



Appeal Decision

Site visit made on 17 February 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2020

Appeal Ref: APP/Q1445/W/19/3240246
25 Auckland Drive, Brighton BN2 4JD

- 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 Birtwell of Rivers Birtwell against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/01687, dated 4 June 2019, was refused by notice dated 17 October 2019.
 - The development proposed is change of use of a C3 dwellinghouse to a C4 small house in multiple occupation including the provision of cycle storage.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a dwellinghouse (use class C3) to a house in multiple occupation (HMO) (use class C4) at 25 Auckland Drive, Brighton BN2 4JD in accordance with the terms of the application Ref BH2019/01687, dated 4 June 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 172 01-A (Existing plans, section and elevations); 172 02-B (Proposed plans, section and elevations).
 - 3) The rooms annotated as kitchen/dining, living room, and conservatory as set out on the approved plan 172 02-B shall be retained as communal space and shall not be used as a bedroom at any time.
 - 4) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans 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.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupiers of nearby properties, particularly with regard to noise and disturbance.

Reasons

3. The appeal site consists of a two storey, semi-detached dwelling house and associated front and rear gardens, located in a residential area but close to The Hyde business park. The site is in a sustainable, well connected location, linked to the rest of the city by several bus routes with stops within reasonable walking distance and accessibility from the appeal site.
4. The proposed development would result in the conversion of the existing dwelling into a six-bedroom HMO with the communal space comprising a kitchen/dining room, a living room and a conservatory. The appeal also includes the provision of a cycle store.
5. The principle of the change of use is not disputed. However, concerns have been raised regarding the impact of the proposal on the living conditions of the occupiers of nearby properties, particularly due to noise and disturbance generated from the use of the conservatory as part of the HMO.
6. The proposed development, in comparison to the existing use, would result in the possibility of an increase in occupancy and intensity of use; leading to the potential for an increase in the number of movements and general disturbance in the site. Accordingly, there may be an increase in the use of the conservatory, particularly considering how it would relate to the living room area.
7. I do not find that the appeal proposal would increase the occupancy of the site and generate levels of noise and disturbance that would be materially different than those reasonably expected from a house of this size. As a dwellinghouse, the site could be occupied by a large family which could achieve a similar level of occupancy. Consequently, I am not persuaded that the proposal would give rise to unacceptable levels of noise and disturbance. Furthermore, I note that the plans include soundproofing to the party wall with 23 Auckland Drive, which will go some way as to further mitigate any potential increase in noise or disturbance from the proposal.
8. Whilst an increase in the levels of general noise and disturbance generated by the comings and goings might arise, this would not amount to a level that would cause harm or disturbance to the occupiers of adjacent residential properties.
9. I find that the appeal proposal would not have an unacceptable, adverse or harmful impact upon the living conditions of occupiers of nearby properties, particularly with regard to noise and disturbance. Consequently, there would be no conflict with Policy QD27 of the Brighton and Hove City Plan Part One (2016), which seeks to protect the amenity of residents.

Conditions

10. I have had regard to the conditions suggested by the Council. Where necessary I have amended the wording in the interests of precision, clarity, to avoid duplication and in order to comply with advice in the Planning Practice Guidance and the National Planning Policy Framework. The standard conditions setting out the time limit for implementation, and the approved plans are necessary to provide certainty.

11. In addition, a condition is necessary to ensure that satisfactory facilities for parking of cycles are provided as to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton and Hove City Plan Part One (2016) and SPD14: Parking Standards.
12. The appellant has suggested a condition relating to the approval of a noise management plan. I have not found this condition to be necessary as the hereby approved plans already include sound insulation and, considering the number of likely occupiers of the property and its location, I do not find there would be a need for a more comprehensive noise management plan.

Conclusion

13. For the reasons given above and having had regard to all matters raised, I conclude that the appeal should be allowed subject to the identified conditions.

Andre Pinto

INSPECTOR