

REPORT SUMMARY

REFERENCE NUMBER: 24/501948/FULL		
APPLICATION PROPOSAL: Change of use of a single dwelling to a 7 bedroom HMO including a garage conversion into a habitable space, raising roof height, insertion of a front dormer window and roof lights.		
ADDRESS: 19 Castle Dene, Maidstone, Kent, ME14 2NH		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable regarding the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Call in by Councillor Mike Thompson because of significant local interest.		
WARD: Ringlestone	PARISH/TOWN COUNCIL: N/A	APPLICANT: Mr Geraldine Nkini Ndzi AGENT: Designitude Associates LTD
CASE OFFICER: William Fletcher	VALIDATION DATE: 22/05/24	DECISION DUE DATE: 25/10/24
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

No relevant planning history.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 Castle Dene is a suburban residential road in Maidstone urban area comprising predominantly detached and semi-detached dwellings. The road has dwellings on 'spacious' plots with grass verges and landscaping contributing to the suburban character.
- 1.02 The access road to the residential properties Castle Vale and 21 Castle Dene and a high timber fence and landscaping separates the application site from Royal Engineers Road (A229 dual carriageway). Royal Engineers Road is a short distance to the north east of the application site.
- 1.03 The application building is a detached 5 bedroom chalet bungalow with accommodation on the ground floor (3 bedrooms) and in the roof space (2 bedrooms). The existing roof space has a window to the front elevation and rooflights to the side elevations.
- 1.04 The rear of the integrated garage has previously been converted to a bedroom, with the front of the garage (accessed from the original garage door) used for storage. The building roof form is in two parts, a main higher roof over the larger area of footprint with a lower roof over a side wing. The site has a parking area to its front for two cars and there are no on-site parking controls outside the site.

2. PROPOSAL

- 2.01 The proposal seeks a change of use of the existing 5 bedroom dwelling (C3 use) to a 7 bedroom House in Multiple Occupation (HMO)(Sui Generis i.e. use class of its own). 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 more than 6 occupants.
- 2.02 The HMO includes on the ground floor, a combined communal kitchen, living, dining area, communal bathroom, communal utility room, communal storage rooms and 4 ensuite bedrooms. On the first floor are 3 ensuite bedrooms and a communal storage room.
- 2.03 The application includes a small increase in the roof height of the side building wing (20cm) with a dormer window to the front elevation of this wing and an additional rooflight to the side roof slope.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan Review 2024

LPRSS1 – Maidstone borough spatial strategy

LPRSP2 – Maidstone Urban Area

LPRSP15 – Principles of good design

LPRHOU2 – Residential extensions, conversions, annexes, and redevelopment within the built-up area.

LPRQD7 – Private open space standards

Development Management Housing Intensification Advice Note (2023)

Supplementary Planning Documents: Maidstone Borough Council Residential Extensions SPD

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

4. LOCAL REPRESENTATIONS

Local residents

- 4.01 19 representations have been received objecting to the application for the following (summarised) reasons:
- Principle not in keeping with character of surrounding dwellings.
 - Highways and parking issues.
 - Loss of privacy
 - Noise disturbance
 - Anti-social behaviour
 - Environmental impacts

Councillor Mike Thompson

- 4.02 Requests the application is called into committee on the basis of significant local interest.

5. CONSULTATIONS

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

KCC Highways

- 5.01 Development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with consultation protocol arrangements. (Officer

comment: KCC Highways have a protocol whereby on applications for over 4 units are commented upon).

MBC Housing (HMO Licencing)

No objection with ample sized accommodation for a 7 bedroom HMO.

6. APPRAISAL

6.01 The key issues are:

- Spatial strategy
- Character and appearance
- Standard of accommodation
- Neighbouring amenity
- Highways & parking

Spatial strategy

6.02 The site is in the designated Maidstone urban area. Adopted Local Plan policy SS1 states "...Maidstone urban area will be the principal focus for development in the borough. Best use will be made of available sites within the urban area".

6.03 A number of representations received object to the 'principle' of a HMO in this location. The Local Plan Review does not contain any policies that restrict the type of housing in particular parts of the Borough and as such this would not be a suitable reason to refuse the application. Car ownership for occupiers of HMOs is generally lower than with other types of residential accommodation and so HMO's are better placed in more sustainable locations like Maidstone urban area.

Character and appearance

6.04 Policy LPRSP15 states that to be permitted development must "Respond positively to, and where possible enhance, the local, ... character of the area. Particular regard should be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage".

6.05 Policy LPRHOU2 states that proposals will be permitted if "*The scale, height, form, appearance and siting of the proposal...*" would "*...fit unobtrusively with the existing building ...and the character of the street scene and...its context*". Policy LPRHOU2 goes on to state that proposals will be permitted where "*The intensified use of the building and its curtilage...*" would "*...not significantly harm the appearance of the building or the character or amenity of the surrounding area*".

6.06 External alterations include raising of the roof height of the secondary building wing by 20cm and insertion of a front dormer window. The higher roof would still be significantly lower than the main building roof and would remain subsidiary in its appearance.

6.07 There are a variety of building styles in the local area (including the contemporary development in Moorings Reach and Castle View) and these buildings include existing dormer windows. It is concluded that the character and appearance of the altered application building is in keeping with the character and appearance of the local area.

6.08 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. A planning condition is recommended to seek further details of the visual appearance of the bin storage.

- 6.09 In summary, in relation to local character and appearance, the change of use from 5- bedroom family dwelling to 7-bedroom HMO is acceptable and in accordance with the development plan and the NPPF.

Standard of accommodation

- 6.10 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*".
- 6.11 The internal standard of the accommodation in terms of natural light, privacy and floorspace is acceptable in planning terms. There are no current internal planning policy standards for HMOs. All rooms in building are exceed licencing standards which require a minimum of 9m² for a single occupant ('sleeping area').
- 6.12 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.
- 6.13 The garden space is in accordance with the general requirements of policy LPRQD7. The garden is adjacent to the building and there is external access. There are no standards in terms of the area of external space provided for HMO's (standards only apply to houses and flats), however the retained rear garden size and shape is typical of other properties in this area.
- 6.14 The rear garden would provide occupiers with a private rear external space of a size and shape that is suitable for the proposed accommodation. It is concluded that the proposal provides an acceptable standard of accommodation in line with policy LPRSP15 and LPRQD7.

Neighbouring amenity

- 6.15 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*".
- 6.16 The current application includes an additional dormer window to the front elevation of the building. The following points are made:
- a) Impact from front elevation windows have less impact generally as they overlook public areas.
 - The proposed dormer window overlooks Castle Dene.
 - b) Existing privacy levels need to be considered.
 - In this case an existing neighbouring window is at the same height as the dormer window on the application property.
 - c) Where directly opposing first floor rear windows are present, rule of thumb separation distance is 20 metres.
 - The dormer is not on the rear elevation, there are no directly opposing windows and in any event the separation distance is circa 22 metres.
- 6.17 The current application includes a roof window to the sloping side roof of the building. The following points are made using the same headings as above :
- a) The proposed roof window is angled to the sky and any overlooking is to the public front garden of 13 Castle Dene.

- b) In this case the nearest land is an existing semi-public front garden.
 - c) There is no directly opposing window.
- 6.18 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.
- 6.19 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.
- 6.20 The application involves a residential use that is compatible with the existing surrounding residential area. Whilst day-to-day comings and goings from the property would be more than its current use, national legislation allows the building to be used as a HMO for up to 6 occupants (1 occupant less than currently proposed) without any need for planning permission. Any additional noise and disturbance generated by the change of use with 1 additional occupants in this case is found to be acceptable.
- 6.21 Potential antisocial/criminal behaviour would be a matter for the police to deal with if necessary. Furthermore, as part of the HMO occupation licence conditions, the licence holder is required to take reasonable steps to prevent occurrences of anti-social behaviour.
- 6.22 In summary it is concluded that the proposed HMO, with occupiers of the 7 bedrooms comprising individual dwellings, would be acceptable in relation to neighbour amenity. There is no environmental health objection.
- 6.23 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.

Highways & parking

- 6.24 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 or any subsequent revisions or superseding documents produced by the Highways Authority".
- 6.25 Policy TRA4 states "The council may depart from established maximum or minimum standards to take account of: a. Specific local circumstances that may require a higher or lower level of parking provision for reasons including as a result of the development site's accessibility to public transport, shops and services, highway safety concerns and local on-street parking problems"
- 6.26 Standards within IGN3 are 'maximum' parking standards, . Maximum standards are used to avoid the use of what would otherwise be visually harmful parking arrangements. The maximum car parking standard is one off street space per dwelling but does not specifically cover HMOs. There are two vehicle parking spaces to the front of the dwelling but it is acknowledged there would be more occupants at the dwelling than there are parking spaces.
- 6.27 Unrestricted on street parking is available on Castle Dene. HMO occupants are also generally less likely to own private vehicles. It is also highlighted that the dwelling could be converted into a HMO for 6 occupiers without planning permission. Additional on street parking demand from the proposal will not meet the 'severe' traffic impact threshold test (NPPF) that is needed to justify permission refusal.

- 6.28 Consideration must be given to the site location within 30 minutes walk of Maidstone Town Centre and approximately 10 minute cycle distance. It is possible to walk and cycle to Maidstone Town via the River Medway route which is separate from road traffic and as such it could be considered that this is an attractive route. Bus routes to Maidstone and Chatham are also within walking distance of the application site. As such, this is in a sustainable location where occupants would not have to be reliant upon a private motor vehicle for their daily needs.

Biodiversity net gain

- 6.29 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).
- 6.30 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.
- 6.31 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.
- 6.32 The only physical development proposed are the works to the building itself which do not impact upon any priority habitat or over 25m² of non-priority habitat and so the development is exempt from BNG

PUBLIC SECTOR EQUALITY DUTY

- 6.33 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.

Community Infrastructure Levy

- 6.34 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.

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 to grant planning permission is 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 and/or informatives 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:
Application for planning permission
0160-DIA-XX-00-DR-A-XX- X021 Site Location and Block Plans
0160-DIA-XX-00-DR-A-XX-X023 Existing Site Plan
0160-DIA-XX-00-DR-A-XX-X024 Proposed Site Plan
0160-DIA-XX-00-DR-A-XX-X101 Existing Overall Plan
0160-DIA-XX-00-DR-A-XX-X111 Existing General Arrangement - Ground Floor
0160-DIA-XX-00-DR-A-XX-X131 Proposed General Arrangement - Ground Floor
0160-DIA-XX-00-DR-A-XX-X138 Proposed Roof Plan
0160-DIA-XX-00-DR-A-XX-X205 Proposed Elevations 01
0160-DIA-XX-00-DR-A-XX-X206 Proposed Elevations 02
0160-DIA-XX-00-DR-A-XX-X311 Proposed Section A-A and B-B
0160-DIA-XX-00-DR-A-XX-X312 Proposed Section C-C and D-D
0160-DIA-XX-01-DR-A-XX-X111 Existing General Arrangement - First Floor Plan
0160-DIA-XX-01-DR-A-XX-X131 Proposed General Arrangement - First Floor Plan
0160-DIA-XX-XX-DR-A-XX-X118 Existing Roof Plan
0160-DIA-XX-XX-DR-A-XX-X201 Existing Elevations 01
0160-DIA-XX-XX-DR-A-XX-X202 Existing Elevations 02
0160-DIA-XX-XX-DR-A-XX-X301 Existing Section A-A
0160-DIA-XX-XX-DR-A-XX-X302 Existing Section B-B
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) The development hereby approved shall have no more than 7 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.

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