight increase in trips and parking demand but this is not expected to be so significant as to warrant refusal on this basis. It is noted that the existing parking space to the rear is retained.

## **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
CP12	Urban Design
CP21	Student housing and Housing in Multiple Occupation

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

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 this Plan 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. Some policies have gained further weight following the CPP2

examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM1	Housing Quality, Choice and Mix
DM7	Houses in 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 guidance for extensions and alterations
SPD14	Parking Standards

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the proposed change of use, the design and appearance of the extension and alterations, the standard of accommodation provided for future occupiers, the impact of the development on neighbouring amenity and transport matters.

### **Principle of Proposed Change of Use:**

- 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 (April 2022) which indicates that there are 16 properties within a 50m radius of the application property, none of which have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 0%. It is noted that as existing the property is a small HMO however the application site is excluded from these calculations.
- 9.4. Based on the existing percentage of neighbouring properties in HMO use, which is less than 10%, the change of use to a seven-bedroom large HMO (sui generis) would not conflict with the aims of policy CP21.

### **Design and Appearance:**

- 9.5. As submitted, the application sought to convert the existing rear garage to a residential space and build a further outbuilding with accommodation, but both were removed from the application following concerns raised about the loss of garden and impact on visual amenity.
- 9.6. The proposed extension would be to the rear of the property so would have no impact on the streetscene, particularly as it would be single storey in height and would replace an existing conservatory. The proposed materials would match those within the existing property (white upvc and brick with a flat roof covering). would have a larger footprint than the conservatory but would sit within the existing paved area adjacent to the original dwellinghouse. There would also be a new window to the east elevation serving bedroom 2. This is on the ground floor and this change would not be readily visible from the road or neighbouring properties. The window would be white upvc to match existing windows within the property.
- 9.7. In terms of the proposed dormer and roof alterations, the design initially proposed has been amended to address concerns about the size of the dormer and the extension of the existing ridge to allow the dormer. The revised smaller dormer comfortably sits within the existing roof profile and is set down from the ridge and up from the eaves. The materials for the dormer would be face and cheeks tiled to match the existing and white upvc fenestration.
- 9.8. The amended proposed extensions and alterations are considered suitable additions to the property that would not significantly harm the character and appearance of the property or the wider surrounding area. The proposal would be in accordance with emerging policy DM21 of the City Plan Part Two (which can be afforded more weight than local Plan policy QD14) and CP12 of the City Plan Part One.

**Standard of Accommodation:**

- 9.9. 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. Additionally, the proposals are considered against policy DM7 which sets the standard for HMOs (including what is expected of communal areas), this emerging policy can also be given significant weight.
- 9.10. As existing the property is a small HMO with six bedrooms and occupiers, with one of the existing bedrooms being below the NDSS minimum of 7.5sqm. In terms of the existing communal space this is currently arranged as dining room, kitchen, living room and conservatory.
- 9.11. The proposed layout would utilise the additional floor area created from the rear extension and allow for a combined living/kitchen and dining space with a combined floor area of approximately 29sqm, there would also be access to the



rear garden through the communal area. This is sufficient space for occupants to cook and dine together as well as providing space for lounging.

- 9.12. In term of bedrooms, the existing bedrooms have largely been revised to accommodate the higher occupancy and layout. The bedrooms would all be single occupancy and range from 7.5sqm to 13.8sqm. Each of the rooms would allow for a comfortable layout of furniture (bed, desk, wardrobe, chair) and leave circulation space.
- 9.13. Bedrooms and communal space would have sufficient access to natural light, outlook and ventilation from existing and proposed windows. Owing to the proposed extension above, the existing window overlooking the garden from the rear bedroom would be removed, so the existing side opening to bedroom 2 would be altered and enlarged to provide sufficient outlook, ventilation and light to this bedroom.
- 9.14. As existing for the six bedroom layout, the property has two ensembles, a separate WC and a bathroom (with no WC). The proposed provision of bath/shower rooms would see an overall reduction in toilets by one, however there will be no ensembles so the shower room and bathroom proposed would be accessible by all seven future occupiers. It is considered that adequate access to toilet and washing facilities is maintained.
- 9.15. To ensure that the property is not overcrowded in the future, conditions are recommended to secure a maximum occupation of seven persons and seven bedrooms with communal areas safeguarded from future conversions to bedrooms without further approval.
- 9.16. To the rear of the property is a garden which, even allowing for the rear extension, will leave a reasonable sized garden for the proposed level of occupation, in accordance with policy HO5 and emerging policy DM1 of the City Plan Part Two.
- 9.17. Overall, it is considered that the conversion of the property to a small HMO would provide a suitable standard of accommodation for the number of occupants proposed and is therefore in accordance with to policy QD27 and HO5 of the Brighton and Hove Local Plan and emerging polices DM1 and DM7 of the City Plan Part Two which can be afforded significant weight.

**Impact on Amenity:**

- 9.18. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given more weight than QD27) 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. As noted above, the application has been amended to reduce the level of built form and also the number of proposed occupants to ensure that the proposal

would not significantly impact on neighbouring amenity in respect of noise and disturbance.

- 9.20. As a result, the revised proposals only seek an increase of one person. The additional person will lead to more comings and goings; however, a further person is unlikely to generate significant cumulative harm given the low density of HMOs in the surrounding area.
- 9.21. It is acknowledged that public comments on this application have concerns about the existing HMO and the potential for increased antisocial behaviour from the proposal. In some cases, such potential noise and disturbance can be described as "functions of the way particular residents behave rather than being inherently dependant on the status of the property as a dwellinghouse or HMO", as noted by an Inspector in a previous appeal decision (APP/Q1445/W/20/3254632 relating to application BH2019/01490 at 64 Islingword Road). Therefore, it would be unreasonable to refuse this development on the assumption that future residents would behave in a problematic manner.
- 9.22. Furthermore, it is noted that an HMO of this size would require a variation of the current licence by the Council's Private Sector Housing team and thus be required to comply with management standards amongst other requirements. Additionally, the granting of this planning permission would not prohibit the Environmental Health team acting against 'statutory nuisance' under the Environmental Protection Act 1990 if this were required in the future.
- 9.23. The proposed rear extension be approximately 2.8m in height (including parapet), 3m deep and 6.7m in width. It would not sit closer to 182 Saunders Hill than the existing conservatory and it would be set in sufficiently from the boundary with 186 Saunders Hill to minimise any loss of light or outlook, particularly given that it is single storey in height.
- 9.24. There would be new windows in the south and east elevations and new doors in the western elevation of the extension. It is not considered that the new windows will lead to increased overlooking for neighbours. With the exception of the loft extension, the new windows are at ground floor and for the east elevation there is a fence protecting no. 186, and the southern windows replace a conservatory so there is no 'new' overlooking. The effect of the new loft window is not considered significantly harmful in terms of overlooking or loss of privacy.
- 9.25. Accordingly, the proposed use of the property as a large HMO for seven persons is not detrimental to neighbouring amenity or the amenity of the area and in an area with a low concentration of HMOs. Therefore, the proposal is considered in accordance with polices CP21 of the City Plan Part One, QD27 of the Local Plan and emerging polices DM7 and DM20 of the City Plan Part Two.

**Sustainable Transport:**

- 9.26. The application site is within the Coldean neighbourhood which has bus links to the centre of Brighton and towards Hollingbury (5B and 24 routes). These bus routes would link with train stations and other bus services throughout the city.

- 9.27. The provision of cycle parking within the garage would restrict parking of some cars within the garage but there is a space adjacent to the garage that would remain. This would be accessed from Hawkhurst Road to the rear.
- 9.28. There is a potential net loss of a car parking space, but this would be in accordance with standards set out in SPD14. The transport Officer has also noted that it would be possible to park on street and that overspill parking would not be a reason to refuse the application. The site lies within one of the city's match day parking zones so while it is within a CPZ this only operates on match days and events days at the AMEX Stadium. The area is not considered to be under significant parking stress at other times.
- 9.29. The application submission includes dedicated cycle parking the garage which would provide cycle parking for up to 8 cycles through the provision of four Sheffield stands. The transport officer has raised concerns about the spacing being slightly too close to the wall of the garage, however, to move the cycle parking forward would prevent the door from being opened easily, especially with a cycle, on balance the cycle parking is supported. The transport officer has requested that the implementation of the cycle parking arrangement shown should be secured by condition.
- 9.30. The plans also include the provision of refuse and recycling storage within the property boundary, a condition will be added to secure this to prevent bins being stored on the public highway (other than on collection days) and causing an obstruction.
- 9.31. Accordingly, the development, subject to the recommended cycle parking conditions, the development is considered acceptable in relation to transport matters.

Biodiversity:

- 9.32. The Council has been seeking to improve ecological outcomes within the city by securing minor amendments to approved schemes to increase biodiversity contributions. Therefore, a condition is recommended to be added to require a bee brick to be incorporated into the build and improve biodiversity outcomes in line with policy CP10 Biodiversity and SPD11 Nature Conservation and Development.

**Conclusion:**

- 9.33. This is a site where there are not more than 10% of residential properties within a 50m radius in HMO use, thereby complying with policy CP21 which supports mixed communities. The proposed standard of accommodation for six occupiers is considered acceptable, and the likely impact on neighbouring amenity would not be sufficiently harmful to warrant refusal. No significant transport concerns have been identified and cycle parking is provided.
- 9.34. Accordingly, the application is recommended for approval, subject to conditions restricting any of the communal area being lost to bedrooms; the overall number

of occupiers to seven, a bee brick being added to the extension and cycle parking provided prior to occupation.

**10. EQUALITIES**  
None identified

- 11. CLIMATE CHANGE & BIODIVERSITY:**
- The development would provide cycle parking.
  - A bee brick would be secured by condition.