



Appeal Decision

Site visit made on 20 June 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/T1410/W/22/3310637

Belmead, 52 Ceylon Place, Eastbourne BN22 8AB

- 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 Mr & Mrs Harris against the decision of Eastbourne Borough Council.
 - The application Ref: 220378 dated 9 May 2022, was refused by notice dated 23 August 2022.
 - The development proposed is change of use to house of multi occupancy – sui generis.
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Decision

1. The appeal is allowed and planning permission is granted for change of use to house of multi occupancy – sui generis at Belmead, 52 Ceylon Place Eastbourne BN22 8AB in accordance with the terms of the application, 220378 dated 9 May 2022, subject to the conditions set out at the end of this decision letter.

Preliminary Matters

2. At the appeal stage, the Appellant submitted revised proposals in respect of the internal layout and showing provision for cycle storage and refuse/ recycling storage. As these revisions were submitted in direct response to and to address some of the reasons for refusal and given that the appeal with the papers submitted has been the subject of consultation at the appeal stage, I am satisfied that no party would be prejudiced by me taking them into account. Although the Council has not submitted an appeal statement, it would have been aware of the revised proposals when the appeal was submitted and had the opportunity to address the revisions at the appeal stage.
3. At the time of my site visit, the property appeared to have been converted into HMO use, with some of the accommodation in occupation. However, and as the application forms indicated that the works had not commenced or been completed at the date of the application submission, I am required to assess the proposal on the basis of the submitted plans, as amended at the appeal stage.

Main Issues

4. The main issues in this appeal are:
 - a) Whether the proposal would create satisfactory living conditions for future residents,

- b) The impact of the proposal on the living conditions of neighbouring residents.
- c) Whether there would be appropriate provision for refuse and recycling storage and cycle storage to serve the residents and to protect the character and appearance of the local area.

Reasons

Issue a) Living Conditions – Future Residents

- 5. The appeal property is a three storey, bay fronted terraced property on the north side of Ceylon Place, in a predominantly residential area comprising a mix of houses and flats as well as Houses in Multiple Occupation (HMOs). The proposal seeks to change the property from a large single dwelling with 7 bedrooms to a 10 bedroom, 10 occupant HMO, with most of the changes being internal. The Appellant has referenced the policy support at a national and local level for this type of accommodation and there is no indication that the principle of the use is not supported.
- 6. The Council raised a number of specific concerns regarding the accommodation proposals which the Appellant sought to address at the appeal stage with the submission of amended plan which is the basis of my consideration.
- 7. On the basis of the amended plan, all of the rooms would exceed the minimum size for such accommodation, with all but one of the rooms having en-suite bathroom accommodation (shower, toilet and basin). Room 7 would have its bathroom accommodation in very close proximity to the room. There would be two kitchens to serve the occupants, a main one on the ground floor with access to the outdoor space and a smaller one on the second floor.
- 8. The amended plan shows the introduction of a lobby space with a door between the ground floor kitchen and Room 3 which I consider would be sufficient to assist in reducing potential noise disturbance to the occupant of Room 3 as a result of its proximity to the kitchen. I consider that the sound and fire proofing proposed for the wall between the kitchen and Room 10 on the second floor level, to comply with Building and Fire Regulations, would overcome the Council's concerns regarding noise and disturbance to the occupant of Room 10 from use of the kitchen by others.
- 9. The occupants of Rooms 2 and 3 would be closest to the kitchen, its access to and outdoor space. I consider that the revised proposals in terms of glazing and privacy screens would be appropriate additions to protect the amenities of the occupants of these two rooms from overlooking and loss of privacy.
- 10. I consider that conditions would need to be imposed regarding the details of the proposed screens and window arrangements to ensure their suitability, implementation and subsequent retention.
- 11. The external space is of limited size in relation to potential noise and disturbance for the occupiers of Rooms 2 and 3. Given the close living arrangements throughout the property, I consider that such matters as general noise and disturbance in relation to other occupants would be more effectively addressed through the terms of any tenancy agreements required with individual occupants.

12. I therefore conclude that the proposed change of use would provide acceptable living conditions for future occupants and there would be no conflict with Policy HO20 of the Eastbourne Borough Plan as well as the National Planning Policy Framework (Framework) and in particular Paragraph 130 both of which, amongst other matters, seek a high quality of design which respects the amenities of existing and future occupiers.

Issue b) Living Conditions – Neighbours

13. The existing property is indicated to be a single private dwelling with 7 bedrooms and therefore has the capacity to accommodate a considerable number of occupants. No additional extensions to the building are proposed as part of this change of use. The surrounding area, from the information before me and my site visit, appears to comprise mainly large properties, many of which have been subdivided with some appearing to be self-contained flats and others to be in HMO use. There is a purpose-built development of flats immediately to the south west of the appeal property. It therefore appears to be a densely occupied area.
14. The proposal would create a 10 bedroom, 10 occupant HMO. Although there is no technical information to assess, I acknowledge that the 'comings and goings' of 10 people living independently could be greater than a similar number of people living as one family. However, I have been provided with no evidence to suggest that there are any existing issues in terms of such matters as noise and disturbance in the local neighbourhood, which this proposal on its own or cumulatively with other existing uses, would harmfully exacerbate.
15. Given the nature of the accommodation in the immediate surrounding area, some of which is also in HMO use or in use as flats, it is my view that this proposal would be readily assimilated into the existing pattern of development and occupation in the local area. The Appellant has drawn my attention to other permissions that have been granted for HMO use in the local area over the last 10 years or so, and including relatively recently, and this again suggests that there have been no identified concerns regarding issues of noise and disturbance to existing residents from the introduction of additional similar uses.
16. There is therefore no evidence before me to substantiate the Council's concerns regarding the impact of the proposal on the living conditions of surrounding occupants and from my site visit and the information before me, I have not identified any such concerns. I therefore conclude that the proposal would not lead to any material concerns in terms of harmful impacts on the amenities of surrounding neighbours, with particular regard to noise and disturbance. There would be no conflict with Policy B2 of the Eastbourne Core Strategy or Policy HO20 of the Eastbourne Borough Plan as well as the Framework and in particular Paragraph 130 all of which, amongst other matters, seek a high quality of design which respects the amenities of existing and future occupiers.

Issue c) Refuse and Cycle Storage

17. It was apparent from my site visit that many of the properties, including the appeal property, keep their refuse bins on the street which leads to a cluttered street scene appearance. The revised proposal submitted by the Appellant at the appeal stage has indicated that refuse bins could be accommodated at the front, within the site. I am satisfied that there would be space to

accommodate this provision, which would be as, if not more, convenient for the residents and would result in an improvement in the appearance of the street scene.

18. I am therefore satisfied that adequate refuse and recycling storage facilities could be provided within the site and that there would be no conflict with Policy D10a of the Eastbourne Core Strategy as well as Policy UHT1 of the Eastbourne Borough Plan, both of which seek a high quality of design which respects the local context. The reason for refusal also refers to policy NE9 of the Eastbourne Borough Plan but this appears to have been quoted in error as it relates to a specific household waste site.
19. In terms of cycle storage, the revised plans submitted at the appeal stage propose that covered bike storage would be affixed to the external wall to the rear with access via the rear alley off Ceylon Place. Whilst the proposed bike storage provision is to be welcomed, I do not consider that the rear alley would present a practical solution for accessing the rear yard with bikes. At the time of my site visit, much of the rear alley was heavily overgrown and even blocked by large items of refuse, and the land does not appear to fall within the control of the Appellant to ensure that access could be secured at all times.
20. However, at the time of my site visit, it was evident that some residents were bringing bikes through the ground floor to store them at the rear. Whilst not ideal in terms of the access arrangements, it demonstrates that there is a solution which residents are using and therefore appears to be workable. Whilst a separate access from the rear would be preferable, I do not consider that the absence of such provision would in itself warrant a refusal of the proposal. There would be no conflict with Policies B2 and D8 of the Eastbourne Core Strategy as well as Policy TR6 of the Eastbourne Borough Plan, all of which seek to promote sustainable transport choices, including cycling.

Other Considerations

21. The appeal property lies within the Town Centre and Seafront Conservation Area comprising part of the attractive Eastbourne seafront including the pier and the immediate hinterland including the appeal property. The significance of the Conservation Area relates to the mid to late 19th century development of this part of Eastbourne with wide boulevards fronting the sea and tighter development to the rear, with a considerable number of the properties and terraces being in the Italianate style, particularly along the sea front, together with the wide use of stucco.
22. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out in respect of development within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. There would be only very minor external alterations proposed, for example to accommodate the refuse and recycling storage, and I am therefore satisfied that there would be no impact on the significance of the Conservation Area; its character and appearance would be preserved. The Council also raised no issue in this regard.
23. A concern over the additional parking pressures has been raised by a local resident, but the appeal property is in an accessible location and provision has been made for cycle storage. This was not raised a reason for refusal by the Council.

Conditions

24. In terms of conditions, the Council has not indicated any specific conditions it would wish to see imposed in the event of permission being granted. I shall list the approved plans including the amended plan accepted at the appeal stage, for the avoidance of doubt and in the interests of good planning. To protect the amenities of the occupants I consider that further details should be approved of the privacy screens, glazing arrangements to some of the rooms and the cycle and refuse storage facilities and thereafter retained. Other matters would be addressed under Building Regulations or legislation specifically related to the provision of HMOs and need not be addressed in this decision.
25. For the avoidance of doubt, I shall impose a condition to specify the maximum number of occupants to accord with the terms of the proposal.
26. Although these conditions have not been seen by the Appellant, they relate to matters raised in the appeal submission and I am satisfied that the Appellant would not be prejudiced by their imposition.

Conclusion

27. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

L J Evans

INSPECTOR

Schedule of Conditions (1 – 4 inclusive)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1025.01; 1025.03 (Existing / Proposed Elevations); 1025.03 Revision B (Block and Site Plan); and 1025.07 Revision C (Proposed Plans).
- 3) Within three months of the date of this decision notice, further details including a programme for their implementation shall have been submitted to the Local Planning Authority and approved in writing,:
 - i) Refuse / recycling bins storage arrangements
 - ii) Cycle storage arrangements
 - iii) Privacy screens at ground floor level.
 - iv) Glazing to the windows serving Rooms 2 and 3.

These arrangements shall be implemented in accordance with the approved programme and thereafter be retained and maintained as implemented.

- 4) The property shall only be used as a House in Multiple Occupation and shall not be occupied by more than 10 occupants at any one time, with a maximum of one occupant per room.