

<b>REFERENCE NO -</b> 20/503193/FULL		
<b>APPLICATION PROPOSAL</b> Change of use of 6 bedroom HMO (Class C4) to an 8 bedroom HMO (Sui Generis), including alterations to fenestration, internal layout and insertion of a dormer window within the front roof slope.		
<b>ADDRESS</b> 69 Tonbridge Road, Maidstone ME16 8SA		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION subject to planning conditions set out in Section 8.0		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  The proposed is not considered to have a detrimental impact upon the character and appearance of the wider area and the intensification of the existing use as a HMO would not be significant. The development would not impact upon the amenity of neighbouring properties or occupying residents, nor would it impact upon parking in the area or the wider highway network. As such the development is considered to be in keeping with local and national planning policies and is recommended for approval.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>  Ward Councillor has requested that the application be considered by the Planning Committee due to local community concern over the enlargement of HMO's.		
<b>WARD</b> Fant	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Mr T Edgar <b>AGENT</b> Mr Jonathan Bolton
<b>TARGET DECISION DATE</b> 29.09.2020		<b>PUBLICITY EXPIRY DATE</b> 11.09.2020

**Relevant Planning History** : None relevant

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 The application site comprises a fairly large three storey end of terrace property located to the south west of Maidstone town centre. Situated on Tonbridge Road, the property is set back from the road with a small enclosed front garden area.
- 1.02 A licence was obtained for the use of the property as a 6 bedroomed House of Multiple Occupation (HMO) in 2019, and the property has been used as such under the provisions contained within the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

### **2. PROPOSAL**

- 2.01 The application seeks to change of use of a 6 person HMO (Class C4) to an 8 person HMO (Sui Generis), including alterations to fenestration and internal layout. This proposal also includes a front dormer extension to mirror the existing adjacent dormer in the front roof slope to accommodate an additional bedroom.
- 2.02 The external finishes of the proposal will match the materials used in the existing building.

### **3. POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017:

SP1 – Maidstone urban area

SP19 – Housing mix

DM1 – Principles of good design

DM9 – Residential extensions, conversions and redevelopment within the built up area

DM12 – Density of housing development

SPG 4 - KCC Parking Standards (2006)

Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (2009)

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

- 4.01 No representations have been received from local residents as a result of the consultation process.

### **5. CONSULTATIONS**

- 5.01 **Environmental Health** - There will be the potential for noise nuisance within the house, particularly with the nature of the development. Ensuring that future occupants do not disturb neighbours can partly be dealt with through effective use of a tenancy agreement. Any complaints would be investigated as appropriate by the Local Council. Due to the potentially large number of residents extra provision for the storage of waste may be necessary and recycling facilities should be provided.

There is no indication of contamination in the area and no indication of potential high radon levels. Prior to any alterations the property should be inspected carefully for asbestos and any found must only be removed by a licensed contractor. The property must fully comply with all the relevant housing legislation. The applicants should contact the Fire Safety Officer with regards to the requirements.

- 5.02 **Senior Housing & Health Officer** - The property was licensed as a House in Multiple Occupation for 6 people in 6 bedrooms. The existing licence will lapse as there will be a new licence holder. There is provision for 1 set of kitchen facilities and three shared showers with 2 en-suites.

The proposed room sizes meet the Council's minimum room sizes for HMOs and would give a maximum number of occupants of 12 people in 8 rooms if licenced.

Ground floor front room – 2 people

Ground floor rear room – 2 people

First floor front right room – 1 person

First floor front left room – 1 person

First floor rear left room – 2 people

Second floor front right room – 1 person

Second floor front left room – 1 person

Second floor rear left room – 2 people

In order to accommodate 12 people the kitchen (and utility room) would need to contain 3 sets of kitchen facilities. This would be a requirement during the licensing process.

Building control approval will be needed for conversion and for new ensuite.

## **6. APPRAISAL**

### **Main Issues**

6.01 The key issues for consideration relate to:

- The principle of establishing additional space within the HMO in this location
- The design of the development and its impact on the character of the area
- The developments impact on neighbouring properties
- The developments impact on parking in the area and the wider highway network

### **Principle of Development**

6.02 The application site lies within the urban area of Maidstone where the principle of conversion or subdivision of existing residential dwellings into flats is accepted. Paragraph 6.54 of the Maidstone Local Plan states that 'the conversion of larger residential properties to houses in... multiple occupation HMOs aids the provision of accommodation for smaller households and contributes towards a mix and choice of homes, advocated by the NPPF'.

6.03 Policy DM9 of the Local Plan sets out the criteria for determining this type of application. It requires proposals that involve intensification of a building and curtilage use to show that they do not significantly harm the appearance and character or the amenity of the surrounding area.

6.04 There are no specific standards within the development plan relating to HMOs. However when taking into account the above policy considerations it is unlikely there would be any issues in principle with the proposed development.

6.05 It is also important to note that owners or managers of properties that are licensable must inform the local authority of their premises and obtain a license. This is obtained under separate housing legislation. HMOs are regulated under the Housing Act 2004. This makes sure that landlords and managing agents ensure the HMOs are safe and well managed. Maidstone has produced a standards booklet which sets out matters for consideration. The comments received from the Senior Housing & Health Officer who would grant such a licence has confirmed that due to the size of the rooms proposed that it would be possible to house 12 occupants. The proposal does not seek to maximise this number but provide accommodation for 8 occupiers, an increase of two compared to the existing permitted situation. A condition could be attached to the decision to ensure only 8 occupants can occupy the property at one time.

### **Design and visual impact**

- 6.06 The application seeks to change the use of the structure from a 6 bed C4 (HMO) to an 8 bed Sui-Generis HMO, which would include carrying out internal and minor external alterations including the enlargement of the existing dormer in the front roof slope. It is considered that the proposed internal alterations would not impact the external appearance of the building. The proposed alterations to the existing dormer would represent a minor increase in scale and would mirror the existing pitched dormer. As such it is not considered that the development would have a detrimental impact upon character and appearance of the host building or the character and appearance of the wider area.
- 6.07 Policy DM9 of the Maidstone Borough Local Plan (2017) is supportive of extensions to dwellings within urban areas provided that the scale, height, form and appearance and siting of the proposal would fit unobtrusively within the existing building and the character of the street scene/or its context.
- 6.08 The exterior surfaces will be finished in materials matching the existing house and the proposal will appear appropriate in its setting and will not detract from the visual qualities or general character of the street scene or the dwelling itself.
- 6.09 The change of use itself would initiate a very limited impact on the visual impact of the street scene.

### **Impact on neighbouring amenities**

- 6.10 Policy DM9 specifically states that domestic extensions will be supported provided that the privacy, daylight, sunlight and maintenance of a pleasant outlook of the adjoining residents would be safeguarded. This requirement is also observed in the Residential Extensions SPD (2009) where it is noted that the design of domestic alterations should not result in windows that directly overlook the windows or private amenity spaces of any adjoining properties and should also respect daylight, sunlight and outlook.

#### *Enlarged front dormer*

- 6.11 In terms of the alterations to the existing dormer window, due to the siting and orientation of the application site and the nature of the proposal it would not result in any adverse impacts in terms of loss of daylight or outlook in relation to the neighbouring property to the north. Nor would any significant increase in overlooking or loss of privacy result.

#### *Change of use (including amenity for future occupiers)*

- 6.12 Paragraph 6.55 of the Local Plan states 'the intensified use of dwellings to create smaller households can cause problems for nearby residents, for example noise and disturbance from increased traffic movements...'.
- 6.13 The building is already within use as a HMO and in this case it is not considered that the intensified use providing accommodation for two additional occupiers within a significantly sized building would result in significant harm to the amenities of the occupants of the building or the occupiers of neighbouring residential properties in terms of noise and disturbance. The property is well located within an urban area, close to the town centre.
- 6.14 The proposed bedrooms would have access to a shower room and is large enough to provide adequate space for the future occupant of the room. It is considered that the rear garden would still provide adequate outdoor amenity space for the occupiers of the building. Furthermore, a communal kitchen and living area is provided on the basement floor. Additionally when considering the dwellings

proximity to the town centre, occupants have access to amenity facilities as well as parks provided within Maidstone town centre.

### **Parking and Highways**

- 6.15 Paragraph 6.99 of the Maidstone Borough Local Plan (October 2017) states "The council adopts a flexible approach to minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car. It also seeks to encourage innovative designs that can sufficiently demonstrate that a provision lower than the minimum standard is feasible and would not have an unacceptable adverse impact on the surrounding locality."
- 6.16 The application site is located just outside the town centre boundary, as well as bus routes within the vicinity of the property, a train station is also within 500 metres of the application site. With these factors in mind it is not considered that it is necessary to provide parking provision at the application site. As such the development will not have any detrimental impact upon parking in the area or the wider highway network.

### **Other matters**

- 6.17 There are no trees with a high amenity value that would be directly affected by this proposal, and given the nature of the site and proposed use it is not considered reasonable to request further information in respect of ecology.

## **7. CONCLUSION**

- 7.01 The development is not considered to have a detrimental impact upon the character and appearance of the wider area and the intensification of the existing use as a HMO would not be significant. The development would not impact upon the amenity of neighbouring properties or occupying residents, nor would it impact upon parking in the area or the wider highway network. As such the development is considered to be in keeping with local and national planning policies and is recommended for approval.

## **8. RECOMMENDATION**

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/drawings:

Covering letter

20/288/01 Existing front elevation, site and floor plans

20/288/01 Proposed elevation, floor plans and section

Reason: To clarify which plans have been approved.

- 3) The external facing materials to be used in the construction of the extension hereby permitted shall match those used on the existing building;

Reason: To ensure a satisfactory appearance to the development.

- 4) The house of multiple occupation shall be occupied by no more than eight people.

Reason: In the interests of neighbouring residential amenity.

### **INFORMATIVES**

- i) Noise and Vibration transmission between properties

Attention is drawn to Approved Document E Building Regulations 2010 Resistance to the Passage of Sound Attention should be drawn to Approved Document E Building Regulations 2010 Resistance to the Passage of Sound as amended in 2004, 2010 & 2016. . It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

- ii) Storage of waste and recyclable materials

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

Case Officer: Sophie Bowden