



Appeal Decision

Site visit made on 12 May 2021

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2021

Appeal Ref: APP/Q1445/W/20/3265174

2D Lansdowne Place, Hove, BN3 1HG

- 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 Mishbec Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/02530, dated 8 September 2020, was refused by notice dated 28 October 2020.
 - The development proposed is the change of use from 7no bedroom House in Multiple Occupation (Sui Generis) to 8no-bedroom House in Multiple Occupation (Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted for the the change of use from 7no bedroom House in Multiple Occupation (Sui Generis) to 8no-bedroom House in Multiple Occupation (Sui Generis) at 20 Lansdowne Place, Hove, BN3 1HG in accordance with the terms of the application, Ref BH2020/02530, dated 8 September 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: Proposed Plan 2265/01 Sep 20.
 3. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplan, drawing no 2265/01 Sep 20 and shall be retained as such thereafter. The layout of the kitchen/living and dining rooms shall be retained as communal space at all times and shall not be used as bedrooms.

Main Issue

2. The main issue is the effect of the proposal on the living conditions for future occupiers.

Reasons

3. The appeal site is an imposing four storey over basement end of terrace property at right angles to and close to the seafront. The proposal is as described above. An area previously shown as living room accommodation on the ground floor, about 10 sqm, would become a bedroom with ensuite
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facilities. The basement, some 27 sqm, would continue in communal use, becoming the only such area in the building.

4. The Council is concerned that the scheme would not embody sufficient quantum or quality of communal space and would thus fail to provide an acceptable standard of amenity for would-be occupiers.
5. The proposed layout would result in a little over 3 sqm of communal space per occupant. The Council indicates it generally uses a guideline figure of 4-5 sqm per occupant. However, there is no reference provided in any background or appeal papers for this figure. It is not required in any local development plan policies, the NPPF, HMO licensing requirements or building regulations.
6. In these circumstances I have to take a subjective view of the sum of floor area based on the individual merits of this case. It would seem to me that the shape and scale of the room involved would and does allow for a general arrangement which lends itself to efficient multi-purpose use. The private accommodation in this building has thoughtful layout and form, and at times excellent outlook, and as a whole a good standard of individual rooms is available. In the overall context I would assess that the scheme would provide a reasonable *quantum* of community space.
7. The question then turns to the *quality* of the planned communal kitchen, dining and sitting area which would solely lie within a basement area. I do appreciate the Council's concerns over this characteristic. In some situations I could conceive that a basement location for these facilities would be quite unacceptable on amenity grounds. However, for a number of reasons I conclude that the situation here would not fall into that category. The front window provision is a generous bay arrangement. The lightwell is open and more spacious than many found within the city and with levels the basement might fairly be described as a lower ground floor. The footway beyond is of generous width and not used excessively and the road itself is a grand one without undue building imposition from its other side. The orientation of the accommodation is west facing providing good natural light, particularly later in the day. Taken together these attributes, along with the useful rectangular shape of the space, lead me to be satisfied on the quality front.
8. As an aside one can readily envisage use being made of the promenade and beach which are very proximate and green spaces are also close-by; the location is one of very good accessibility to facilities and functions generally. I would not envisage residents here being or feeling housebound but in any event my assessment of the satisfactory communal facilities is as above. The provision of a new unit of living accommodation of a reasonable standard in its own right, and taken cumulatively within the building, is a social and economic planning benefit adding weight to the case for approval of the scheme.
9. Brighton & Hove Local Plan Saved Policy QD27 is relevant. It seeks to ensure that new development would protect or provide for residential

amenity. Given the foregoing I would conclude that the appeal scheme would not conflict with this policy.

10. Policies in the National Planning Policy Framework have been considered in their own right and the development plan policy which I cite also mirrors relevant objectives within that document.
11. I should add that I have considered and appreciate the concerns raised in representations. I am not persuaded on the change of use before me, i.e. some increase in the scale of the HMO, that any points raised would tip the planning balance to a position whereby the appeal should be dismissed. I would trust that should any need arise for intervention to protect neighbourliness then the authorities would use powers open to them which lie outside the planning regime.
12. On a final matter, the property is within a Conservation Area. I am satisfied that the aims of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 would be satisfied; both character and appearance would be preserved.

Conditions

13. I shall apply a standard commencement condition and one related to compliance with submitted plan as the Council suggests, to provide certainty. The principle of the suggested condition relating provision and retention of the communal space would be reasonable in the interests of residential amenity and should refer to the approved plan.

Overall conclusion

14. For the reasons given above I conclude that the appeal proposal would not have unacceptable effects on living conditions for future occupiers. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR