

REFERENCE NO -19/502525/FULL		
APPLICATION PROPOSAL Change of use and conversion, extension (to include construction of a first floor extension, loft conversion to habitable space with alterations to the roof line) and alteration of existing building in order to create a House of Multiple Occupancy (Sui Generis) comprising 10 units, -together with associated parking and landscaping.		
ADDRESS 1 Reginald Road Maidstone Kent ME16 8HA		
RECOMMENDATION Grant Planning Permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposals are acceptable in principle and would not give rise to harm to visual amenity, residential amenity or highway safety and convenience. It complies with all relevant policies of the Development Plan, the NPPF and all relevant material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE Called in by cllr. Paul Harper on grounds that it represents overdevelopment of the site.		
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Mr J Mills AGENT DHA Planning
TARGET DECISION DATE 29/09/19	PUBLICITY EXPIRY DATE 24/07/19	

RELEVANT PLANNING HISTORY (including relevant history on adjoining site)

There is no relevant planning history for the site.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 Reginald Road is a residential street comprised mainly of traditionally built two-storey semi-detached properties in a wide range of designs, materials and ages. The application property when compared with neighbouring plots is uncharacteristically narrow and awkward looking. The property is on a prominent corner plot with readily available views from approaches into Reginald Road from Westree Road. The property is arranged over two floors and has rendered and painted elevations. The two-storey part of the property has a pitched roof and the single storey element a flat roof. The current lawful use of the building is an office (Class B1).
- 1.02 Houses in the street mostly occupy the majority of the width of their plots and generally closely spaced along the road. A defining characteristic in this part of the street is front bay windows and short front gardens resulting in the frontages of houses set closer to the road.
- 1.03 The site is within a short walking distance of Maidstone Town Centre and car parking is typically provided on the street and restricted by resident permit or short stay. The application property is flanked by residential development to the south, east and west.

2. PROPOSAL

- 2.01 The proposal seeks to extend and convert the building to create a House in Multiple Occupation (HMO). In terms of external changes it mainly involves a first floor side extension over the existing single storey flat roofed eastern projection, transformation of the existing single storey rear projection into two storeys and conversion of the loft space to create a habitable accommodation. This element would effectively alter the basic shape of the roof and create a third floor to the property, with a ridge height that is slightly lower than the existing ridge at 8.8 metres. The proposal would not extend the footprint of the property further towards the common boundary with dwellings in Rowland Close.
- 2.02 The width of the first floor addition on the eastern flank would be 4 metres and the depth would be just under 14 metres. The newly formed parallel two storey rear projection would have a depth of 5.4 metres and width of 4.6 metres, retaining a gap of 2.2 metres with the existing projection. The proposed extension would create a building similar to the scale and form of existing buildings on the street, and the design, use of materials and fenestration details would respect the proportions and features of the existing dwelling.
- 2.03 Aspects of the scheme before members were amended on the Council's advice to replace the large front porch originally proposed with two bay windows. Fenestration openings on the front elevation have been re-designed to retain the appearance of existing openings. The newly formed first floor south facing window opening on the rear extension has been replaced with an oriel window to address overlooking and loss of privacy concerns with the dwelling at no.2 Charles Street. The mono pitched roof on the existing rear projection is changed to a flat roof to reduce impact.
- 2.04 In relation to internal layout, at ground floor are two rooms with kitchenettes and ensuite bathrooms are on the left hand side of the building. On the right hand side of the building through a single door off the lobby are two rooms that share a separate kitchen/dining room and a bathroom. Each of the rooms occupying a floor area of between 9.5 and 26 square metres.
- 2.05 The ground floor layout is replicated at second floor level. Each room covers a floor area of between 9 to 26 square metres with floorspace on the second floor marginally reduced by the absence of front bay windows. The two large ensuite rooms with kitchenettes provided in the loft space would have a floor area of 22 and 24.5 square metres respectively. The units are designed such that bedrooms are stacked above bedrooms to minimise potential impact from arrangements where living areas are above bedrooms.
- 2.06 The application building benefits from the rear garden space associated with its previous use as an office for KCC which would continue to serve as outdoor amenity space for future occupants of the proposed flats. The amenity space was accessible from the existing rear access to the building. The scheme does not include any off-street car parking provision for future occupants of the flats.
- 2.07 Pursuant to the Use Classes Order, Class C3 is the use of a dwellinghouse by a single household and Class C4 is the use of a dwellinghouse by not more than six residents as a House in Multiple Occupation. As a matter of fact a HMO for ten unrelated people as sought in this application cannot be a Class C4 use because a Class C4 use is limited to six residents, although members are reminded this does not affect the planning merits of the proposals.

3. POLICY AND OTHER CONSIDERATIONS

- 3.01 National Planning Policy Framework (NPPF): Paras 8 (three dimensions of sustainable development); 10, 11 (presumption in favour of sustainable

development); 47 (Determining applications); 54, 55, 56, 57 (planning conditions and obligations); 61 (delivering sufficient supply of homes); 124, 127, 128, 130, 131 (good design).

3.02 National Planning Practice Guidance (NPPG): Design.

3.03 Development Plan: Maidstone Borough Local Plan (2017): Policies SS1 (Maidstone Borough Spatial Strategy); SP1 (Maidstone Urban Area); DM1 (Principle of Good Design); DM9 (Residential Extensions, Conversions and Redevelopment within the built up area); DM12 (Density of Housing Development); DM23 (Vehicle Parking Standards)

3.04 Supplementary Planning Documents: Residential Extensions – Supplementary Planning Document (2009) Page 8 - 22

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 Six representations received from local residents raising the following (summarised) issues

- Overdevelopment of site
- Adverse impact on character of the area
- The proposal would exacerbate existing poor access to GP and other local services
- Increase in traffic and associated highways safety
- Increase in noise and disturbance
- Overlooking and loss of privacy

4.02 Two further comments were received following re-consultations on design

4.03 The planning issues raised by neighbours and the ward member are discussed in the detailed assessment below.

5. CONSULTATIONS

5.01 KCC Highways and Transport: Raise no objection, commenting the proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

6. APPRAISAL

Main Issues

6.01 The main issue in this submission are (i) the effect of the proposal on the character and appearance of the host property and of the local area, (ii) its effects on the living conditions of adjacent residents, having particular regard to noise and disturbance, and; (iii) the effect of the proposal on parking conditions in the locality and highway safety.

6.02 Policy DM1 of the adopted Local Plan requires development to create a high quality design and amongst other things retain and enhance features which contribute to the local character and distinctiveness. It states at (ii) that development should be well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location. The Government attaches great importance to the design of the built environment. The revised National Planning Policy Framework (2019) states that good design is a key aspect of sustainable development and goes on to advise that permission should be refused for development of poor design that fails to improve the character and quality of an area.

6.03 Of significance here is policy DM9 of the adopted Local Plan which addresses conversion or redevelopment of existing buildings in the Maidstone urban area to self contained flats or a house in multiple occupation. The policy contains a list of criteria that proposals for conversion of buildings must comply with. It states that

proposals involving intensification of the use of buildings and their curtilage should not significantly harm the appearance of the building or the character and amenity of the surrounding area.

- 6.04 Paragraph 6.54 of the Maidstone Local Plan states that 'the conversion of larger 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'.
- 6.05 Owners or managers of properties that are licensable must inform the local authority of their premises and obtain a license outside of the planning system. 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. Members are advised that a change to a use falling within (Sui Generis) is accepted in principle under the relevant provisions of the adopted Local Plan subject to assessment of the impacts on the local area and residential amenity, therefore an objection in this regard cannot be sustained.

Impact of the proposal upon the character and appearance of the area:

- 6.06 The overriding characteristic of Reginald Road is of two-storey semi detached properties of wide range of designs and materials with frontages set closer to the road. The application property is an uncharacteristically narrow in a street scene of mainly two storey dwellings and the proposal would transform the existing single storey flat roofed side projection to two storeys, improving the existing awkward appearance of the building. Policy DM1 states that development should reflect the positive characteristics and features of the site and locality. This in my view is an acknowledgement of the importance given to visual appearance that should be respectful of the existing character of the area in terms building width, depth and shape.
- 6.07 I note the comments from neighbours and the ward member raising objections to the proposal on grounds that it represents overdevelopment of the site. The adopted Local Plan and the NPPF promote higher densities in locations close to facilities and public transport. Whilst I accept the proposal would increase the size of the building, it would not be so substantial as to radically alter the character and appearance of the entire street. Of more relevance is my view that the resulting increase would bring an overall symmetry to this awkward looking building, which would enable it assimilate well within its surroundings. As set out in more detail below, the proposed accommodation of a good internal standard in relation to rooms sizes and layout.
- 6.08 The resulting bulk of the development would not be excessive or inappropriate in this area and would be in accordance with policy DM12 of the adopted Local Plan. The development represents efficient use of the land which is supported by the Local Plan which would not injure the character and appearance of the local area.
- 6.09 The due to its design, scale and form, the resulting proportions of the dwelling when viewed in the context of the street would not appear overly large or incongruous in its setting, as it is built on the existing side projection and would reflect the scale of dwellings in the street. It would appear as a thoughtfully designed addition that would resonate with the established character of the street. Design elements such as the bay windows would resonate with the established characteristics of the street.
- 6.10 There are a variety of roof designs in the street and the form of roof configuration proposed within this scheme would be in keeping with the visual character of the area. Surfacing materials proposed and fenestration openings would assist in

satisfactorily integrating the proposal within its surroundings ensuring the development accords with Policies DM1 and DM9 which amongst other things seek to ensure that all development are well designed to protect and enhance the special character and distinctiveness of the area.

- 6.11 Further comments raise objections to the proposal on grounds that it would have an adverse impact on the character of the local area which remains predominantly residential with a high proportion of family-occupied dwellings. Whilst the proposal would create a character which would not necessarily reflect the levels of activity of other family houses on the street, differences would not be so substantial as to affect the character of the street or the local area as a whole. The development would encourage a strong, vibrant and mixed community in support of the objectives of local and national policies which carries significant weight.

Residential Amenity

- 6.12 The core principles set out in the NPPF state that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of buildings. Policy DM1 advises that development should respect the amenities of occupiers of neighbouring properties and uses by ensuring that it does not result in excessive noise, activity or vehicular movements, overlooking or visual intrusion.
- 6.13 The proposed development would provide a good standard of residential accommodation overall with adequate daylight, sunlight and privacy provision. All habitable rooms are a sufficient size for daily activities and are served by window openings to allow for natural light and an adequate quantum of amenity space. I do not consider that the proposal would result in unacceptable standard of habitable space. The layout of the proposed accommodation and their points of access are less likely to give rise to noise and disturbance to neighbours and to one another. The outdoor amenity provision for the proposed accommodation is of acceptable proportion.
- 6.14 The development retains a 10 metre gap with the rear elevation of dwellings at Rowland Close which is sufficient to ensure there is no overbearing impact on their rear gardens. The distance between the rear projection and the common boundary with no.2 Charles Street would be 10 metres. Following concerns raised by the Council about this relationship, design amendments were submitted replacing the large window opening with a projecting timber clad oriel window and a small obscure glazed window which addresses the Council's concerns, this obscure glazing can be secured by condition if members are minded to grant approval.
- 6.15 It is noted that an objection has been received on the basis of the HMO standards, however there are no specific standards within the development plan relating to HMOs. Government guidance is clear that planning should not replicate the provisions of alternative legislation and regulation. Therefore, the planning merits of the proposal do not relate to the detailed internal standards (including matters such as fire alarms etc) as these would be managed through the licensing regime under the Housing Act, but to the wider principles of land use, amenity impact and highways impact.
- 6.16 I also note the concerns from neighbours regarding the level of occupancy proposed and likely impact in relation to noise and disturbance. The site was occupied by KCC as an office and has always attracted more activity than other neighbouring single family houses. I accept that the occupation of this type of accommodation would be different from the occupation of a property by a typical family. But I do not consider it probable that the proposed accommodation would result in the building being occupied by up to 20 people, as suggested by local residents. Firstly, the submitted

plans show a total of 10 units and the size of some of the proposed rooms are such that it would be difficult for them to accommodate a double bed and other furniture.

- 6.17 In considering the merits of the objections raised by neighbours in respect of noise and disturbance, no evidence have been produced to indicate that occupiers of the proposed accommodation would be likely to be especially noisy or be likely to cause more noise and disturbance than if the building were occupied by a single family. The arrangement proposed is relatively spacious internally with a good layout and plenty of access to natural light. Hence it is likely, by reason of the size of some of the units they would attract young professionals such as first time buyers. I do not consider that the negative external effects of the proposed occupation of this property would be sufficiently noticeable to harm the character of the area.
- 6.18 Access to the shared kitchen/common room and bathroom at the rear part of the property, would pass room 3 and 7. I do not believe this arrangement would cause unacceptable noise and disturbance to the occupants of these rooms. I accept such an arrangement is not ideal, but in the case of conversions of existing property is often unavoidable due to the layout of the building. I therefore conclude that the proposed development would accord with Policies DM1 and DM9 of the adopted Local Plan and those of the NPPF.
- 6.19 The development would not create any significant noise issues or be significantly affected by traffic noise. There is no evidence before me to substantiate the claim that the footfall generated by the proposal will exceed that generated by the existing lawful use of the site as an office. Given the proximity of the site to existing dwellings, there is the potential for construction to cause harm to residential amenities if carried out at unsociable hours. I therefore consider it necessary to append a condition requiring submission of a construction management plan with controls on construction hours. Taking all the above into account, I do not believe that the proposal would give rise to unacceptable harm to residential amenities.

Effect of the proposal on parking conditions in the locality

- 6.20 The proposal site is close to bus stops linking the site to wider transport links by rail and therefore considered as being accessible to public transport. There is no off-street parking provision on the site and a number of neighbours have raised concerns the proposal would likely exacerbate existing parking problems on the street. Whilst the proposal could generate a greater demand for parking, it seems reasonable to assume that occupiers would have relatively low incomes and would thus be more likely to rely on public transport. Overall, I see no reason to think that the scheme would result in a material increase in parking demand.
- 6.21 I note that the site is within reasonable walking distance from a range of local facilities, including a pharmacy, primary school and convenience stores and the range of facilities at Maidstone Town Centre. On this matter, I conclude the proposal is unlikely to give rise to an unacceptable risk of serious inconvenience and danger from increased parking around the local area. There is no conflict with policy DM23 of the adopted Local Plan which seeks to encourage greater use of sustainable transport options.

Other Matters

- 6.22 A number of the comments object to the proposal on grounds that it would exacerbate the prevailing poor access to local services in the area. Whilst I have sympathies with the concerns raised in this regard, I do not believe the quantum of development at this site would add significant additional burden on local services particularly when considering it is on a small scale.
- 6.23 The Council adopted a Community Infrastructure Levy (CIL) on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The proposed development is CIL liable. 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. CONCLUSION

7.01 I conclude that the proposed extensions would be in sympathy with the appearance and character of the local area and are appropriate in their details including scale, design and use of materials. I consider the proposals acceptable in terms of noise and disturbance, the living conditions of future occupiers and their effect on the character of the area. I have also given due consideration to the impact on the local road network and conclude the risk of causing inconvenience to drivers and pedestrians in Reginald Road would not be so significant as to raise overriding planning objection to this application and KCC Highways and Transport have not raised any objections in this regard.

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; DHA/13605/11 A (Proposed Site Layout Plan); DHA/13605/15 Rev B (Proposed Elevations); DHA/13605/13 Rev B (Proposed Elevations); DHA/13605/12 Rev B (Proposed Floor Plans);
Reason: To ensure the quality of the development is maintained and to prevent harm to the amenity of surrounding area.
- 3) The materials to be used in the construction of the external surfaces to the approved extension shall match those used in the existing building;
Reason: To ensure a satisfactory appearance to the development
- 4) Before the development hereby permitted is first occupied, the first floor window opening indicated to be obscure glazed on the south facing rear elevation and the windows on the east facing elevation (as shown on drawing no; DHA/13605/13 Rev B and DHA/13605/15 Rev B) shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such in perpetuity.
Reason: To prevent overlooking of adjoining property and to safeguard the privacy of existing and prospective occupiers.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
 - i. The parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iv. the erection and maintenance of security hoarding
 - vi. a scheme for recycling/disposing of waste resulting from demolition and construction worksReason: In the interests of the amenities of the area and highway safety and convenience.
- 6) Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted

Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out on the land without the prior written permission of the Local Planning Authority.

Reason: In the interests of the amenities of the area.

- 7) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the east and west facing flank walls of the development hereby permitted, nor in the south facing elevation.

Reason: To prevent the overlooking of adjoining properties and to safeguard the privacy of their occupiers

- 8) No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Reason: In the interest of residential amenity.

INFORMATIVE

- 1) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.

Case Officer: Francis Amekor