



Appeal Decision

Site visit made on 8 December 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/Q1445/W/20/3245366
52 Barcombe Road, Brighton BN1 9JR

- 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 Dorman of Rivers Birtwell Ltd against the decision of Brighton & Hove City Council.
 - The application BH2019/03485, dated 21 November 2019, was refused by notice dated 10 January 2020.
 - The development proposed is change of use of a small house in multiple occupation (C4) to a large house in multiple occupation (sui generis) incorporating a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of future occupants with regard to noise and disturbance, and room size.

Reasons

3. Accommodation within the property currently consists of communal living and kitchen/dining space on the ground floor, with bedrooms and bathrooms above. The proposed layout, while extending the building at the rear, would change this relationship by introducing bedroom accommodation on the ground floor in addition to the communal space.
4. The rearmost bedroom would adjoin the communal lounge, and its door would open out directly onto the passageway between the lounge, kitchen/diner, a utility area, and toilet and shower room. I share the view of the Council that this would result in a level of noise and activity that would be disturbing to the occupier of that bedroom. The degree of disturbance would be exacerbated by the increase in the number of occupants of the property.
5. The development would include soundproofing to the internal walls of the bedroom and soft closer door mechanisms. While this may mitigate to some extent the level of noise experienced within the bedroom, I do not consider that it would ameliorate sufficiently the disturbance caused by the comings and goings of up to 8 people in what would be compact accommodation for so many people, and where there is likely to be at least some of them in almost constant proximity to the rearmost ground floor bedroom.

6. The appellant suggests that future occupants would almost certainly be a group of connected tenants living together and would resolve such problems communally. That might be the case but cannot be guaranteed. The larger the number of occupants in the HMO, the more likely it is that they will consist of two or more friendship groups, or one group plus several individuals. Although the accommodation is currently let to students, that also might not be the case in the future as HMO accommodation is also commonly used by those starting their careers and by transient workers, who tend to occupy as individuals or couples.
7. The Council has raised concern at the size of the central loft bedroom on the upper floor of the building. Measurements differ slightly between the main parties, but it would have 9.3m² of floorspace of which between 7.2-7.5m² would have a ceiling height of 1.5m or more.
8. Both parties refer to the nationally described space standard¹, which requires a single bedroom to have a floor area of at least 7.5m² and be at least 2.15m wide. The Council's HMO licensing standard uses a minimum of 6.5m² of floorspace for single bedrooms.
9. The Council has not adopted the nationally described space standard so only limited weight can be given to it as a comparative benchmark. The alternative licensing standard provides a more direct comparator, although considerations relating to a licence application and a planning application do differ and therefore a separate judgement has to be made in each case.
10. I inspected the room on my site visit. The room was certainly compact but provided just enough space for a bed, desk and a modest amount of storage space. The sloping ceiling reduced useable floorspace to an extent, but this was used in part to accommodate the desk and foot of the bed, allowing space to move around the room. The two rooflights gave a good level of daylight and an adequate view out of the room. Having regard to the fact that the room would be slightly larger than at present because of the conversion of part of the adjacent shower room to provide storage space, I consider that it would provide adequate accommodation for the purposes of an HMO.
11. While I have found that the size of the central loft bedroom is adequate for its intended purpose, I consider that the ground floor rearmost bedroom would suffer from an unacceptable level of noise and disturbance. As a result, the proposal would conflict with policy QD27 of the Brighton & Hove Local Plan, which resists development that would cause material nuisance to proposed occupiers.

Other Matters

12. Interested parties have queried the proportion of HMO accommodation in the area. Neither main party considers the proposal conflicts with policy CP21 of the Brighton & Hove City Plan Part One, which seeks to maintain mixed and balanced communities by resisting changes of use to small HMOs, mixed residential/HMO use, and large HMOs where more than 10% of dwellings within a radius of 50m are already in such uses. While I question the interpretation of the policy given by both the appellant and Council, I have not been provided with evidence of the number of HMO related uses in the vicinity of the appeal

¹ Technical housing standards – nationally described space standard, March 2015.

site. Given my decision on the main issue, I have not sought to consider this matter any further.

Conclusion

13. I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR