



Appeal Decision

Site visit made on 27 January 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/Q1445/W/19/3240157

19 Jevington Drive, Brighton BN2 4DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Brightwhite Developments against Brighton & Hove City Council.
 - The application Ref BH2019/02436, is dated 15 August 2019.
 - The development is described as 'Change of Use of existing 3no Bedroom residential dwelling (C3 Use) to a C3/C4 small HMO suitable for up to 6no occupiers, including the insertion of 3no in total'.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from 3no bedroom single dwelling (C3) to a 6no bedroom small house in multiple occupation (C3/C4) with the insertion of front and rear rooflights at 19 Jevington Drive, Brighton BN2 4DG, in accordance with the terms of the application, Ref BH2019/02436, dated 15 August 2019, and subject to the following conditions:
 - 1) The rooms annotated as kitchen/dining and living room on approved drawing 0179 02 shall be retained as communal space and shall not be used as a bedroom at any time.
 - 2) Within 3 months of the date of this permission, the cycle parking facilities shown on the approved plans shall 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.

Procedural Matters

2. The Council confirms that had it been in a position to determine the application it would have granted planning permission. Nevertheless, I shall determine the appeal as if it were made to the Secretary of State in the first instance and have had regard to third party representations in framing the main issues.
3. The property was already in use as a small house in multiple occupation (HMO) at the time of my visit. I have therefore determined the appeal on the basis that permission is being sought retrospectively for the change of use.
4. The description of development in the banner heading is taken verbatim from the application form. However, my formal decision uses the wording from the appeal form, as replicated in the appellant's statement, as this is more precise.

Main Issues

5. I consider the main issues to be:

- a) the effect of the development on the balance and mix of housing in the area;
- b) whether the property provides an adequate standard of accommodation for its occupiers; and
- c) whether there is satisfactory parking provision.

Reasons

Balance and mix of housing

- 6. Policy CP21 of the Brighton & Hove City Plan Part 1 (2016) (CP) seeks to actively manage the location of new HMOs with the aim of meeting increasing accommodation demands of students and creating mixed, healthy and inclusive communities. The supporting text explains that the Council has made Article 4 directions in response to concerns about the over-concentration of HMOs in certain parts of the city. These directions mean that planning permission is required for changes of use to small HMO (Use Class C4) in five of the city's electoral wards.
- 7. CP Policy CP21 sets out the mechanism through which applications are assessed, balancing the needs of students with those of the established community. The policy states that applications will not be permitted where more than 10 percent of dwellings within a radius of 50m 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. The Council states that there are 35 residential properties within a 50m radius of the application site. Three properties (excluding the appeal property) have been identified as being in HMO use, representing 8.6 percent of the total. The appellant has undertaken a similar exercise and arrived at 8.8 percent. Whichever figure is taken, there is no conflict with the provisions of CP Policy CP21.
- 9. Having applied development plan policy, I conclude that the change of use of the appeal property has not created an over-concentration of HMOs and has not had an unacceptable effect on the balance and mix of housing in the area.

Standard of accommodation

- 10. I have not been directed to any specific local standards relating to minimum floor space in new developments. However, I note that the Council is proposing to adopt the Nationally Described Space Standard (NDSS)¹ as part of the Draft City Plan Part 2. The standards are a material consideration, regardless of whether or not they are ultimately incorporated into the development plan.
- 11. The NDSS states that a single bedroom should have a floor area of at least 7.5m² and a width of at least 2.15m. The appeal property provides 6 single occupancy bedrooms ranging from 9m² to 13m²; these comfortably exceed the minimum standard. Each has at least one window or rooflight and occupants have access to a communal living room and kitchen dining area. The property contains 2 shower rooms and residents share 3 toilets between them. Overall, the standard of accommodation is adequate for up to 6 occupiers and the development complies with Policy QD27 of the Brighton & Hove Local Plan (LP) in this regard.

¹ Technical housing standards published by the Department for Communities and Local Government in March 2015

Parking

12. The Parking Standards Supplementary Planning Document (SPD14) (2016) sets out a system of maximum parking standards. It states that provision within the standard is appropriate in most circumstances. SPD14 explains that the intention is to reflect local circumstances and strike the right balance between providing appropriate levels of car parking spaces whilst also promoting sustainable forms of transport in areas of good public transport accessibility.
13. The parking standards take a zonal approach, with the appeal site being located in the Outer Area. Here, the maximum parking standard is 0.25 spaces per bedroom. SPD14 explains that standards should be rounded up to the next whole number; this means that the figure for the appeal site is 2 spaces.
14. The appeal property provides driveway parking for 1 vehicle. This is within the maximum standard and complies with SPD14. There is sufficient spare on-street capacity within the area to accommodate any overspill without adversely impacting upon highway safety or the wider transport network. Cycle parking in excess of the Council's minimum standards is shown on the plans and this can be secured by planning condition.

Other Matters

15. The external alterations carried out as part of the development are minor, restricted to the insertion of 4 rooflights. An internal partition wall to subdivide the former living room into 2 bedrooms is visible from the street, but otherwise the HMO is indistinguishable from C3 dwellinghouses elsewhere in the street.
16. The development will most likely have resulted in an increase in the number of persons resident at the property and there will have been a corresponding rise in the frequency of comings and goings. However, the greater intensity of use is not so significant as to have a materially harmful effect on the living conditions of local residents due to noise or light disturbance.
17. I have taken into account all other concerns raised, including in relation to the effect on property prices, waste management issues and the loss of family accommodation and consequent impacts on schools and health facilities, but no other matter is of such weight or substance as to alter my overall conclusions.

Conditions

18. To ensure satisfactory provision for the parking of cycles in accordance with LP Policy TR14 and SPD14, and to encourage travel by means other than private motor vehicles, a condition is necessary to require provision of cycle parking. To ensure a suitable standard of accommodation for occupiers and to comply with LP Policy QD27, a further condition is necessary to ensure that the kitchen/ dining and living room are retained as communal space.

Conclusion

19. The scheme complies with the development plan taken as a whole and for this reason I conclude that the appeal should be allowed.

Robert Parker

INSPECTOR