

APPLICATION: MA/11/0485 Date: 23 March 2011 Received: 13 April 2011
APPLICANT: Mr M Muller, MSM Property Lettings Ltd
LOCATION: 23, RANDALL STREET, MAIDSTONE, KENT, ME14 2TB
PARISH: Maidstone
PROPOSAL: Change of use from residential to a house of multiple occupation.
AGENDA DATE: 13th October 2011
CASE OFFICER: Richard Timms

The recommendation for this application is being reported to Committee for decision because:

- Councillor Patterson has requested the application be reported to Planning Committee if minded to approve the application for the reasons outlined below.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: H22, T13
- The South East Plan 2009: CC1, CC6, T4, H4
- Government Policy: PPS1, PPS3

2. HISTORY

No planning history for this property.

3. CONSULTATIONS

3.1 **KCC Highways:** No objections

4. REPRESENTATIONS

4.1 Seven neighbour representations have been received raising the following summarised points:

- Lack of parking in the area.
- Noise and disturbance.
- There is growing number of houses in multiple occupation in the area.
- Lack of rubbish storage and bins outside house.

4.2 A petition with 15 signatures has been received objecting to the application due to a shortage of car parking spaces in the area.

4.3 **Councillor Patterson** has raised the following points:

- There is an over demand and under supply of parking spaces for the residential population of the area.
- The development will exacerbate this difficult situation.
- The loss of a family house would be a retrograde step away from a community based neighbourhood character.
- Reference to a summarised appeal decision from a London Council where an Inspector considered an HMO use would cause more disturbance than a family house, would generate of parking and the lack of justification for the loss of family housing.

5. CONSIDERATIONS

5.1 Introduction

5.1.1 This is a retrospective application for the change of use from a dwellinghouse to a house of multiple occupation (HMO) at 23 Randall Street, Maidstone.

5.2 Site Location

5.2.1 The application relates to a mid terrace property on the north side of Randall Street in the North Ward of Maidstone. It is set over four floors and was previously a 4 bedroom house. Randall Street has terraced houses on both sides with small mainly hard surfaced frontages and no off-street parking. Parking in the area is controlled by resident's permits. The surrounding area is predominately residential but with some shops and businesses, notably two large retail buildings to the south fronting Staceys Street. The site is around 800m north of the town centre.

5.3 Proposed Development

5.3.1 Retrospective permission is sought to change the property to a HMO with 6 bedrooms, a shared kitchen, shower room and bathroom. On the lower ground floor would be a bedroom and kitchen, on the ground floor two bedrooms and a shower room, on the first floor two bedrooms and a bathroom, and on the second floor one bedroom. No external changes to the building are proposed.

5.3.2 A licence to use the property as an HMO has already been granted for a maximum of 9 people, which can be granted independently of planning permission. Consideration for a licence is given to issues such as the capability of

the licence holder, management arrangements, fire arrangements etc. rather than planning considerations. Currently there are 8 people living at the property, 2 couples and 4 single people.

5.4 Policy Background

5.4.1 Policy H22 of the Local Plan relates to HMO's with consideration given to the amenity of future and existing residents, the character and appearance of the area, the type of uses within the local area, car parking and traffic impact.

5.4.2 The Council has no policy relating to the mix of housing in specific areas, or that family housing should be protected. Therefore the principle of a change from a dwellinghouse to another form of housing can be acceptable.

5.4.3 I therefore consider the main issues are -

- Parking and highway safety.
- Residential amenity.
- Impact upon the character and appearance of the area.

5.5 Parking & Highway Safety

5.5.1 There is no off street parking at the property as is the case for the majority of houses within the area. There are no current locally adopted parking standards and in my view the main issue is whether a lack of off-street parking would lead to highway safety issues, whilst bearing in mind the Government objectives to reduce the reliance and use of the private car.

5.5.2 The site is at a sustainable location within walking distance of local shops and services (160m), the town centre (800m), and public transport links including Maidstone East railway station (470m). As such, any occupants could manage without the need for a car. If occupants do have cars there is a residents parking scheme in operation so any residents would be eligible for this. (Whilst the situation could obviously change, it is worth noting that only one resident currently has a car and parking permit.)

5.5.3 Any extra demand for parking spaces in an area does not necessarily mean that highway safety issues would occur. In this case, there are controls in place within the local area, such as double yellow lines, to prevent any dangerous parking so I do not consider the change of use would lead to any significant highway safety issues that warrant objection. I also note that the KCC Highways Engineer raises no objections to the application.

- 5.5.4 Whilst an increase in residents permits in the area could mean that they, or existing users may not be able to park close to their properties, such inconvenience is not grounds for objection. It must also be noted that the property was formally a 4 bedroom property which could produce a parking level of 3/4 cars.
- 5.5.5 Bearing in mind Government advice to reduce car usage, the sustainable location of the site, the availability of residents parking and that there would be no significant highway safety issues arising from the development; I consider an objection to the lack of off-street parking could not be sustained.

5.6 Residential Amenity

- 5.6.1 HMO's provide for smaller and more affordable households and contribute to a mix of housing accommodation, which is encouraged by regional and national housing policies. With this in mind, I consider the bedrooms would all be of sufficient size and would receive sufficient light to provide acceptable living conditions for this type of use. The shared kitchen and bathroom facilities would also be sufficient.
- 5.6.2 This type of use can have a different outward impact than say, a single dwellinghouse. For example, a use by students can be different to a single family. However, this is a mixed area with family houses, self-contained flats, HMO's and commercial uses. Indeed, an HMO was granted permission at 35 Randall Street in 2007. For this reason, I do not consider that such a use is out of character, or that it would result in unacceptable impacts upon neighbouring residential amenity from noise or disturbance in this area.
- 5.6.3 I note that policy H22 advises that HMO's should only be granted in an area with a predominately commercial character with some residential use. The policy provides no explanation for this criteria but I would assume this is due to the potential outward impacts of such a use, which may have more of an impact within a solely residential area. However, because I do not consider there would be any harm to residential amenity from this use, I do not consider there are grounds to refuse the application on this basis.

5.7 Impact upon the character and appearance of the area

- 5.7.1 The main impacts that may occur on the character and appearance of the area would be from refuse facilities at the property. The property has two standard refuse bins and one recycling bin to the front on a patio area behind brick walling. I have spoken to the waste management section who confirmed that this type and size of accommodation would only be allocated two standard refuse bins, two food bins and a recycling bin. There would not be a bin for each occupant as suggested by some neighbours. This would only be one additional

refuse and one additional food bin above its use as a house, and having viewed the property, I do not consider it results in any significant harm to the appearance of the area. Most other properties have their bins stored to the front. Nor do I consider the amount of refuse from this proposed use would be such an amount that it would cause unacceptable smells or odours in the area.

5.7.2 The proposal would result in the loss of a potential family house; however there is no local plan policy to protect such housing. I do not consider that the change of this single property to an HMO would result in any significant or harmful change to the neighbourhood character to warrant objection.

5.8 Other Matters

5.8.1 Cllr Patterson has referred to a summarised written representations appeal decision at a London Council in 'Planning Magazine' from May this year. In this case it is said that an Inspector upheld the Council's enforcement action against a HMO. It is summarised that the Inspector agreed that the HMO use had a more significant impact than if it were used by a large family. In this case ten students were living in an eight bedroom home and it was considered that there would be more disturbance, it would generate a demand for parking and it had not been demonstrated that there was a need for extra student accommodation to justify the loss of family housing.

5.8.2 I have not been able to obtain a copy of this decision as specific location details are not provided, however, clearly each case must be assessed on its own merits as each location is different and has different local policies. In the case of this application, I consider the proposal is acceptable because it would not cause harm to local amenity, would not lead to highway safety problems and would not harm the character or appearance of the area.

6. CONCLUSION

6.1 For the above reasons I recommend that planning permission is granted.

7. RECOMMENDATION

GRANT PLANNING PERMISSION

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.