

REPORT SUMMARY

REFERENCE NUMBER: 24/502229/FULL		
APPLICATION PROPOSAL: Change of use of the property from a dwellinghouse to an 8-bedroom HMO (Sui Generis).		
ADDRESS: 27 Charles Street, Maidstone, ME16 8ET		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions in Section 8 below		
SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none"> • Located in a sustainable location the application is acceptable in terms of neighbour amenity, standard of accommodation, visual amenity, impact upon parking and the wider highway network. • Proposal accords with Policies LPRSP15, LPRHOU2 and LPRTRA4 of the Local Plan Review, and the provisions of the NPPF. 		
REASON FOR REFERRAL TO COMMITTEE: Call in from Cllr Milham- No reasons given.		
WARD: Fant And Oakwood	PARISH/TOWN COUNCIL: N/A	APPLICANT: Mr Scott Nickless AGENT: Town Planning Expert
CASE OFFICER: Sam Cowdry	VALIDATION DATE: 03/06/24	DECISION DUE DATE: 05/09/24
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

27 Charles Street (Current application site)

- 23/503153/LAWPRO Lawful Development Certificate for proposed installation of side/rear dormer. Approved 08.09.2023.
- 23/503241/PNEXT Prior notification for a proposed single storey rear extension Prior Approval Granted 01.09.2023.
- 24/500020/BOCACC Enforcement enquiry building is larger than what has been approved under 23/503153/LAWPRO investigation closed 19.01.2024.

14 Charles Street

- 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 reasons relating to the size, appearance and location of the proposed front dormer.
- 22/505206/FULL - 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 with removal of front dormer) Refused by committee 28.04.2023 (overturned officer recommendation) for the following reasons: *"The increase in bedrooms would result in a significant exacerbation of inadequate parking and environmental deterioration creating cumulative harm to neighbourhood amenity contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017_and the NPPF"*.

- Appeal against refusal of 22/505206/FULL allowed and costs award against the Council granted. The appeal Inspector made the following summarised points:
 - *Site in walking distance to Maidstone High Street as well as other local services and well served by public transport, unlikely that future occupiers would require a private car to carry out their daily needs.*
 - *If future occupiers were to park their cars on the road, the demand in parking spaces associated with the proposal would be limited, unlikely that the proposal would result in a significant parking pressure in the locality over and above the situation that already exists. As such, the proposal would not lead to a severe impact on the road network.*
 - *Conclude that the proposed development would not have a significant effect on on-street parking provision, with particular regard to highway safety and the character and appearance of the area.*
 - *The proposal would therefore accord with Policies DM1 and DM9 of the LP, where these policies support development that safely accommodates the vehicular movement generated by the proposal on the local highway network and would fit unobtrusively with the character of the area. The proposal would be in accordance with the Framework, where it seeks to promote sustainable transport and create places that will function well.*

The Inspector awarded costs in favour of the appellant. The sole reason for the refusal of an earlier planning application at the application property was due to the visual impact of a proposed front roof extension. The applicant removed the front roof extension and resubmitted the application. The Inspector found that the Council's refusal of this resubmitted application for different reasons was inconsistent and unreasonable decision making. The award against the Council was made on this basis.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is in the Maidstone urban area near Maidstone Town Centre (approximately a 7-minute walk to Maidstone West Station). The character of the surrounding area is residential, comprised of terraced dwellings some of which have been converted to HMO'S.
- 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. Most properties along Charles Street are brickwork, with some being finished with render. Some properties also feature brick soldier courses as well as sailor courses. The local area is predominantly single family houses (C3 use), with approximately 10% of houses in use as HMO's.
- 1.03 The application property is currently an 8-bedroom single family dwelling (Planning Use Class C3) benefiting from the extensions set out in the above planning history built under permitted development and after prior approval. There is one bedroom in the basement, two bedrooms at ground floor with a central kitchen dining area. There are three bedrooms at first floor and two bedrooms in the roof space. All 8 rooms have an ensuite toilet, with 7 bedrooms also provided with shower and the last bedroom has a bath.
- 1.04 There are no further constraints associated with the site.

2.0 PROPOSAL

- 2.01 The application is for the change of use of an 8-bedroom single family dwelling to an 8 bedroom house in multiple occupation (HMO). There is no proposed change to the internal building layout with all bedrooms provided with an ensuite and either a shower or bath. The accommodation is provided with a kitchen dining area at ground floor.
- 2.02 The property has a rear garden with separate pedestrian service access from Douglas Road. The submitted plans show cycle storage in the rear garden and bin storage in the front garden .
- 2.03 National legislation allows the use of the property as an HMO for 6 occupants and planning permission is required in this case as the proposal is for 8 bedrooms. Whilst the building has previously been extended, the current application does not include any changes to the internal layout or any extension. The proposal includes two new windows at basement level to the front elevation.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review (2024)

Policy LPRSP2 - Maidstone urban area
Policy LPRSP10 - Housing
Policy LPRSP10(A) – Housing mix
Policy LPRSP15 – Principles of good design
Policy LPRSS1 - Spatial strategy
Policy LPRTRA2 - Assessing transport impacts.
Policy LPRHOU2 - Residential conversions etc in the built-up area.
Policy LPRTRA4 – Parking.

Supplementary Planning Documents

Development Management Housing Intensification Advice Note (2023)
Supplementary Planning Documents: Maidstone Borough Council Residential Extensions SPD

The National Planning Policy Framework (2023):

National Planning Practice Guidance (NPPG):

4.0 LOCAL REPRESENTATIONS

Local residents

- 4.01 A representation has been received objecting to the application for the following (summarised) reasons:
- Too many HMOs in the area.
 - Loss of family home.
 - Parking difficulties.
 - Not appropriate to have an HMO next to a children’s home.
 - Building already in use as HMO.
 - Issues with bins.

Ward Councillor Milham

- 4.02 Application called in for a committee decision. No reasons given.

5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where necessary)

MBC Housing

5.01 No objection with following comments:

- *All 8 bedrooms stated above 9m2.*
- *All bedrooms show an en-suite with shower or bath, and WC.*
- *The basement requires a lightwell dug out to provide more natural light, as well as secondary means of escape.*
- *Escape window for bedroom off the kitchen/ dining area, means of escape to the rear.*

6.0 APPRAISAL

6.01 The key issues are:

- Character and appearance
- Neighbour amenity
- Standard of accommodation
- Parking and servicing

Character and appearance

6.02 Policy LPRHOU2 states "*The scale, height, form, appearance and siting of the proposal...*" should "*...fit unobtrusively with the existing building ...and the character of the street scene and...its context*". Policy LPRHOU2 goes on to state "*The intensified use of the building and its curtilage...*" should "*...not significantly harm the appearance of the building or the character or amenity of the surrounding area*".

6.03 The current application does not involve any physical changes to the internal layout and includes minor changes to the external appearance with 2 new windows at basement level to the front elevation. These windows are in keeping with the appearance of the property.

6.04 The application property benefits from a rear garden and separate pedestrian access on to Douglas Road. The submitted plans show cycle storage in the rear garden of the property. This storage would be constructed of galvanised steel and would fit 4 bikes. The store would have a minimal impact upon visual amenity given its location in the rear garden with a condition to ensure the store is provided.

6.05 Policy LPRSP15 requires that development: "*Incorporate measures for the adequate storage of waste...*". The submitted plans show bin storage in the front garden of the property. This is likely to be the most practical location in terms of collection. With the relatively long pedestrian access from the rear garden to Douglas Road, the alternative provision of bin storage in the rear garden is more likely to result in bins being left on the street between collection days. A planning condition is recommended to seek further details of the visual appearance of the bin storage.

6.06 Concerns have been expressed about the concentration of HMOs in the local area. In addition to the application property, the Maidstone Public Register of Licensed Houses in Multiple Occupation, shows circa 10% of properties in Charles Street in use as an HMO.

6.07 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 this includes HMO's. There is no policy that restricts the concentration of particular housing types in any one area of the borough.

- 6.08 Whilst the over concentration of one type of accommodation can affect the character of an area, in the absence of specific policy or guidance setting a limit this is not considered grounds for refusal. In any event, it is concluded that the provision of 10% of properties as HMO's is not an over concentration.
- 6.09 In summary, in relation to local character and appearance, the change of use from 8- bedroom family dwelling to 8-bedroom HMO is acceptable and in accordance with the development plan and the NPPF.

Neighbour amenity

- 6.10 Policy LPRHOU2 states that proposals should not result in "...unacceptable loss of privacy, outlook or light..." or "...unacceptable intrusion from noise or odour". Policy LPRSP15 seeks to protect from "...*excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking, or visual intrusion, or loss of light to occupiers*".
- 6.11 The current application includes additional windows at basement level. In this context there are no neighbour amenity issues in relation to the "...*height, form, appearance and siting of the proposal*" and no issues in relation to privacy, outlook or light for neighbouring properties.
- 6.12 Policy LPRHOU2 states "*The intensified use of the building and its curtilage...*" should "...*not significantly harm the ... amenity of the surrounding area*". The intensified use in this case would not result in any significant difference in terms of noise and disturbance.
- 6.13 The application involves a residential use that is compatible with the existing surrounding residential area. In terms of the current application, the existing property has a layout that allows the property to be used either as a single-family dwelling with 8 bedrooms or an 8-bedroom HMO. There are no internal changes proposed as part of the current application.
- 6.14 National legislation would allow the building to be used as a HMO for up to 6 occupants (2 occupants less than currently proposed) without any need for planning permission. Any additional noise and disturbance generated by the change of use with 2 additional occupants in this case is found to be acceptable.
- 6.15 In summary it is concluded that the proposed HMO, with occupiers of the 8 bedrooms comprising individual dwellings, would be acceptable in relation to neighbour amenity.

Standard of accommodation

- 6.16 Policy LPRSP15 states that developments should "...*provide adequate residential amenities for future occupiers of the development by ensuring that proposals do not result in, or its occupants are exposed to, excessive noise, vibration, odour, air pollution, activity, or vehicular movements, overlooking, or visual intrusion, or loss of light to occupiers*".
- 6.17 The rear garden of the application property would provide occupiers with a private external space. The internal standard of the accommodation in terms of natural light, privacy and floorspace is acceptable.
- 6.18 In the event planning permission is granted the accommodation will also require a HMO licence from the . Council's Housing Team. The internal layout has also been assessed by the Council's Housing Team who have also raised no objections to the application.

- 6.19 There are no current internal planning policy standards for HMOs. The table below provides a comparison of the accommodation against the internal floor space standards required to obtain a HMO licence.

Comparison against floor space standards required by the HMO license.

Location	Required standard (M ²)	Proposed area (M ²)
Bedroom 1	9.00	14.10
Bedroom 2	9.00	9.90
Bedroom 3	9.00	14.30
Bedroom 4	9.00	12.30
Bedroom 5	9.00	9.90
Bedroom 6	9.00	9.60
Bedroom 7	9.00	9.80
Bedroom 8	9.00	9.60
Kitchen/ Dining	19.50	23.20

- 6.20 It is concluded that the proposal provides an acceptable standard of accommodation in line with policy LPRSP15.

Parking and servicing

- 6.21 The application site is located approximately 15-minute walk from Maidstone High Street with easy pedestrian access to many services, facilities and public transport. As such, it is in a sustainable location where occupants would not have to be reliant upon a private motor vehicle for their daily needs.
- 6.22 Policy LPRTRA4 states: "*Car parking standards for new residential developments will be assessed against the requirements set out in KCC's Interim Guidance Note 3 (IGN3) to the Kent Design Guide*" In 'edge of centre' locations such as the application site, off street parking standards are given as 'maximum' and not 'minimum' as other areas of the borough.
- 6.23 The maximum car parking standard is one off street space per dwelling but does not specifically cover HMOs. Whilst no off-street parking is provided this is in accordance with the maximum standards.
- 6.24 Maidstone Borough Council has published a Development Management Housing Intensification Advice Note. This states that regardless of parking standards, the Council will reach a judgement as to whether residents are likely to have cars.
- 6.25 In general terms census data indicates that car ownership associated with HMOs is lower than family accommodation. Census data also indicates that car ownership is lower in the urban area where the application site is located than in other parts of the borough. The applicant's Design and Access Statement outlines that occupiers would likely be young professionals who would rely more readily upon public transport; however, it would be expected that some occupants would have cars.
- 6.26 Whilst parking availability along Charles Street and nearby roads is limited, particularly at peak times, the proposed development would not result in 'severe' impact upon the local highways network or in comparison to the lawful use as an 8 bedroom house such that it would be in conflict with the relevant test in the National Planning Policy Framework (2023) (paragraph 115).
- 6.27 The application site is within a controlled parking zone which allows on street parking for permit holders and a maximum stay of 2 hours for non-permit holders. The number of resident permits permitted for a HMO is 2 permits, with 1 visitor permit. This is the same as for a single family dwelling which is entitled to 2

resident permits and 1 visitor permit (as per the *Development Management Housing Intensification Advice Note 2023*).

- 6.28 Also of relevance is the planning permission refused (28.04.2023) for an 8-bedroom HMO at 14 Charles Street. The reasons for refusal were "*The increase in bedrooms would result in a significant exacerbation of inadequate parking and environmental deterioration creating cumulative harm to neighbourhood amenity*".
- 6.29 In allowing the subsequent appeal against the Council's refusal the Inspector highlights:
- It is unlikely that future occupiers would require a private car to carry out their daily needs with the location in walking distance of Maidstone High Street and well served by public transport.
 - Evidence that demonstrates that not all the parking permits that the property is entitled to are being used, which suggests that not all residents own or have access to a car.
 - that even if future occupiers were to park their cars on the road, the demand in parking spaces associated with the proposal would be limited.
 - limited evidence to demonstrate that problems such as pavement parking, and obstruction of driveways and accesses are common.
 - In any event, if inconsiderate parking practices were to arise, they would be subject to normal policing and controls within the highway.
- 6.30 In summary, the current application is acceptable in relation to parking and servicing and impact on the surrounding area.

Biodiversity net gain

- 6.31 Unless in the list of specified exemptions, biodiversity net gain is required for all non-major planning applications made after the 2 April 2024 (and for major applications made after 12 February 2024).
- 6.32 The current planning application is a non-major application received after the 2 April 2024 so it needs to be assessed whether the proposal is within specified exemption.
- 6.33 A BNG exemption applies to development that does not impact a priority habitat or impacts less than 25 square metres (e.g. 5m x 5m) of non-priority onsite habitat. This exemption is designed to ensure that BNG does not apply to either very small-scale development or development which does not impact habitat, through loss or degradation within the red line boundary.
- 6.34 The only physical development proposed are the cycle and bin stores which do not impact upon any priority habitat or over 25m² of non-priority habitat and so the development is exempt from BNG.

Community Infrastructure Levy

- 6.35 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

PUBLIC SECTOR EQUALITY DUTY

- 6.36 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.

7.0 CONCLUSION

- 7.1 Located in a sustainable location the application is acceptable in terms of neighbour amenity, standard of accommodation, visual amenity, impact upon parking and the wider highway network.
- 7.2 Proposal accords with Policies LPRSP15, LPRHOU2 and LPRTRA4 of the Local Plan Review, and the provisions of the NPPF.
- 7.3 A recommendation of approval of the application is therefore made on this basis.

8.0 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.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing No. BDS-1773-P20 (1) (Existing and Proposed Plans, Elevations, Sections and Block Plans)
 - Drawing No. BDS-1773-P21 (1) (Location Plan)
 - Design and Access Statement
All received 29.05.2024.
 - Drawing No. BDS-1773-P25 (Basement Windows Plan, Elevation and Section)
Received 17.07.2024Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) The development hereby approved shall have no more than 8 separate occupants living in the building at any given time.
Reason: To protect residential amenity.
- 4) Prior to the first occupation of the 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 retained and maintained as such thereafter.
Reason: In the interests of amenity, to promote sustainable travel choices and the reduction of CO2 emissions.
- 5) Prior to first occupation of the accommodation hereby approved, the implementation of the cycle store shall be carried out in accordance with following approved plans:
Drawing No. BDS-1773-P20 (received 29.05.2024)
Supplementary information- Metal Bike Store 427-Galvanised Steel, 4 bike racks – (received 12.07.2024)

Reason: In the interests of amenity, to promote sustainable travel choices and the reduction of CO2 emissions

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.