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## Appeal Decision

Site visit made on 9 December 2019

**by Rachael Pipkin, BA (Hons), MPhil, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> December 2019**

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**Appeal Ref: APP/Q1445/W/19/3236909**

**Flat 1, 90 Hartington Road, Brighton, BN2 3PB**

- 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 Ian Lawson of Indigo Lettings against the decision of Brighton & Hove City Council.
  - The application Ref: BH2018/02132 dated 2 July 2018, was refused by notice dated 13 March 2019.
  - The development proposed is described as 'change of use under Article 4 from C3 (dwelling/houses) to C4 (small house in multiple occupation).'
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The appeal site is already in use as a small house in multiple occupation (HMO). I shall therefore consider the appeal accordingly.

### Main Issue

3. The main issue is whether the proposed development provides satisfactory living conditions for occupiers, with particular regard to outlook and the amount of internal space.

### Reasons

4. The appeal property forms the ground floor and basement of No. 90. The accommodation comprises 4-bedrooms, 2 of which are in the basement. It also provides a living room/kitchen as communal space for use by occupants of the HMO.
5. The communal space is indicated to be 14.4 square metres. It provides a kitchen area with a breakfast bar, a sofa and a small dining table and bench. I recognise that there is no development plan size standard to apply. However, with this amount of furniture in the room, I observed on my site visit that the space feels cramped and awkward to move around. With at least 4 occupants using the space to cook, eat, wash clothes and relax, it would feel congested. As such, the communal space does not provide adequate circulation space and is not large enough to enable 4 unrelated occupants to comfortably share, socialise and carry out domestic tasks within this space.

6. Both the basement level bedrooms are served by sizeable windows which form part of a lightwell. Whilst the lightwells provide adequate daylight, they have blank, rendered walls. Due to the limited distance between the windows and the walls of the lightwells, outlook from the basement bedrooms is significantly restricted and only looks onto the blank walls of the lightwells. This makes both these rooms feel very enclosed. On this basis, the outlook is not adequate.
7. I acknowledge that the outlook for these rooms was not found to be unacceptable in relation to the use of the property as a residential flat. However, in my view, the way the space is used would be different between a family of related individuals and 4 unrelated individuals who would be more likely to require their own individual space. I consider occupants of an HMO are highly likely to spend a significant proportion of their time within their bedrooms, more so given the limited space within the communal area. The lack of outlook in these circumstances would be unacceptable.
8. My attention has been drawn to the fact that the HMO has been fully licensed by the Council since October 2017. However, any such license does not guarantee that planning permission would be granted, having regard to relevant planning policy.
9. I conclude that the proposed development does not provide satisfactory living conditions for occupiers, with particular regard to outlook and the amount of internal space. It therefore conflicts with Saved Policy QD27 of the Brighton and Hove Local Plan 2005, which seeks to ensure that the amenity of existing and future occupants of developments is protected.

### **Conclusion**

10. For the reasons set out above, I conclude the appeal should be dismissed.

*Rachael Pipkin*

INSPECTOR