

REFERENCE NO - 21/501192/FULL		
APPLICATION PROPOSAL Change of use of 6no. bedroom HMO (Class C4) to a 7no. bedroom HMO (Sui-Generis).		
ADDRESS 237 Tonbridge Road Maidstone Kent ME16 8ND		
RECOMMENDATION GRANT planning permission subject to the conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is located within the Maidstone Urban Area where the principle of residential development is supported by local and national policy. The HMO use has already been established and the intensification of an additional unit is not significant. Key policies which have been taken into account include Policies SS1, SP1, SP19, DM1, DM9 DM12 and DM23 of the Maidstone Borough Local Plan.		
REASON FOR REFERRAL TO COMMITTEE Cllr Harper has requested that the item be heard by the committee due to the impact on local residents from the increased housing density.		
WARD Fant	PARISH/TOWN COUNCIL N/A	APPLICANT Roberto Walsh Property Ltd AGENT Savills
TARGET DECISION DATE 01. 07. 2021 (EOT)		PUBLICITY EXPIRY DATE 14.04.2021

Relevant planning history

- **20/500528/PNEXT** - Prior notification for a proposed single storey rear extension which: A) Extends by 6.0 metres beyond the rear wall of the original dwelling. B) Has a maximum height of 2.95 metres from the natural ground level. Has a height of 2.95 metres at the eaves from the natural ground level. Approved on 12.03.2020

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located within the Maidstone Urban Area on the southern side of Tonbridge Road. The site comprises a two storey semi-detached House in Multiple Occupation (HMO).
- 1.02 The premises is lawfully in use as a 6 bedroom HMO, as a change of use from a dwellinghouse to small scale HMO does not normally require planning permission. (Where there is no Article 4 Direction)
- 1.03 The property contains 6-bedrooms, all with en-suite facilities, kitchen and dining area, and a store room. Off street parking is provided by the front driveway and a bike store is located within the rear garden.
- 1.04 This part of Tonbridge Road (A26) is characterised by predominately residential uses comprising both terrace and semi-detached houses.

- 1.05 The site is not in a conservation area and there are no listed buildings affecting the site. The site located in flood zone 1.

2. PROPOSAL

- 2.01 The proposal seeks to change the use of the property from a 6-person Class C4 HMO to a 7-person Sui Generis HMO through the addition of one-bedroom within the existing building.
- 2.02 The bedroom will have a floorspace of 10 square metres and will benefit from en-suite bathroom facilities at 2.5 square metres.
- 2.03 The proposal involves internal alterations only, no external alterations are proposed as part of this planning application.

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017: Policy SS1, SP1, SP19, DM1, DM9, DM12 and DM23.
- Maidstone Borough Policies Map
- National Planning Policy Framework (NPPF): Chapters 2, 4, 5, 11, 12.
- National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 3 letters of objection from the same resident and one letter of support have been received.
- 4.02 The objections can be summarised as follows:-
Impact of noise from residents – noise is perceptible from neighbouring properties
Concerns regarding overcrowding and density
Parking – there is not enough room for cars to park on site.
Amenity – the extension constructed causes loss of light
- 4.03 The letter of support can be summarised as follows:-
The work on the property has been done to a high standard. The premises provide valuable accommodation for NHS workers.

Ward Councillor

- 4.04 Cllr Harper has requested that the item be heard by the committee due to the impact on local residents from the increased housing density. Whilst a 6 unit HMO requires no planning permission, a 7 unit HMO would do so.

5. CONSULTATIONS

Senior Housing & Health Officer

- 5.01 The property is licensed as an HMO for 6 people. For 7 people the property must have 2 sets of grill and ovens, 2 sinks, 2 fridge freezers and 2x 4 ring hobs.
- 5.02 After review and a site visit, the officer confirmed the property has the required appliances and is suitable for 7 people.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of the development
 - Impact on amenity
 - Highways and Parking

Principle of development

- 6.02 The site property is currently in use as a 6 person HMO, and permission is sought to convert this to a 7 person HMO.
- 6.03 This would involve a change from small scale HMO (Class C4) to larger scale HMO (Sui Generis).
- 6.04 Given that the proposals would take the property outside of the requirements of C4 class, and the nature of the changes to the floor layout; officers are satisfied that the proposals are a material change of use requiring planning permission.
- 6.05 The application site lies within the urban area of Maidstone where the principle of conversion or subdivision of existing residential dwellings into flats is generally accepted. Paragraph 6.54 of the Maidstone Local Plan states that 'the conversion of larger residential 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'.
- 6.06 Policy DM9 (Residential extensions, conversions and redevelopment within the built up area) sets out the criteria for determining applications which involve extensions within built up areas. The policy reiterates the requirements highlighted in paragraph 118(e) of the NPPF above. Such proposals are permitted if;
- i. "The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context.
 - ii. The traditional boundary treatment of an area would be retained and, where feasible, reinforced.
 - iii. The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and
 - iv. Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene."
- 6.07 The application site is situated in a sustainable location within the Maidstone Urban Area, as such, the principle of development in this location is considered acceptable subject to the impacts of the development in detail.
- 6.08 The comments received by the Senior Housing and Health Officer, who would grant such licenses, confirmed that the property is suitable to accommodate 7 occupants. The proposal is for the addition of one more occupant, a condition will be attached to the decision to ensure only 7 occupants can occupy the property at one time.
- 6.09 The use of the site property as a 7 unit HMO would not cause harm to the character and appearance of the area, as it would not significantly change its external appearance. Provision for refuse and cycle storage would be sought through attached planning conditions.
- 6.10 It is therefore considered that the principle of increasing the number of occupants of the HMO to 7 people is acceptable.

Impact on amenity

- 6.11 Paragraph 6.55 of the Local Plan states 'the intensified use of dwellings to create smaller households can cause problems for nearby residents, for example noise and disturbance from increased traffic movements...'.
6.12 The building is already in use as an HMO in an established residential area. As such, the addition of one occupant is not considered to result in harm to amenities of the occupants of the existing building or the occupiers of neighbouring residential properties in terms of noise and disturbance caused by additional activity, including

comings and goings, vehicle movements, and internal and external noise transmission.

- 6.13 The proposed bedroom would have access to an en-suite bathroom and is large enough to provide adequate space for the future occupant of the room. It is considered that the rear garden would still provide adequate outdoor amenity space for the occupiers of the building.
- 6.14 Additionally when considering the dwellings proximity to the town centre, occupants have access to amenity and facilities as well as parks provided within Maidstone town centre.

Highways and parking

- 6.15 Policy DM23 (Parking Standards) requires the parking standards to be applied to developments. Urban area locations are required to have maximum spaces. For 1 bedroom flats, the maximum car parking space in the urban area is 1 space per unit but nil provision is encouraged.
- 6.16 The application site is located just outside the town centre boundary, as well as bus routes within the vicinity of the property, a train station is also 1.5km east of the application site. With these factors in mind it is not considered that it is necessary to provide parking provision at the application site for a single occupier. As such the development will not have a materially harmful impact upon parking in the area or the wider highway network.

Other matters

- 6.17 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

- 6.18 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 Overall, the proposal is located within the Maidstone Urban Area where the principle of residential development is supported by local and national policy. The HMO use has already been established and the intensification of an additional unit is not considered to be significant.
- 7.02 The development will not impact upon the amenity of neighbouring properties or occupying residents, nor will it impact upon parking in the area or the wider highway network. The site is in a highly sustainable location and the car parking provision proposed is considered acceptable. The application is recommended for approval, subject to conditions.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following planning conditions:

- 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 and documents:
Site Location Plan – Drawing no. BDS-1672-P01
Existing & Proposed Plans & Elevations – Drawing no. BDS-TR-P10
Existing and Proposed Site Plans – Drawing no. BDS-1672-P02

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

- 3) The house of multiple occupation shall be occupied by no more than seven people.
Reason: In the interests of neighbouring residential amenity.
- 4) The premises shall be used for the purpose of a House of Multiple Occupation and for no other purpose.
Reason: In the interests of the amenities of the area.

INFORMATIVES

- 1) 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
- 2) Owners or managers of properties that are licensable must inform the local authority of their premises and obtain a license. 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.

Case Officer: Connor Shingler