

**REPORT SUMMARY**

<b>REFERENCE NO:</b> - 22/505206/FULL		
<b>APPLICATION PROPOSAL:</b> Change of use from Class C4 6-bedroom HMO to Sui-Generis 8-bedroom HMO to include erection of a single storey rear extension and loft conversion with a rear dormer and 1no. front rooflight (Resubmission of 22/503713/FULL).		
<b>ADDRESS:</b> 14 Charles Street Maidstone Kent ME16 8ET		
<b>RECOMMENDATION:</b> GRANT PERMISSION Subject to planning conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b>  The proposal is acceptable in relation to design, appearance, residential amenity, neighbour impact and impact on parking and would accord with Policies DM1 and DM9 of the Local Plan (2017), the guidance contained within the Residential Extensions SPD (2009) and the NPPF  The application is a re-submission of a previous scheme which comprised a front roof extension, a rear roof extension and a single storey rear extension as part of a larger HMO property. The previous application was refused solely on the visual impact of the front roof extension. The front extension has been removed from this resubmitted proposal.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b>  Call in from Cllr Harper for the following reasons:  <ul style="list-style-type: none"> <li>• Existing HMO is out of character with this residential street</li> <li>• Enlargement to an 8 bed HMO is unsustainable.</li> <li>• No provision for existing or the proposed increased on street parking demand</li> <li>• no cycle parking facilities</li> <li>• no proposals for waste collection or disposal areas,</li> <li>• no increase in amenity areas for additional occupants</li> <li>• gross over development in an already high density neighbourhood suffering due to over development.</li> </ul>		
<b>WARD:</b> Fant	<b>PARISH/TOWN COUNCIL:</b> N/A	<b>APPLICANT:</b> Mr Kemsley <b>AGENT:</b> Kent Design Studio Ltd
<b>CASE OFFICER:</b> Jake Farmer	<b>VALIDATION DATE:</b> 31/10/22	<b>DECISION DUE DATE:</b> 27/01/23
<b>ADVERTISED AS A DEPARTURE:</b> No		

**Relevant Planning History**

- 19/506230/PNEXT Prior notification for proposed single storey rear extension which:  
A) Extends by 4 metres beyond the rear wall of the original dwelling. B) Has a maximum height of 2.85 metres from the natural ground level. C) Has a height of 2.85 metres at the eaves from the natural ground level. Prior Approval Not Required 17.01.2020.
- 22/503713/FULL Change of use from Class C4 6 Bedroom HMO to Sui-Generis 9 bedroom HMO to include erection of a single storey rear extension and loft conversion with a rear and front dormer. Refused 03.10.2022 for the following reason:

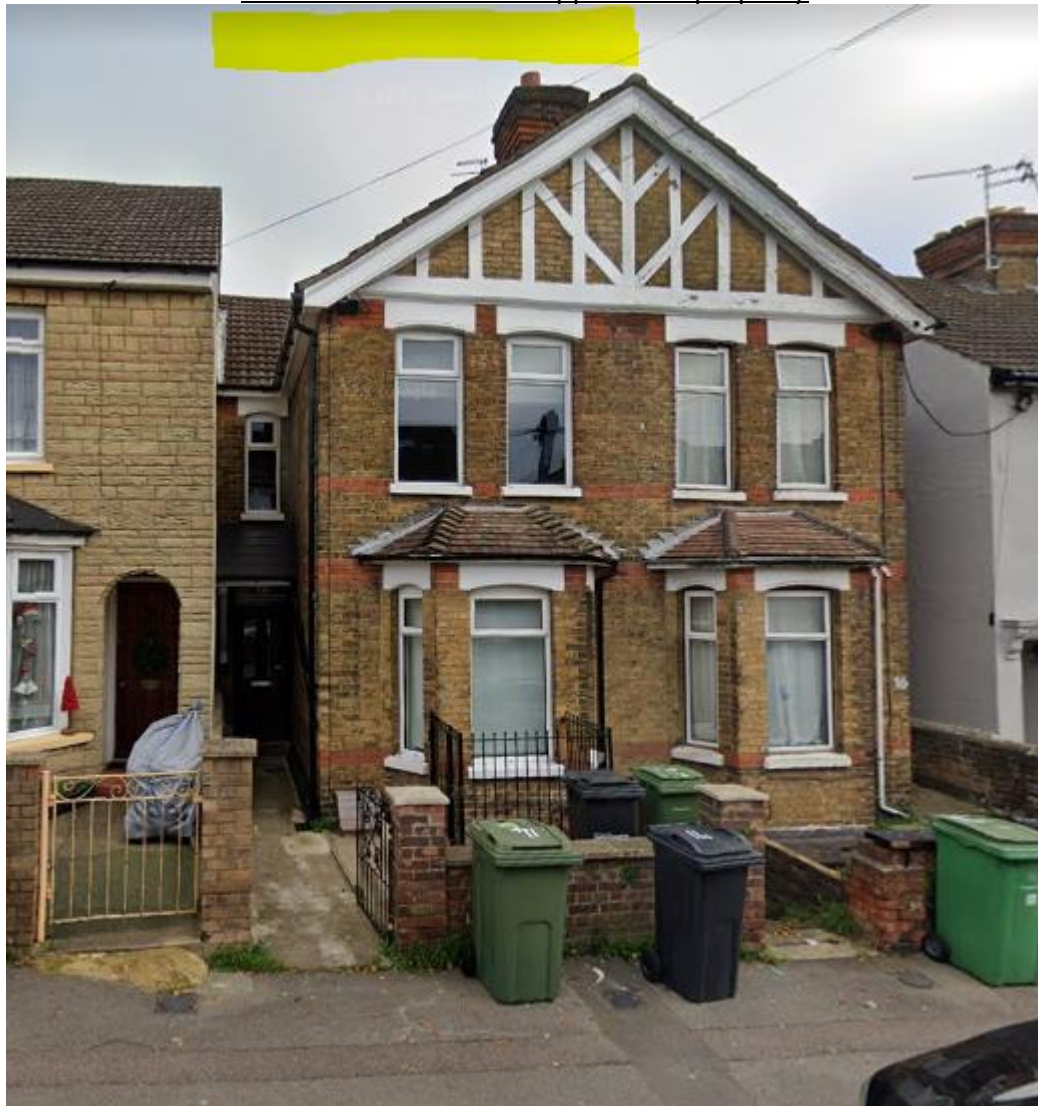
*"The proposed front roof extensions by reason of their bulk, massing and location on the front elevation would appear as prominent and visually awkward features at roof level resulting in a detrimental impact on the symmetry of the pair of properties at No 14 and 16 Charles Street. The front roof extensions visible in short and medium distance views would appear alien and out of character in the street scene along Charles Street where front roof extensions are not a feature. The proposals thus fail to accord with Policies DM1 and DM9 of the Maidstone Local Plan (2017) and Chapter 12 of the NPPF" (Officer comment: The earlier decision to refuse planning permission is material to a decision on the current application and this earlier decision did not raise any issue in relation to the additional HMO accommodation).*

## **MAIN REPORT**

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

- 1.01 The application site is located in Charles Street that is situated centrally within Maidstone in close proximity to the town centre. The site is in residential area comprising terraced dwellings with some properties converted into HMOs.

Front elevation of the application property



- 1.02 The character and appearance of Charles Street is Edwardian terraced properties that commonly feature front bay windows on the ground floor with sash windows at first floor. The majority of properties along Charles Street are brickwork, with

some being finished with render. Some properties also feature brick soldier courses as well as sailor courses.

- 1.03 The Edwardian application property is has a front bay windows at ground floor level and sash windows at first floor level. The existing property is brickwork with soldier courses and mock Tudor detailing in the front facing gable under a concrete tiled roof.
- 1.04 The application property is currently in use as a House in Multiple Occupation (HMO). The current use is within Planning Use Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.05 Class C4 uses are small houses which are used by between 3 and 6 unrelated residents as an HMO where residents share basic amenities such as kitchen or bathroom and use the property as their only (or main) residence. There is no requirement for planning permission to change a family dwelling into an HMO in Planning Use Class C4

## **2. PROPOSAL**

- 2.01 Change of use from a 6 bedroom HMO (Use Class C4) to a Sui-Generis (Class of its own) 8 bedroom HMO. The proposal includes a single storey rear extension and loft conversion and extensions to the rear and side roof slopes and a front rooflight.

The previously submitted application (22/503713/FULL) was refused on the grounds that the front dormer would adversely impact the character and appearance of the street scene. m. The changes from the previously refused scheme include a reduction from three extra rooms to two extra rooms and the removal of the front roof extension.

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

Maidstone Borough Local Plan (2017): Policies SS1, SP1, SP19, DM1, DM9, DM23  
Emerging Policies: LPRSP2, LPRSP10, LPRSP10 (A), LPRSP15  
The National Planning Policy Framework (NPPF):  
National Planning Practice Guidance (NPPG):  
Residential Extensions SPD (2009)

## **4. LOCAL REPRESENTATIONS**

### **Local Residents:**

10 representations were received from local residents objecting to the application for the following reasons (summarised)

- Parking
- Waste and refuse storage
- Privacy
- HMO density
- Resident health
- Safety and wellbeing

### **Cllr Harper**

- Existing HMO is out of character with this residential street
- Enlargement to an 8 bed HMO is unsustainable.
- No provision for existing or the proposed increased on street parking demand
- no cycle parking facilities
- no proposals for waste collection or disposal areas,
- no increase in amenity areas for additional occupants
- gross over development in an already high density neighbourhood suffering as a result of over development.

## 5. CONSULTATIONS

### **MBC Housing and Health**

No objection. The change in the number of units will require a new licence, and a new fire risk assessment .

## 6. APPRAISAL

6.01 The key issues are:

- Principle of development
- Design and appearance
- Residential amenity
- Parking and servicing

### **Principle of Development**

6.02 The supporting text to policy DM9 of the Maidstone Local Plan (2017) states "*houses in multiple occupation (HMOs) aid the provision of accommodation for smaller households and contribute towards a mix and choice of homes, (this is advocated by the NPPF*".

6.03 Further, policy DM9 states that residential extensions should have a suitable scale, height, form and appearance as well as suitable relationship to the street scene. Policy DM9 is supported by the Residential Extensions SPD (2009) which reinforces the principles of good design when it comes to residential extensions and conversions.

6.04 There is general policy support for the provision of a range of different types of accommodation in the borough to provide for different sections of the community and no policy that restricts the concentration of housing types in any one area. In policy terms, the principle of the proposed change of use from 6- bedroom HMO (Class C4) to 8-bedroom HMO (Sui Generis) is acceptable and in accordance with the development plan and NPPF.

6.05 Notwithstanding the policy background, concerns have been expressed about the concentration of HMOs in the area surrounding the application site. In addition to the application property, the Maidstone Public Register of Licensed Houses in Multiple Occupation, shows the following HMO's in Charles Street

- a 6-bedroom HMO at No. 1 Charles Street
- a 5-bedroom HMO at No. 7 Charles Street
- a 6-bedroom HMO at No. 15 Charles Street
- a 5-bedroom HMO at No. 16 Charles Street.

6.06 In terms of the Charles Street, 4 of the 40 properties along Charles Street are in lawful use as HMOs representing 10% In addition to the HMOs along Charles Street there are three further properties in lawful use as HMOs along the adjacent Douglas Road, 3 in Florence Road and 2 in Reginald Road. This number of HMO's is not considered to represent an over concentration in this area. (The impact of HMOs with up to 6 residents is not deemed great enough by national legislation to require the benefit of planning permission).

### **Design and Appearance**

6.07 Policy DM9 of the Maidstone Local Plan (2017) states that "*...the scale, height, form, appearance would fit unobtrusively with the existing building and the character of the street scene*".

- 6.08 In order to facilitate the two extra HMO bedrooms, the current proposal includes a single storey rear extension, loft conversion with rear roof extensions (front extension removed following earlier refusal on the grounds of visual impact).
- 6.09 After removal of the existing 'lean to' extension (1 metre deep, eaves circa 2.3 metres high rising to circa 3 metres high), the ground floor level rear flat roof extension would extend 4 metres from the main rear elevation and would be 3.1 metres high. The proposed rear extension was found to acceptable in terms of its design, appearance and scale.

Rear elevation of the application property



- 6.10 The proposed design of the rear roof extension would not extend above the roof ridge height of the property ensuring that it would be a subordinate addition to the main building. The proposed rear roof extension was found to acceptable in terms of its design, appearance and scale.
- 6.11 The proposed rooflight to the front roof slope serving the proposed bedroom 7 will have a negligible impact on the character and appearance of Charles Street and the existing building itself.
- 6.12 The roof and ground floor extensions are identical to those submitted and considered acceptable under application 22/503713/FULL. The ground floor extension was in addition, also considered under application 19/506230/PNEXT and found to be acceptable.
- 6.13 Overall, the extensions are of an acceptable scale, form and design that ensure they do not appear out of character with the application property or the vicinity of the property. The location of the extensions at the rear will restrict public views from the street.
- 6.14 As such, the proposals are visually acceptable and in accordance with Policies DM1 and DM9 of the Maidstone Local Plan (2017).

**Residential Amenity**

- 6.15 Policy DM1 of the Local Plan (2017) states that developments should "Respect the amenities of occupiers of neighbouring properties...and provide adequate

residential amenities for future occupiers ... by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties”.

- 6.16 Similarly, policy DM9 of the development plan states that extensions and conversions should consider “...privacy, daylight, sunlight and maintenance of a pleasant outlook...”.
- 6.17 After removal of the existing ‘lean to’ extension (a metre deep, eaves circa 2.3 metres high rising to circa 3 metres high), the ground floor level rear flat roof extension would extend 4 metres from the main rear elevation and would be 3.1 metres high.
- 6.18 Whilst the ground floor rear extension would be constructed up against the boundary shared with No. 12 Charles Street, this is a common arrangement in the terrace. With the proposed extension being single storey, there will be minimal impact upon the adjoining neighbours in terms of their outlook, daylight and sunlight and amenity.
- 6.19 The proposed ground floor rear extension is of a height that would not restrict the daylight/sunlight enjoyed by the windows serving habitable rooms of the properties on either side of the application site. The proposed roof extension is found to be acceptable in relation to the impact on daylight and sunlight enjoyed by the adjacent neighbours. As highlighted earlier in this report the ground floor and roof extensions were also found to be acceptable as part of earlier planning applications.
- 6.20 The proposed ground floor extension will provide an additional communal dining room area for residents. Other than the new loft access stair there is no change to the first floor layout of the building. The new accommodation at loft level provides two new ensuite bedrooms, a landing and a storage area.
- 6.21 The internal standard of the accommodation in terms of natural light, privacy and floorspace has been found to be acceptable. The internal layout has also been assessed by the Council’s Housing Team who have found the proposal acceptable. The accommodation will require a HMO licence.
- 6.22 As such, with regards to the impact upon residential amenity, the application is acceptable and accords with policies DM1 and DM9 in this respect.

### **Parking and servicing**

- 6.23 Policy SP1 of the Local Plan (2017) sets out “As the largest and most sustainable location, Maidstone urban area... will be the focus for new development”. Policy DM23 states that car parking standards for residential development will take into account “the type, size and mix of dwellings ...; and secure an efficient and attractive layout of development ...”.
- 6.24 The application site is located approximately 15 minute walk from Maidstone High Street which provides a large number of services, facilities and retail. The site is also located within proximity to other local services such as a convenience store located approximately 5 minutes’ walk away. The application site is within a controlled parking zone which allows for permit holders and a maximum stay of 2 hours for non-permit holders
- 6.25 Further, the site is well-served by local public transport networks with bus stops located within a short walk from the site, providing services into the town centre

and the surrounding areas. As such, the application site is in a sustainable location for new residential accommodation, where occupants do not require a private motor vehicle for their daily needs.

- 6.26 There is no direct access to the rear garden of the property from the street, and it does not appear feasible to provide cycle parking either in the front garden or that relies on access through the house. There does appear capacity to provide bin storage or screening in the front garden and a condition is recommended to seek details and to secure the approved details.
- 6.27 The current application is assessing the impact of two additional bedrooms, (currently 6 with 8 proposed) and it is highlighted that in general terms census data indicates that car ownership associated with HMOs is lower than family accommodation.
- 6.28 Whilst parking availability along Charles Street and the surrounding roads is limited, particularly at peak times, the proposed development would not result in a severe impact upon the local highways network such that it would be in conflict with the relevant test in the National Planning Policy Framework (2021)(paragraph 111).

### **Other Matters**

- 6.29 The proposal is found to be acceptable in relation to flood risk.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.30 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

## **7. CONCLUSION**

- 7.01 The proposal is acceptable in relation to design, appearance, residential amenity, neighbour impact and impact on parking and would accord with Policies DM1 and DM9 of the Local Plan (2017), the guidance contained within the Residential Extensions SPD (2009) and the NPPF.

## **8. RECOMMENDATION**

### **GRANT planning permission subject to the following conditions**

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

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

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Drawing No. 3839 – 001 (Site Location and Existing Block Plans)
- Drawing No. 3839 – 002 (Existing Floor and Roof Plans)
- Drawing No. 3839 – 003 (Existing Elevations)
- Drawing No. 3839 – 005 – A (Proposed Block Plan)
- Drawing No. 3839 – 006 – B (Proposed Floor Plans)
- Drawing No. 3839 – 007 – A (Proposed Elevations)

Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents

- 2) The external facing materials of the extensions hereby permitted shall match those used on the existing building.  
Reason: To ensure a satisfactory appearance to the development.
- 3) The development hereby approved shall have no more than 8 separate households occupying the building at any one time.  
Reason: To protect the amenity of future occupants.
- 4) Prior to the first occupation of the new accommodation hereby approved, facilities for the storage and screening of refuse bins, shall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter. Reason: In the interests of amenity.
- 5) The use of the extension shall be as set out in the application and no development or the formation of any door providing access to the roof of the extension shall be carried out, nor shall the roof area of the extension be used as a balcony, roof garden or similar amenity area.  
Reason: In the interests of amenity.

### **Informatives**

- 1) The applicant is advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus, any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website Community Infrastructure Levy - Maidstone Borough Council.
- 2) The applicant is advised that the accommodation will require an HMO licence from the Council's Housing and Health Team.