



Appeal Decision

Site visit made on 11 November 2020

by Michael J Muston BA(Hons) MPhil MRTPI

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

Decision date: 20 November 2020.

Appeal Ref: APP/Q1445/W/20/3254632 64 Islingword Road, Brighton BN2 9SL

- 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 Tristan Cawte against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/01490, dated 19 May 2019, was refused by notice dated 30 April 2020.
 - The development proposed was originally described as a change of use from C3 to C4 dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from residential dwelling (C3) to four bedroom small house in multiple occupation (C4), at 64 Islingword Road, Brighton BN2 9SL, in accordance with the terms of the application, Ref BH2019/01490, dated 19 May 2019, subject to the following conditions:
 - 1) The development hereby permitted shall take place in accordance with the following approved plans: Block Plan, Existing & Proposed Floor Plans, received by the Council on 30 May 2019, except that access to the ground floor bedroom shall continue to be directly from the hallway, rather than as shown on the approved plan.
 - 2) The Kitchen and Reception Room shown on the approved drawing received on 30th May 2019 shall be retained as communal spaces at all times, and neither shall at any time be used as a bedroom.
 - 3) Within six months of the date of this decision, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the residents of 64 Islingword Road, other than those with disabilities who are Blue Badge Holders, shall have no entitlement to a resident's parking permit.
 - 4) Within six months of the date of this decision, details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. These cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, 64 Islingword Road.

Procedural Matters

2. The development the subject of this appeal has already taken place.

3. The development was described on the application form as set out in the heading above. This was amended by the Council, and the revised description used by the appellant on his appeal form. This describes the proposal more fully, and I have therefore used this amended description as the basis for my decision.

Main issue

4. The main issue in this case is whether the house in multiple occupation provides acceptable living conditions for occupiers, with particular regard to the quality and layout of the communal space.

Reasons

5. Policy CP21 of the Brighton & Hove City Plan Part One (2016) (CP) deals, amongst other things, with changes of use to houses in multiple occupation (HMOs), including a requirement to avoid a concentration of such properties in any given area. Both parties agree that the appeal proposal does not infringe this policy. Saved Policy QD27 of the Brighton & Hove Local Plan 2005 (LP) says that planning permission for any *"change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers, or where it is liable to be detrimental to human health"*.
6. The appeal property has four rooms used as bedrooms; one is on the ground floor and the other three are on the first floor. All four are of at least adequate size for their intended single occupants. The Council's concern is with the size and configuration of the kitchen and one communal reception room.
7. On my site visit, I saw that the reception room was furnished with a two seater sofa, a further armchair, a good sized dining table with five dining chairs, a chest of drawers, another small drop-leaf table and a small coffee table. Although not spacious, this room, aided by having a pair of doors that can be opened to the hallway, provides adequate space for up to four people to gather, eat and socialise, as well as allowing access through the room to the rear garden.
8. The submitted plans show access to the ground floor bedroom being gained through this reception room, and the Council's officer report also makes reference to this. However, this is not currently the case on site, with access to the ground floor bedroom being directly off the hallway. Whether this has recently been changed, or was a mistake on the submitted plans, the current arrangement does provide more useable space in the reception room than the layout shown on the plans.
9. The kitchen is of a good size, equipped with a large hob/oven, a full range of white goods, plenty of high level and low level storage space, and a more than adequate amount of worktops. The kitchen's major drawback is it being a galley kitchen, with a relatively narrow walkway between the units on either side, and the fact that the only bathroom in the house has to be accessed through the kitchen. However, there is space for a person to pass whilst another is cooking, preparing food or washing up, and the oven and hob are large enough to allow several people to cook separately at the same time.
10. Saved Policy QD27 of the LP requires the change of use to an HMO not to result in, amongst other things, a loss of amenity to proposed and existing occupiers,

nor to be detrimental to human health. The layout and quality of the communal space provided does not give rise to any of these problems. I therefore conclude that the house in multiple occupation provides acceptable living conditions for occupiers, with particular regard to the quality and layout of the communal space, and complies with Policy QD27 of the LP in this respect.

Other matters

11. A number of local residents objected to the planning application. Their objections were centred around noise, anti-social behaviour and the way rubbish and recycling are dealt with by the residents of No 64. I appreciate that local residents will feel that this is caused by the use of the property as an HMO. However, these are all functions of the way particular residents behave, rather than being inherently dependent on the status of the property as a dwellinghouse or HMO. I am also aware that the Council did not refuse the application on the grounds of harm to the living conditions of neighbours, or allege conflict with saved Policy QD27 in this respect. These matters do not outweigh my conclusions on the main issue.

Conditions

12. A condition listing the submitted plans is required, to provide certainty as to what has been approved. I have amended this to ensure that there is no requirement to revert back to the ground floor layout shown on the submitted plans, which provides less communal space than that existing on site.
13. The Council has suggested a condition requiring a scheme to be submitted and approved, to ensure that residents of No 64 cannot apply for a parking permit. As this is a controlled parking zone, where parking spaces are at a premium, and No 64 could conceivably be occupied by four people, each wanting to park a car, I agree that, to prevent undue demand for parking, this condition is necessary. A condition ensuring that some suitable storage for cycles is provided is also required, to encourage sustainable transport. A condition requiring the two rooms shown as Kitchen and Reception Room on the submitted plans to be retained as communal spaces is necessary, to ensure that the communal areas are not reduced in the future.
14. I have imposed conditions relating to these matters, amended where necessary to reflect the advice in the government's Planning Practice Guidance. This has included amending the suggested pre-commencement conditions, which are not appropriate in a case where the change of use has already taken place.
15. I have not imposed a condition restricting the number of residents, as this would be very difficult to enforce. I have also not included a condition requiring an internal wall to be soundproofed, as this is not necessary in a house where communal facilities are shared and residents would therefore know each other to some extent. Finally, I have omitted a suggested condition relating to a crossover on Modena Road, which has no relevance to this appeal.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed and planning permission should be granted subject to the conditions.

Michael J Muston

INSPECTOR