



Appeal Decision

Site visit made on 4 August 2022

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2022

Appeal Ref: APP/Q1445/W/22/3292319

203 Dyke Road and 15 Caburn Road, Hove, BN3 6EF

- 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 Mrs L Harding against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/04025, dated 12 November 2021, was refused by notice dated 27 January 2022.
 - The development proposed is the conversion of 15 Caburn Road from 11 person House in Multiple Occupation to 12 person House in Multiple Occupation (and retention of 203 Dyke Road as an 8 person HMO).
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs has been made by the Appellant against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The proposal is retrospective; this does not alter my approach to assessment of the scheme.
4. Given the description and conditions of planning permission reference BH2021/00310 the scheme before me is effectively a request to use a previously defined 'Lounge/Dining Room' within 15 Caburn Road HMO as a single bedroom with en suite.

Main Issue

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

Reasons

6. The appeal property is in a corner location sited close to the back edge of the footway. It is converted into HMO use and at the time of my visit appeared to be well maintained. No 15 Caburn Road includes two kitchens for mutual
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use and the residents of this HMO are also allowed, via a walk round, to use a small communal yard to the rear of the adjoining HMO, 203 Dyke Road. Bedroom sizes within 15 Caburn Road are on the generous side of provision for an HMO in my experience.

7. I noted that the two kitchens did not have any windows and had limited space for sitting. I found the rear yard area to be unappealing and offering little in the way of amenity value. My assessment, based on *qualitative* subjective assessment and not mathematics, is that, even given the size of their bedrooms, the residents of the appeal property simply do not have reasonable communal space to cook, and most particularly eat, relax and socialise.
8. If one did look at the quantum, in my experience a figure of some 3-5 sqm per person might be a fair norm. I note, but do not rely on it, that interestingly the emerging Brighton and Hove City Plan Part 2 at Policy DM7 refers to a figure of 4 sqm. Using Council evidence, which is not disputed by the Appellant, the two kitchens would provide some 2.16 sqm of internal communal amenity space per resident.
9. I have my over-riding concerns on this inadequate provision in qualitative and quantitative terms of communal space notwithstanding the locational advantages of the HMO which are set out by the Appellant. I am also acutely aware of the inadequate local housing land supply situation but providing poor quality accommodation is not the way to address this and is not the intention of the National Planning Policy Framework, and in any event one unit would make very little difference to the shortfall.
10. 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 conflict with this policy.

Other matters

11. I have carefully considered all the points raised by the Appellant but these matters individually or collectively do not outweigh the concerns which I have in relation to the main issue identified above.
12. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policy which I cite mirrors relevant objectives within that document.

Overall conclusion

13. For the reasons given above I conclude that the appeal proposal would not provide an appropriate standard of living conditions for future occupiers. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR