

Appeal Decision

Site visit made on 22 September 2022

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 October 2022.

Appeal Ref: APP/Q1445/W/22/3296137
33 Hillside, Brighton BN2 4TF

- 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 Mr Henry Dorman, Rivers Birtwell against the decision of Brighton & Hove City Council.
 - The application Ref BH2022/00051, dated 10 January 2022, was refused by notice dated 28 February 2022.
 - The development proposed is the change of use from six bedroom small house in multiple occupation (C4) to seven bedroom large house in multiple occupation (Sui Generis).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I use the Council's description of development which is more precise than the application form; I note that the Appellant also uses this on the appeal form.

Main Issue

3. The main issue is the effect of the proposal on the maintenance of a mixed and balanced community.

Reasons

4. The proposal is as described above; the increased capacity would effectively arise from a living room being converted into a bedroom. The appeal property is a two storey end of terrace house, with accommodation in the roof, located on a suburban estate. Its present authorised use is a six bedroom small house in multiple occupation (C4). There is clearly a mix of family dwellings, houses in multiple occupation (HMOs) and subdivisions in this locality which is part of a wider area of residential uses that are obviously influenced by a relatively large student population.
 5. Policy CP21 of the Brighton and Hove City Plan (CP) deals, amongst other matters, with the issue of the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing). The policy indicates that the Council will not permit such changes of use where more than 10% of dwellings within a radius of 50 metres of the application site are already in HMO use. The Policy is aimed at securing balanced communities and has been accompanied by the objective of locating student housing in those areas of the
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- city which are most suitable in terms of accessibility and its impact on the amenity of surrounding area.
6. The Council is thus shown to be concerned to address the potential impact of concentrations of HMOs (of any size) upon their surroundings and to ensure that healthy and inclusive communities are maintained across the city. In this instance it is not disputed that some 31% of dwellings within 50m of the appeal site are in use as HMOs. This figure, taking the lead of Policy CP21, does not take into account the appeal premises.
 7. To my reading, where the 10% / 50 metres surrounding HMO threshold has been reached, the Policy seeks to control pertinent changes of use. I do not see that a change of use from a C4 HMO to a sui generis House in Multiple Occupation use (more than six people sharing) would or should avoid that control. A change to a sui generis House in Multiple Occupation use (more than six people sharing) is specifically expressed as an event which will not be permitted.
 8. Policy CP21 directly refers to supporting mixed and balanced communities and logically it is not just the loss of family housing which would impact that but also the increased scale, intensification, and nature of any HMOs which lie in already 'stressed' areas. HMO residents tend to have less permanence or stake in an area along with differing life-styles, interest in facilities, and age structures from, for example, families.
 9. I appreciate that one additional resident would be a relatively modest numeric increase, but in percentage terms it would nevertheless be a significant increase at the appeal site, add to HMO residents locally in this area, and would also represent a cumulative increase in sui generis HMOs and their resident population in the city as a whole. The appeal proposal would not help the mix. To my mind marked harm would stem inappropriate change to the mix and balance of the community in the area, to the detriment of local amenity generally and giving rise to erosion of the Council's adopted planning and housing strategy.
 10. Given all of the above the conclusion I reach is that the scheme would run contrary to CP Policy CP21 and to the aim of maintaining healthy and inclusive communities.
 11. A range of appeal decisions have been drawn to my attention by both principal parties, including in relation to the appeal site, and I have considered all of these. There is arguably some scope for interpretation of Policy CP21. However, I am satisfied with my reading for this assessment. In any event for reasons of scale, built form, location, or planning history other decisions are not directly comparable and, of course, I must determine this case on its own merits.
 12. 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.
 13. Finally, I would 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

14. For the reasons given above I conclude that the appeal proposal would have an unacceptable impact on the maintenance of a mixed and balanced community. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR