



Appeal Decision

Site visit made on 9 January 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2024

Appeal Ref: APP/Q1445/W/23/3327631

26 Glebe Villas, Hove, Brighton and Hove BN3 5SN

- 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 Steve Leung against the decision of Brighton & Hove City Council.
 - The application Ref BH2023/00481, dated 16 February 2023, was refused by notice dated 13 June 2023.
 - The development proposed is change of use from existing dwelling (C3) to dual use as either dwelling (C3) or a six bedroom small house in multiple occupation (C4).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from existing dwelling (C3) to dual use as either dwelling (C3) or a six bedroom small house in multiple occupation (C4) at 26 Glebe Villas, Hove, Brighton and Hove BN3 5SN in accordance with the terms of the application, Ref BH2023/00481, dated 16 February 2023, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Steve Leung against Brighton & Hove City Council. This application is the subject of a separate decision.

Preliminary Matters

3. In December 2023 a revised National Planning Policy Framework (the Framework) was published. However, in respect of the main issues for consideration in this appeal, the revised Framework has not changed Government Policy and so the cases for the appeal parties have not been prejudiced. I shall consider the appeal accordingly. In respect of the paragraphs submitted that are no longer correct, I have considered the most relevant paragraph in the current Framework.

Main Issue

4. The effect of the proposal on the living conditions of neighbouring occupiers with respect to noise and disturbance.

Reasons

5. No 26 Glebe Villas is a two storey detached dwelling located within a residential area with houses of various style and design. There is an Article 4 direction that covers the area and restricts the conversion of dwellinghouses to small houses in multiple occupation.

6. No 26 is a large house that could accommodate a large family with a similar number of occupiers to the proposed HMO. While the proposal would result in six un-related individuals occupying the property, their movements would not be substantially different to a large family home which could have frequent movements at different times of the day.
7. I have had careful regard to the effect of the proposal on the living conditions of neighbouring occupiers, including those closest to the appeal site. However, I find that the proposal is well set back from the road and neighbouring properties, which combined with the movements not being substantially different to a large family home, would mean that noise and disturbance would not materially increase.
8. There are concerns that the proposal would result in an increase of anti-social behaviour. However, there is no evidence before me to show that this would be the case.
9. I therefore conclude that the proposal would not harm the living conditions of neighbouring occupiers with respect of noise and disturbance. I find no conflict with Policy DM20 of the Brighton and Hove City Council's Development Plan October 2022 City Plan Part Two October 2022. Amongst other things, this seeks to ensure that development does not cause unacceptable loss of amenity to adjacent or nearby residents.

Other Matters

10. Interested parties have raised concern that there are other HMO's in the area, including next door. There is also concern over whether adequate parking would be provided, that there would be increased traffic and the potential for highway safety issues. It has also been raised that the proposal would result in a loss of light and privacy for neighbouring occupiers. However, in respect of these matters the Council have found that there would be no harm for which I have no reason to conclude otherwise.
11. The Council have also found that appropriate living conditions would be provided for future occupiers and that the proposal would comply with the Nationally Described Space Standards. I have no reason to conclude otherwise.
12. I note that concerns have been raised in respect of the potential for the proposal to be occupied by up to twelve people. However, the proposal is for a C4 HMO which is only for a maximum of six people.
13. I am satisfied that the concerns in relation to their being insufficient refuse and recycling facilities could be controlled by a suitably worded condition.
14. Interested parties have raised concern over fire safety for future occupiers. However, this is a matter that would be covered by other legislation.
15. I also note that concerns have been raised over the appellant's intentions for the future of the property, who might occupy the proposed HMO and that the property would be poorly maintained. However, I am only in a position to consider the planning merits of the appeal proposal before me.

Conditions

16. I have considered the Council's suggested conditions in the event I were to allow the appeal. Where necessary, and in the interests of clarity and precision,

I have slightly altered them to more closely reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.

17. Condition 1 is the standard condition which relates to the commencement of development, condition 2 specifies the approved plans for the avoidance of doubt.
18. Condition 3 is to ensure adequate living conditions are provided for future occupiers. Conditions 4 and 5 are required to ensure cycling, refuse and recycling facilities are available for future occupiers.
19. The Council have proposed a condition restricting the occupation of the HMO to no more than 6 persons. However, the appeal proposal is for a C4 HMO which is already restricted to no more than 6 persons. The condition is therefore unnecessary.

Conclusion

20. For the reasons given above I conclude that the appeal should be allowed.

D Wilson

INSPECTOR

Schedule of conditions

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: Location and block plan 26P6/LP002, Proposed Floorplan 26P6/FP002C and Proposed Elevation 26P6/EL001.
3. The C4 HMO use hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplan reference 26P6/FP002C and shall be retained as such thereafter. The kitchen/living/dining room shall be retained as communal space at all times and shall not be used as a bedroom(s).
4. Prior to first occupation of the development hereby permitted, 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.
5. The development hereby permitted shall not be occupied until details of the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in full prior to occupation and retained thereafter.