



Appeal Decision

Site visit made on 26 February 2021

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2021.

Appeal Ref: APP/Q1445/W/20/3260803

136 Ladysmith Road, Brighton BN2 4EG

- 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 Ms Alison Williamson against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/01870, dated 8 July 2020, was refused by notice dated 21 September 2020.
 - The development proposed is a change of use from a single dwelling (Use Class C3) to a 3-bedroom House in Multiple Occupation (HMO) (Use Class C4).
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Application for Costs

1. An application for costs was made by Ms Alison Williamson against Brighton & Hove City Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for a change of use from a single dwelling (Use Class C3) to a 3-bedroom House in Multiple Occupation (HMO) (Use Class C4) in accordance with the terms of the application BH2020/01870, dated 8 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 2365/01.
 - 3) The development hereby approved shall be occupied by a maximum of three persons.
 - 4) The kitchen/dining room and living room shown on approved drawing No 2365/01 shall be retained as communal space at all times and shall not be used as a bedroom.

Main issue

3. The main issue is the effect of the proposal on living conditions at neighbouring properties and within the local area, in terms of disturbance and inconvenience from traffic, parking, noise and waste.

Reasons

4. Ladysmith Road is a 2 storey terraced house within a residential street of similar houses. It has 2 upstairs bedrooms and the submitted plans show an additional existing bedroom on the ground floor. Residents on Ladysmith Road must generally park in the street, where parking is restricted to permit holders only at key times on weekdays.
5. The proposal is to change the use of the house from a Class C3¹ dwellinghouse for a single household to a Class C4 House in Multiple Occupation (HMO) to be occupied by people not forming a single household. An application was necessary in this case because permitted development rights for this type of change of use have been removed by the Council's adoption of an Article 4 Direction² for the area.
6. Class C4 HMOs can normally accommodate up to 6 people but in this case both the applicant and the Council agree that occupation should be limited to 3 people. The Council considers that even with this limitation, the use of this property as an HMO would cause adverse impacts for the area in terms of traffic, parking, noise and waste.
7. Residents of the property might well have 2 or 3 cars, whether it is a 3 person HMO or is a single household dwelling. I see no clear and material difference here. Indeed, the Council's Supplementary Planning Document 14 *Parking Standards* sets a higher standard for 2 to 3 bedroom houses than for 3 bedroom HMOs, indicating that more traffic and parking demand would be expected from single household occupation.
8. A single household could furthermore easily generate a similar amount of waste and noise to 3 people in an HMO. I have seen no evidence that there are significant ongoing problems from local HMOs in any of these respects. When I visited the site on a weekday morning, traffic was extremely light and there were parking spaces available. Likewise, I saw very little litter on the street. I acknowledge that this may not have been typical, but it does suggest that these are not substantial existing problems.
9. I note the comments of neighbours that there are large numbers of HMOs in the local area. The Council has confirmed, however, that the proposal does not conflict with Brighton & Hove City Plan Part One Policy CP21's restriction of HMOs in cases where more than 10% of the dwellings within a 50m radius are already HMOs. There does not appear, therefore, to be a notable overconcentration in the vicinity of No 136.
10. I conclude that the proposal would not cause any undue impacts on neighbours' living conditions in terms of traffic, parking, noise or waste. It therefore accords with the aims of Brighton & Hove Local Plan 2005 Policy QD27, to ensure that development does not cause material nuisance and loss of amenity to adjacent residents.
11. Objectors have also queried the need for this HMO in light of current or planned larger scale building projects. It is not my role, however, to question the

¹ As defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)

² Article 4 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)

workings of the housing market in this respect. I must assess this case on its merits, in light of current policy.

12. I impose a condition specifying the relevant plans to provide certainty. A condition limiting occupancy to 3 people is necessary to reasonably minimise local impacts. Although objectors are concerned that this condition may not be enforceable, the Council appears to be content on this point and I find no reason to disagree.
13. A condition requiring the retention of the communal space areas is also necessary to ensure adequate living conditions for future residents of the HMO. An objector has suggested a condition removing permitted development rights for extensions. I do not consider this interference with normal planning allowances to be necessary here, especially given that the occupancy of the property is being limited to 3 people so an extension would not on its own allow for increased use.
14. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR