



Appeal Decision

Site visit made on 24 September 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2019

Appeal Ref: APP/Q1445/W/19/3233171
141 Ringmer Road, Brighton BN1 9JA

- 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 Miss Julia Hearder against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/03499, dated 11 November 2018, was refused by notice dated 21 June 2019.
 - The development proposed is change of use from 6 bedroom small HMO (C4) to 7 bedroom large HMO (Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from 6 bedroom small HMO (C4) to 7 bedroom large HMO (Sui Generis) at 141 Ringmer Road, Brighton BN1 9JA in accordance with the terms of the application, Ref BH2018/03499, dated 11 November 2018, subject to the following conditions:
 - 1) The areas identified on drawing No GA-02 Revision P1 as lounge, kitchen, dining room, utility room and study shall be permanently retained as communal space for use by the occupants of the property.
 - 2) The development hereby permitted shall be occupied by a maximum of 7 persons.

Preliminary Matters

2. I have used the description of development shown on the Council's decision notice in the banner heading and the decision because it is more precise than the description shown on the planning application form. I have, however, removed the 'retrospective' wording as this is not a description of development.
3. I observed at my site visit that the appeal property was being used as a 7-bedroom house in multiple occupation (HMO). I have therefore determined the appeal on the basis of the change of use that has been carried out.

Main Issue

4. The main issue is the effect of the proposed development on providing a mixed and balanced community.

Reasons

5. Policy CP21 part (ii) of the Brighton and Hove City Plan Part One (2016) states that in order to support mixed and balanced communities, and to ensure that a range of housing needs are accommodated, applications that involve a change of use to a Class C4 HMO, a mixed C3/C4 use, or to a sui generis HMO will not be permitted where more than 10% of dwellings within a 50 metre radius of the application site are already in use as a Class C4, mixed C3/C4 or other HMO sui generis use.
6. The Council has carried out a mapping exercise, and the percentage of properties in an HMO use within a radius of 50 metres is 15.7%, which is in excess of the policy threshold. However, in this case, the appeal property has functioned as an HMO for some considerable time and the proposal would not increase the number of HMO properties in the area or affect the mix of house types available.
7. The Council states that their records show that the property has had a license for a 7 person HMO since 2009. The current license for a 7 person HMO lasts until 13 September 2021. I have not been provided with evidence to suggest that the HMO has caused an adverse impact on the neighbourhood or on the living conditions of the occupiers of neighbouring properties. I observed that the areas both inside and outside the property are well maintained and in good order. I find that in comparison to the pre-existing use as a Class C4 6-person HMO, one additional occupant would not generate a significant increase in activity or noise at the property. Therefore, the proposal would not have an adverse effect on the community.
8. I therefore conclude that the proposal accords with the overall aim of Policy CP21 part (ii) of the Brighton and Hove City Plan Part One (2016) in providing a mixed and balanced community. It also complies with saved Policies SU10 and QD27 of the Brighton and Hove Local Plan 2005, which, amongst other things, requires that new development does not result in material nuisance or loss of amenity to existing residents.

Conditions

9. The Council has not submitted any suggested conditions. I have imposed a condition to require the communal areas to be retained in order to ensure that a satisfactory standard of living accommodation is provided. Furthermore, I have attached a condition to require that the HMO is limited to a maximum occupancy of 7 persons in the interests of providing acceptable living conditions for occupiers. I am satisfied that these conditions are necessary, relevant and reasonable to make the proposed development acceptable.

Conclusion

10. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

C Osgathorp

INSPECTOR