

<b><u>No:</u></b>	<b>BH2016/02069</b>	<b><u>Ward:</u></b>	<b>HOLLINGDEAN &amp; STANMER</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>42 Hawkhurst Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Change of use from three bedroom house (C3) to six bedroom small house in multiple occupation (C4) with hip to gable roof extension with front rooflights and rear dormer.</b>		
<b><u>Officer:</u></b>	Luke Austin Tel 294495	<b><u>Valid Date:</u></b>	03/06/2016
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	29 July 2016
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	AC Plans, 23 Sullington Way Shoreham-by-Sea West Sussex BN43 6PJ		
<b><u>Applicant:</u></b>	Mr John Wright, 36 Green Ridge Brighton BN1 5LL		

Councillor Hill has requested that this application is determined by Planning Committee.

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site relates to a two storey semi-detached property to the eastern side of Hawkhurst Road. The property includes an existing single storey extension to the side / rear and a timber deck to the rear. The property is located within a predominantly residential area characterised by a mixture of two storey demi-detached and terraced properties.

## **3 RELEVANT HISTORY**

**BH2016/02068** - Certificate of Lawfulness for proposed loft conversion incorporating hip to gable roof extension, rear dormer and front rooflights. Approved 27/07/2016.

**BH2004/03202/FP** - Erection at first floor side extension. Appeal allowed 12/09/2005.

## **4 THE APPLICATION**

- 4.1 Planning permission is sought for the change of use from three bedroom house (C3) to six bedroom small house in multiple occupation (C4) with hip to gable roof extension with front rooflights and rear dormer. The existing ground floor extension and proposed loft extension would be utilised in order to provide the

additional accommodation. Planning permission is required for the change of use because of the Article 4 Direction in this ward.

- 4.2 Amendments have been made during the course of the application involving the removal of a bathroom within the loft space in order to increase the size of the two bedrooms on this level.
- 4.3 A Certificate of Lawfulness application has recently been approved at the application site for extensions to the roof which are an exact match externally as the roof extensions proposed within this application.

## **5 PUBLICITY & CONSULTATIONS**

### **External**

#### **5.1 Neighbours:**

**Three (3)** letters of representation have been received from **7 Waldron Avenue, 59 Hawkhurst Road** and **64 Ewhurst Road** objecting to the application for the following reasons:

- This is a residential street with already a plethora of HMOs
- The adjoining house has already applied for HMO use
- We are already overlooked by this property
- It is unfair to crowd our area with HMOs
- Inappropriate development of the loft space into two further bedrooms
- Would unbalance the building
- The loft space is clearly not habitable as the liveable space is smaller than 10m<sup>2</sup> as listed

- 5.2 **Councillor Hill:** Objects to the proposed works. A copy of this letter is attached to this report.

### **Internal:**

- 5.3 **Sustainable Transport:** Support the proposal subject to the inclusion of a condition securing cycle parking details.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

- 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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### 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
- CP19 Housing mix
- 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
- SU10 Noise Nuisance
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development

#### Supplementary Planning Guidance:

- SPGBH4 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 upon neighbouring amenity, the standard of accommodation which the use would provide, transport issues and the impact upon the character and appearance of the property and the surrounding area.

### **8.2 Principle of development:**

The proposal would allow occupation of the property as a small HMO providing accommodation for 6 unrelated individuals who share basic amenities including a kitchen, living/dining room and bathroom.

- 8.3 Policy CP21 of the Brighton and Hove Draft 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.'*

- 8.4 A mapping exercise has taken place which indicates that there are 23 neighbouring properties within a 50m radius of the application property. One other 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 4.3%.
- 8.5 Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21.
- 8.6 It is noted that there is also an application currently under consideration at the adjoining property, 44 Hawkhurst Road (BH2016/02089). If this application were to be approved it would bring the proportion of HMO's up to 8.33%. As this is still under the 10% this would not affect the recommendation of this application.
- 8.7 It has also been acknowledged that objections have referred to several other HMO properties in the immediate area, specifically 21, 29, 31, 41, 61, 69 and 73 Hawkhurst Road. Whilst these properties have been identified as HMO's, they do not fall within a 50m radius drawn from the centre point of the application site's front curtilage boundary and therefore do not impact on the assessment of this application.
- 8.8 **Design and Appearance:**  
The proposal seeks consent for loft extensions including a hip to gable roof and a rear dormer window. The proposed alterations would be directly contrary to SPD12 which requires roof alterations to semi-detached properties to avoid unbalancing the pair and dormer windows to be kept as small as possible and clearly be a subordinate addition to the roof, set well off the sides, ridge and eaves of the roof.
- 8.9 The applicant, however, has an established fallback position for the works formed by a recently approved lawful development certificate (BH2016/02068)
- 8.10 It is considered to be highly likely that the fallback position would be enacted if planning permission was refused; this position would be identical to the physical works being proposed by this planning application. The fallback position is therefore given significant weight in this case. It is therefore considered that refusal of the application would not be warranted and that the fallback position justifies the granting of planning permission in terms of design.

**Standard of Accommodation:**

- 8.11 The submitted plans illustrate 6 bedrooms, a kitchen/dining room and two bathrooms. 5 of the bedrooms are of adequate size ranging from approximately 8.5m<sup>2</sup> to 11.3m<sup>2</sup>. The proposed floor plans also include an indicative layout illustrating that the rooms would be able to accommodate a double bed, desk space and storage space.
- 8.12 The property would include adequate communal space comprised of a kitchen and an open plan living/dining room with glazed doors opening out into the garden.
- 8.13 The sixth bedroom located to the front portion of the loft would include a floor area of 10.3m<sup>2</sup> however due to the slope of the roof; approximately 7.5m<sup>2</sup> of the room would include over 1.5m of headroom.
- 8.14 Although the council do not have any adopted policies outlining minimum space standards, for comparative purposes the Government's recent Technical Housing Standards – National Described Space Standards March 2015 document advises that in order to provide one bedspace, a single bedroom should have a floor area of at least 7.5m<sup>2</sup> and should be at least 2.15m wide. In order to provide two bed spaces, a double (or twin bedroom should have a floor area of at least 11.5m<sup>2</sup> and should be at least 2.75m wide. The proposed sixth bedroom would therefore meet the space requirements of one bedspace.
- 8.15 Whilst the room would be restricted the room would benefit from two rooflights with splayed sections within the roof allowing for more light and less constriction at head height. On balance therefore due to the usable space within the bedroom in conjunction with the sufficient communal areas at ground floor level the proposed unit would provide an acceptable standard of accommodation
- 8.16 **Impact on Amenity:**  
Whilst the proposal would result in 6 unrelated persons residing within the property, it is not considered that any increased impact to adjoining occupiers in regards to noise and disturbance would be of a magnitude which would warrant refusal of planning permission.
- 8.17 Furthermore whilst it is acknowledged that the proposed rear dormer window would allow for overlooking of properties to the rear (7 and 9 Waldron Road) the approximate 34m rear to rear gap between the properties is considered to allow for a level of overlooking that would be reasonably expected within a residential setting of this character. Additionally the applicant has an established fallback position which, if enacted, would result in the exact same outlook and level of overlooking. A refusal in terms of impact on neighbouring amenity would therefore be unreasonable in this instance.
- 8.18 **Sustainable Transport:**  
The proposals may result in a slight uplift in trips; however, it is not considered that this will have an adverse impact upon surrounding highway and transportation networks in this instance.

- 8.19 It is proposed that 2 existing car parking spaces and associated crossover will be retained. Although the site is located outside of a Controlled Parking Zone (CPZ) and could therefore generate additional overspill parking, it is not considered significant enough to warrant refusal.
- 8.20 The proposal indicates within the application form and block plan that there will be 6 cycle parking spaces located within a store to the rear garden which would use a 'Mottez' type stand. The proposed details however appear to illustrate 5 spaces and the 'Mottez' type stand is not considered satisfactory as the wheel can be secured and not the frame. Cycles are also prone to falling over and the locked wheel becoming damaged as a result.
- 8.21 Details of an alternative option will therefore be secured by condition prior to first occupation of the development.

## 9 CONCLUSION

- 9.1 Whilst the design of the proposal would be contrary to SPD12 guidance, given the established fallback position, the proposal is considered acceptable with regards character and appearance.
- 9.2 The change of use is considered to be acceptable in principle in this location and accords with the Council's policy on HMO's. The development does not result in significant harm to neighbouring amenity and would not create a harmful demand for travel.

## 10 EQUALITIES

- 10.1 None identified.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 Regulatory Conditions:

- 1) 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.
- 2) 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	AP/107/42	-	03/06/16
Block Plan	AP/106/42	-	03/06/16
Existing Plan & Elevations	AP/101/42	-	03/06/16
Proposed Plans & Elevations	AP/103/42	A	27/07/16
Proposed Cycle Shelter	E1	-	03/06/16

- 3) The development hereby approved shall be implemented in accordance with the proposed layout detailed on drawing no. AP/103/42 received on

27 July 2016 and shall be retained as such thereafter. The ground floor rooms annotated as dining room, living room and kitchen as set out on drawing no. AP/103/42 shall be retained as communal space and none of these rooms shall be used as bedrooms at any time.

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

#### 11.2 Pre-Occupation Conditions:

- 4) Notwithstanding the approved plans prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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.

#### 11.3 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. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-

Whilst the design of the proposal would be contrary to SPD12 guidance, given the established fallback position, the proposal is considered acceptable with regards character and appearance.

The change of use is considered to be acceptable in principle in this location and accords with the Council's policy on HMO's. The development does not result in significant harm to neighbouring amenity and would not create a harmful demand for travel.

