
Appeal Decision

Site visit made on 14 February 2017

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 February 2017

Appeal Ref: APP/B1415/W/16/3163503

1 Braybrooke Road, Hastings TN34 1TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Oliver Devaux against the decision of Hastings Borough Council.
 - The application Ref HS/FA/16/00801, dated 3 October 2016, was refused by notice dated 17 November 2016.
 - The development proposed is converting a 3 bedroom house to a 4 bedroom HMO.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would result in the loss of accommodation suitable for single family occupation.

Reasons

3. No 1 is a semi-detached house forming one half of a pair set back from the road on the corner of Braybrooke Road and Braybrooke Terrace. The pair of houses are sited well above the level of the road with waste ground on one side and the high retaining wall of Braybrooke Close on the other. The opposite side of the road is lined by a row of three storey terraced houses which back onto the railway station with the town centre beyond.
 4. The house, which is currently being refurbished, has a classic semi-detached layout with a living room, dining room and kitchen opening off the hallway downstairs and three bedrooms with bathroom and separate wc opening off the landing upstairs. There is also a downstairs wc under the stairs and two ensuite showers have recently been installed in the two largest bedrooms.
 5. There is no dispute that the property is capable of conversion to a four bedroom house in multiple occupation (HMO). The various room sizes meet the necessary standard and the change of use would not breach Policy H4 of the Hastings Planning Strategy 2014 (HPS) which seeks to ensure that the number of HMOs within a 100 m radius does not exceed 10%. Suitable waste storage facilities and secure cycle parking could be secured by condition.
 6. However, Policy H2 of the HPS aims to deliver a balanced mix of housing within existing communities across the town and to this end Policy HC1 of the Hastings Development Management Plan 2015 (HDMP) only allows the
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conversion of a dwelling into another use if it can no longer be retained in its entirety for single family occupancy.

7. As a traditional 1930s style three bedroom semi-detached house the appeal property is a common building type that in most places offers popular and convenient sized accommodation for a single family. There is no evidence that the property has been marketed for single family occupation or would be difficult to let or sell for that purpose. There appear to be few similar properties in the area which increases the importance of its retention.
8. The house does have a raised front garden, steep steps up to the front door and a rear garden which slopes steeply upwards. This would not be ideal for some families but would not preclude its suitability for others.
9. For these reasons the proposal would result in the loss of accommodation suitable for single family occupation and this would conflict with Policy HC1 of the HDMP.
10. The appellant has drawn attention to a recent appeal decision allowing the change of use of No 39 Devonshire Road nearby to an HMO¹. However, this property is on a corner plot in a busy street, has historically been in retail and other commercial use, was only converted to a dwelling in 2011, may never have been occupied as such, and has no outdoor amenity space. The circumstances of the current case are not therefore comparable. The other HMO owned by the appellant, No 22 Braybrooke Road, is a large three storey terraced property which is also not comparable to the current case.
11. No off-street parking is provided but the property is in a sustainable location near the town centre. It is appreciated that the proposed HMO would be of a high standard, that it would meet a housing need, and that it would be possible to revert to single family occupation in future without substantial physical alterations. However, the property is well suited for single family occupation and the presumption in Policy HC1 of the HDMP should therefore prevail.

Conclusion

12. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

¹ APP/B1415/W/15/3073947