



Appeal Decision

Site visit made on 14 January 2026

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th January 2026

Appeal Ref: APP/Q1445/W/25/3375470

Fairhaven, 17 Park Road, Brighton and Hove, BN1 9AA

- 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 Rivers Birtwell against the decision of Brighton & Hove City Council.
 - The application Ref is BH2025/01236.
 - The development proposed is described as 'erection of a single-storey rear extension and increase from seven to eight bedrooms at a large HMO (sui generis)'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey rear extension and increase from seven to eight bedrooms at a large HMO (sui generis) at Fairhaven, 17 Park Road, Brighton and Hove BN1 9AA, in accordance with the terms of the application, Ref BH2025/01236, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Preliminary Matters

2. Accompanying the appeal is a revised drawing, no. 02A, forming Appendix A of the appellant's statement. This differs from the earlier version only insofar as it includes a specification for internal partition soundproofing and shows rooms with indicative furniture placement. These are not substantive changes. The Council and other interested parties have had the opportunity of making representations. As such, no party is prejudiced by my acceptance of it. For the avoidance of doubt, it is this version of the drawing that is hereafter referenced within this decision.
3. Although mention is made within the evidence that the site would be occupied by students, this is not within the description of development, nor would it be secured. I have therefore assessed the scheme on the basis that its occupation could be for permanent residences.

Main Issues

4. The main issues are:
 - whether the proposed development would provide acceptable living conditions for future occupiers, with regard to internal living space; and
 - the effect of the development on the living conditions of the occupants of neighbouring properties, with particular regard to noise and general disturbance.

Reasons

Living conditions – future occupiers

5. To respond to the city's identified housing needs, a wide choice of high-quality homes that contribute to the creation of mixed, balanced, inclusive and sustainable communities are expected. Policy DM1 of the City Plan Part 2 (CPP2) is clear that residential accommodation, including residential extensions, falling outside of Use Class C3 will be expected to comply with a number of requirements, including meeting the nationally described space standards (NDSS).
6. CPP2 Policy DM7 is supportive of Houses in Multiple Occupation (HMO) subject to its criteria being met, including that internal space standards comply with Policy DM1, and that communal living space, cooking and bathroom facilities are provided appropriate in size to the expected number of occupants. Likewise, CPP2 Policy DM20 is permissive of development where it would not cause an unacceptable loss of amenity for proposed occupiers.

Layout

7. The appeal site comprises a semi-detached property located within a predominantly residential area, currently in use as an HMO with 7 bedrooms. Part of the proposed rear extension would form an eighth bedroom, which the plans show would have a gross internal floor area (GIA) of 8.4 square metres (sqm). This exceeds the technical requirement of at least 7.5 sqm for a single bedroom, as set out in the NDSS which are embedded within CPP2 Policy DM1. The room would be elongated and retain the corner of the original outside wall. However, the plans demonstrate that despite this, the room is still capable of accommodating a single bed and furniture commensurate with its size. Although reference is made to custom furniture, I find that the space available would be suitable for a range of standard furniture options to suit a variety of occupiers needs.
8. As the proposals involve reconfiguring internal spaces, it is appropriate to consider their effects. All revised bedrooms would exceed the NDSS requirements. The majority of rooms would benefit from alterations including the removal of redundant chimney breasts and the realignment of irregular internal walls, resulting in more usable and efficient layouts. I am satisfied that these changes are well conceived, providing improved room configurations that enhance usability and allow for more logical furniture placement.
9. At present, the separate dining kitchen and living room are sited at the rear of the property, each served by windows and glazed doors overlooking the garden. In particular, the living room with its narrow proportions and modest size of just 8.5sqm means that it is unlikely that all 7 existing residents could be readily accommodated within this space, a matter I observed on site. The Council's position is that having two distinct spaces may lend itself to different activities.
10. The proposal would create one larger combined open plan living space, but one that could readily be divided into different user zones. It would increase the communal space by 4.5sqm, broadly in line with the expectations of CPP2 Policy DM7 and its supporting text. Whilst the revised kitchen layout would be more reliant on artificial light, it would borrow light during the daytime from the large, glazed openings and roof lantern serving the living space adjacent. Nevertheless,

this would be a more compromised layout in respect of access to daylight and natural ventilation within the kitchen area.

Noise

11. Bedrooms are noise sensitive and being located immediately adjacent to a habitable room, it is reasonable to suppose that noise disturbance could unduly impact the occupier of the new ground floor bedroom through sleep disturbance. The appellant points to guidance contained in both BS 8233:2014 (Guidance on sound insulation and noise reduction for buildings) and the World Health Organisation (Guidelines for Community Noise) that recommend indoor ambient noise levels for dwellings of 30dB for nighttime sleeping.
12. The appellant cites examples of typical residential noises including the use of a doorbell, audio from a television, human conversation and use of kitchen appliances, all of which are under 86dB, which is not disputed by the Council. No noise report accompanied the application. However, the appellant proposes internal sound proofing to mitigate potential harm. Its specification would provide a 56dB reduction in noise levels, meaning that even with noise levels at 86dB in the adjacent communal space, the ambient noise levels within the new bedroom would still be optimum for sleep. In the absence of substantial evidence to show otherwise, I am satisfied that typical noises emanating from the communal area are unlikely to adversely affect the occupier of the new bedroom.

Conclusions on living conditions - future occupiers

13. I have found the quality of the layout of the new ground floor bedroom to be fit for purpose and the reconfiguration of the existing bedrooms to offer some improvements over the existing situation. Whilst there would be a compromise in respect of direct access to daylight and ventilation to the kitchen area, I find that having a larger, open plan communal space would create a more inclusive environment, allowing residents to mingle and socialise together. In my judgement this would constitute a significant improvement that would counterbalance the aforementioned compromise.
14. Furthermore, from the evidence before me, I am not satisfied that noise transfer from the communal area to the new bedroom would be demonstrably harmful. Consequently, I find that overall, the proposal would provide acceptable living conditions for future occupiers, with regards to internal living space. It follows that I do not find conflict with CPP2 Policies DM1, DM7 and DM20, the objectives of which I have set out above.

Living conditions – existing properties

15. The existing plans show the spaces within the appeal property that lie adjacent to the party wall of the attached neighbour comprise a living room, bedrooms, shower rooms, storage area and the staircase to the second floor. There is no evidence before me to suggest that the existing situation causes any unacceptable noise transfer between properties.
16. The proposed layout would place all ground floor communal space adjacent to the party wall of the attached neighbour. As an open plan space that could accommodate all 8 residents at once, it is reasonable to assume there could be some noise transfer between dwellings.

17. However, the appellant is proposing sound insulation improvements to the party wall at ground floor level which would reduce sound levels by 56 decibels (dB) emanating from the communal areas. As I have already set out above, typical residential noise levels are likely to be less than 86Db, and therefore with mitigation, noise levels would be low. In the absence of substantial evidence to show otherwise, I am satisfied that typical noises emanating from the communal area are unlikely to adversely affect the occupiers of the attached dwelling.
18. The proposal also seeks to re-site the uppermost staircase to the other side of the property, away from the neighbour. Structure borne noise is proposed to be minimised through sound deadening underlay to the staircases and through soft closers on all internal and external doors. These measures would represent an improvement over the existing situation. However, they are not directly related to the addition of one resident whose bedroom would not share the party wall and the occupier of which would have no reason to utilise the staircases regularly in any case. Consequently, I do not find it necessary to secure these elements by condition.
19. It has not been clearly articulated how the addition of just one resident would give rise to such significant disturbance from comings and goings and from the external usage of the site that it would adversely affect the living conditions of the surrounding neighbours. On the evidence before me, I find it more likely that the increased use would be imperceptible to existing residents.
20. For these reasons I find that the effect of the development on the living conditions of the occupants of neighbouring properties, with particular regard to noise and general disturbance, to be acceptable. Accordingly, I find no conflict with CPP2 Policy DM20 which is permissive of development where it would not cause unacceptable loss of amenity to adjacent or nearby residents.

Other Matters

21. In addition to the main issues, neighbours have raised concerns regarding a number of other matters. These include the effects of the proposal upon traffic and parking. However, these matters are not raised by the Council, and I have seen little substantive evidence to show that there would be unacceptable harm in these respects arising from the proposed use. Based on the available evidence, these matters attract a minor degree of weight and so, would not lead me to find differently overall. It is a basic tenet that the planning system operates in the public interest, and therefore, the potential impact of the development on private property values is not a matter to which I have afforded weight.
22. The Council have been silent on their housing need position. Irrespective, it is not necessary for me to consider the proposal against paragraph 11(d)(ii) of the National Planning Policy Framework (the Framework) as I have been invited to do by the appellant, as the appeal is acceptable anyway.

Conditions

23. The Council have suggested conditions. I have considered these in relation to the necessary tests, made some minor revisions in the interests of precision and added an additional condition, for the reasons set out below.

24. In addition to the standard time condition (No.1), I have imposed a condition requiring that the development is carried out in accordance with the approved plans (No. 2) for the avoidance of doubt and in the interests of certainty.
25. In the interests of the character and appearance of the area, a condition is necessary (No. 3) to ensure that the external facing materials respect the existing property.
26. To ensure that the accommodation is of a suitable standard for occupiers, a condition (No. 4) to restrict the number of residents is reasonable and I have imposed it. Likewise, to ensure that residents have access to an appropriate standard and quantum of communal space, its provision and retention is necessary, secured by condition No. 5.
27. Condition No. 6 is imposed to ensure that noise levels are acceptable for both existing neighbours and future occupiers.

Conclusion

28. For the reasons given above, the scheme would accord with the development plan as a whole and the Framework. Thus, having regard to all other matters raised, I conclude that the appeal should be allowed.

C Walker

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved drawing number 02A.
3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
4. The development hereby permitted shall be occupied by a maximum of eight occupants.
5. Prior to first occupation of the extension hereby approved, the rooms labelled "Living", "Dining" and "Kitchen" on the approved drawing number 02A shall be provided and retained as communal space at all times, and shall not be used as bedrooms.
6. Prior to first occupation of the extension hereby approved, the soundproofing specification details, annotated as V1 and V2 on drawing number 02A, shall be implemented and shall be retained for the lifetime of the development.

End of condition schedule