

Appeal Decision

Site visit made on 20 January 2022

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 FEBRUARY 2022

Appeal Ref: APP/Q1445/W/21/3279364
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 Rivers Birtwell against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/00769, dated 3 March 2021, was refused by notice dated 11 June 2021.
 - The development proposed is the change of use from small house in multiple occupation (C4) to large house in multiple occupation (Sui Generis) incorporating a single-storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from small house in multiple occupation (C4) to large house in multiple occupation (Sui Generis) incorporating a single-storey rear extension at 52 Barcombe Road, Brighton, BN1 9JR in accordance with the terms of the application, Ref BH2021/00769, dated 3 March 2021, subject to the conditions on the attached schedule.

Main Issue

2. The main issue is the effect of the development on residential amenity for neighbours.

Reasons

Residential amenity

3. The appeal property is a two-storey terraced dwellinghouse, with a large rear dormer, in use as a (C4) small house in multiple occupation on the east side of Barcombe Road. It lies towards the outer edge of the relatively homogenous housing estate with Wild Park, part of the South Downs National Park, beyond. The proposal is as described above.
 4. The Council is concerned that the proposal would harm the living conditions of surrounding occupiers by reason of noise and disturbance, increased refuse and potential cars parked in the area. I can readily appreciate that in certain circumstances an increase in the number of occupants in an HMO would cause unacceptable residential amenity issues and each case needs to be considered on its merits.
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5. In this instance the planned installation of measures to enhance sound proofing would be a positive step to protect living conditions for neighbours. The planned layout internally would be logical and the front entrance door is helpfully central rather than directly alongside neighbours. The locality is not without appreciable coming and going to nearby commercial premises and there is a degree of background noise from the proximate main road.
6. The extension would not be an unreasonable addition in terms of scale and form in my assessment on visual or amenity grounds. Furthermore I saw no evidence of parking stress at the time of my visit and it would seem to be that the 'generous' local road layout locally would offer reasonable scope for parking without undue inconvenience or disturbance even at peak parking times.
7. I would assess that the space available internally and externally for suitable refuse and recycling storage would be adequate for appropriate containers even allowing for some increase in the volume which would be generated.
8. Saved Policies QD27 and SU10 of the Brighton and Hove Local Plan (LP) are relevant. Taken together and amongst other matters, they seek the general protection of amenity for residents in an area and this includes aiming to minimise noise and general disturbance. Given the foregoing I conclude under this main issue that the appeal scheme would not conflict with these two policies. It would also not conflict with DM20 of the Brighton and Hove City Plan Part Two Submission Document, a policy which carries weight given the stage in the development plan process.
9. I should add that whilst the Council's decision refers to Policy CP21 of the Brighton & Hove City Plan Part One (CP) I fail to see how this is directly relevant. The policy seeks to maintain healthy and inclusive communities with a good mix and balance and restricts HMOs of all types where more than 10% of dwellings within a radius of 50 metres are already in such use. However, this is not at issue in this case and I conclude there would be no breach of Policy CP21. I have also had full regard to the planning history of this site including past decisions by the Council and the Inspectorate and assessed the scheme before me on its merits accordingly.

Conditions

10. The Council puts forward a number of suggested conditions; the Appellant raises no concerns with the suggestions. The standard commencement period should apply. A condition that works are to be carried out in accordance with listed, approved, plans would be necessary to provide certainty. External materials need to be controlled in the interests of amenity.
11. Refuse and recycling arrangements are necessary in the interests of residential amenity as is cycle parking in the interests of encouraging sustainable travel. Specific use of the flat roof needs to be controlled to protect residential amenity.
12. Controls over room disposition and maximum numbers of occupying persons are necessary to protect amenity of future occupiers and neighbours. The proposed noise mitigation measures should be implemented to protect residential amenity. Bee brick incorporation should take place in the interests of biodiversity.

Overall conclusion

13. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on residential amenity for neighbours. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR

SCHEDULE OF CONDITIONS (10)

1. The development to which this permission relates shall begin no 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 plans: Location Plan 01 - 03/03/2021 & Proposed Drawing 02 A 03/03/2021.
3. The relevant external finishes of the development hereby permitted shall be as follows: - Walls in brickwork to match the appearance of that found on the existing building. - Window and door frames painted/coloured white.
4. Prior to use of the property as a (sui generis) house in multiple occupation as approved, the following noise mitigation measures shall be implemented as shown on the approved drawings: - Sound-proofed walls - Internal and external door soft-closing mechanisms - External acoustic fencing These measures shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
5. The room described as 'communal living space' as detailed at ground floor level on the approved plans shall be retained as communal amenity space at all times and shall not be used as one or more bedrooms.
6. The hereby approved development shall only be occupied by a maximum of eight (8) persons.
7. Access to the flat roof over the development hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
8. Prior to use of the property as a (sui generis) house in multiple occupation as approved, and notwithstanding the details of the approved plans, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
9. Prior to use of the property as a (sui generis) house in multiple occupation as approved, a scheme for the storage of refuse and recycling shall be submitted

to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times

10. One or more bee bricks shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.