



Appeal Decision

Site visit made on 2 December 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 08 December 2025

Appeal Ref: APP/Q1445/W/25/3372428

7 Mayo Road, Brighton BN2 3RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Messrs G & G Grimes against the decision of Brighton & Hove City Council.
 - The application Ref is BH2025/00195.
 - The development proposed is extensions and alterations to the existing building to create 1 no. self-contained flat at lower ground level and alter the layout of the existing HMO.
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Decision

1. The appeal is allowed and planning permission is granted for extensions and alterations to the existing building to create 1 no. self-contained flat at lower ground level and alter the layout of the existing HMO at 7 Mayo Road, Brighton BN2 3RJ in accordance with the terms of the application, Ref BH2025/00195 subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue in this appeal is whether the proposed development and particularly the house in multiple occupation (HMO) would provide satisfactory accommodation for future residents.

Preliminary Matters

3. Amended plans were received during the application process to remove the proposed rear dormer and replace with rooflights.

Reasons

4. The appeal property is an end of terrace house over three floors, on the north-east side of Mayo Road. It is currently vacant and undergoing works but has been in use as a 6 room HMO over the three floors, with a certificate of lawfulness of existing use confirming this use under the Council's Ref: BH2023/03331.
5. The proposal would introduce a one bedroom self-contained flat on the lower ground floor with access to the garden. There would be a 6 room HMO on the floors above including a room in the roof space. The 6 rooms would all be for single occupancy.
6. The Brighton & Hove City Plan Part 2 (City Plan Part 2) under Policy DM1 has adopted the nationally described space standards in respect of all residential units, including HMOs.

7. The proposed self-contained flat would be of an appropriate size in terms of the individual rooms and overall size, with windows to the habitable spaces and access to the rear garden. There would be no objection to this part of the proposal taken on its own and the Council has also raised no concerns in respect of the proposed self-contained unit.
8. The proposed communal living space for the HMO would include a living room, dining area and kitchen which would all be on the ground floor. The communal area would be slightly smaller than the same facilities offered in the previous layout. However, I consider that the reduction in floorspace would be very minimal and would not represent a material loss in floorspace. Moreover, the proposed layout would be functional with windows and ventilation both to the living room and to the kitchen area and would accord with the guidance set out in the supporting text to Policy DM7 of the City Plan Part 2.
9. The proposed five rooms across the ground and first floor would meet the minimum sizes for bedrooms as set out under Policy DM1 of the City Plan Part 2. They would also be of functional shape to allow for a bed, storage area and desk space, each with a window to allow outlook and ventilation. Although they might be smaller than some of the rooms provided in the previous layout, they would be acceptable in terms of size and functionality.
10. The proposed room in the loft space would have restricted head height but the submitted plans set out that the unrestricted area would still be slightly above the minimum floor area for the room as set out under Policy DM1 of the City Plan Part 2. The room would also rely on two roof lights for light, ventilation and outlook, but on balance I consider that the siting of these would provide adequate outlook together with appropriate natural light and ventilation.
11. There would be one bathroom on the ground floor and one on the first floor, each comprising a shower, basin and toilet. There would be a slight reduction over the facilities previously provided but I am not persuaded that the provision would be unacceptable. The bathroom facilities would all be internal but they would not be habitable rooms and internal bathroom facilities are not unusual, particularly in residential conversions.
12. The existing external amenity space would serve the lower ground floor self-contained unit and it would not appear practical or feasible to access the space from the proposed HMO. However, I do not consider that the absence of the external space on its own, given the acceptability of the rest of the proposed HMO accommodation, would by itself justify withholding planning permission.
13. I conclude that the proposal would provide a satisfactory standard of accommodation for future residents. It would comply with Policies DM1 and DM7 of the City Plan Part 2 as well as the National Planning Policy Framework and in particular Section 12, all of which amongst other matters, seek to provide for and protect the amenities of existing and future occupiers.
14. I do not agree with the Appellant's contention that the proposals would be acceptable because of the transient nature of the likely residents of the HMO. All residents should be provided with appropriate and a good standard of living conditions, but in so far as I have concluded that the accommodation would accord with the requirements of the development plan and the Framework, I consider that planning permission should be granted.

Other Considerations

15. The appeal property lies within the Round Hill Conservation Area, which is a relatively small Conservation Area and predominantly in residential use, with its terraces primarily dating from the mid to late Victorian period and with a tight urban form. The proposal would not materially alter the existing character and appearance of the property except for the addition of one roof light to the front roof slope and two to the rear. I am satisfied that the proposal would respect and therefore preserve the character and appearance of the Round Hill Conservation Area. The Council raised no concerns in this regard.
16. I have had regard to concerns raised by local residents in respect of the number of HMOs in the local area, but the property is already in HMO use.

Conditions

17. The Council has proposed a number of conditions in the event of planning permission being granted. I shall list the approved plans for the avoidance of doubt and in the interests of good planning and also impose a condition to require the internal layouts to be retained to ensure satisfactory living conditions are maintained for future residents.
18. The details for the roof lights are required to protect the character and appearance of the property as well as of the Round Hill Conservation Area. The plans are not entirely clear in respect of refuse and recycling facilities to serve both the lower ground self-contained unit and the proposed HMO and further details are therefore required to be submitted and approved to ensure satisfactory provision in this regard.

Conclusion

19. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be allowed.

L J Evans

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: 3021 01; 3021 02 A.
- 3) Notwithstanding the approved plans, prior to the first occupation of the development hereby permitted, details of appropriate refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to the first occupation of the development hereby permitted and thereafter be retained for their intended use at all times.
- 4) The scheme hereby approved shall be implemented in accordance with the internal layouts detailed on the proposed floorplans 3021 02 A. The internal layouts shall be retained as first implemented thereafter.
- 5) The rooflights hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

End of Schedule