

APPLICATION: MA/13/0914 Date: 17 May 2013 Received: 15 July 2013

APPLICANT: Mrs Sarah Stribbling-Williams, Merryhills Properties Ltd.

LOCATION: 61, CHARLTON STREET, MAIDSTONE, KENT, ME16 8LB

PARISH: Maidstone

PROPOSAL: Change of use from a single dwelling to a house of multiple occupation (HMO) as shown on 3no. existing floor plans and 3no. proposed floor plans received on 22nd May 2013, and A4 site location plan received on 15th July 2013.

AGENDA DATE: 21st November 2013

CASE OFFICER: Richard Timms

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

- Councillors Black and Paine have requested it be reported for the reason set out in the report.

## 1. **POLICIES**

- Maidstone Borough-Wide Local Plan 2000: H22, T13
- Government Policy: National Planning Policy Framework 2012

## 2. **HISTORY**

MA/08/0551 An application for a Certificate of Lawfulness for a proposed single storey rear extension – APPROVED

## 3. **CONSULTATIONS**

### 3.1 **Kent Highways:** No objections.

*"There will be an increase in the number of bedrooms from 3 to 5 but no additional floorspace. There is no parking provision however Charlton Street is a one way street with no parking restrictions. The site lies in a sustainable location within walking distance of public transport connections and the town centre. I confirm that I do not wish to raise objection to this application."*

### 3.2 **Environmental Health:** No objections.

## **4. REPRESENTATIONS**

4.1 8 neighbour representations received raising the following (summarised) points:

- Significant parking problems in the local area.
- Highways safety issues.
- Increased noise and disturbance.
- Concern over security due to a right of access.
- Loss of family home in school area.
- Not sufficient room for bins to the front.
- Does not comply with policy H22.
- Room sizes below housing standards.

4.2 **Councillors Black and Paine** have requested the application be reported to Committee for the following reasons:

Councillor Black: *"Concerns re. on street parking – excessive number of cars on-street already; over-intensive use of the property."*

Councillor Paine: *"Highway Safety - the road is already over-capacity, which leads to cars being parked on the pavement. The pavements are narrow and this results in a width restriction that poses threat to ambulance or fire engine access in an emergency. There have been accidents in the vicinity, and access to Upper Fant Road is a blind spot. Impact on residential amenity - the introduction of 5 new households in this single dwelling represents an over-intensification in this already-densely populated part of Maidstone. The impact on neighbours has to be taken into consideration."*

## **5. CONSIDERATIONS**

### **5.1 Introduction**

5.1.1 This is an application for the change of use from a dwelling to a house in multiple occupation (HMO) with 5 bedrooms at 61 Charlton Street, Maidstone.

### **5.2 Site Description**

5.2.1 The application relates to a two storey, three bedroom terrace house on the south side of Charlton Street towards its northwest end. Charlton Street is a one way street in a southerly direction. The property has a walled front garden with no off-street parking and a rear garden. The house is set over three floors (cellar, ground and first floors). The entrance door is on the side of the property

and is accessed via a covered alleyway, which also leads to the front door of no. 63 to the north.

### **5.3 Proposal**

5.3.1 Permission is sought for a change of use of the dwelling to a HMO with 5 bedrooms. Two bedrooms would be provided within the basement; one bedroom, a communal room, kitchen, and bathroom would be provided on the ground floor; and two bedrooms and a bathroom would be provided on the first floor. No external changes are proposed.

5.3.2 As background, planning permission is not required to change a dwelling to an HMO for 3-6 people, but in this case the owner is seeking that 7 people would live at the property and has therefore applied for permission. However, the final number of occupants will be determined under a separate licence application (which has not yet been made). Any decision on this planning application does not dictate the number of occupants, only the change of use of the building to an HMO.

### **5.4 Principle of Development**

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 It must firstly be borne in mind that the property is a 3 bedroom house which could produce a parking level of 2/3 cars and that the fallback position is that the property could be used as an HMO with up to 6 occupants without planning permission. As such the proposal would not necessarily lead to a significant increase in parking. It is also relevant that the site is at a sustainable location within walking distance of local convenience shops (200m), and public transport links on Tonbridge Road (250m), and so any occupants could manage without a car.
- 5.5.3 If occupants do have cars there is a residents parking scheme in operation so any residents would be eligible for this. 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 sufficient grounds for objection in my view.
- 5.5.4 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 parking where deemed dangerous, so I do not consider the change of use would lead to any significant highway safety issues that warrant objection. I note reference to cars parking over the pavement and local parking conflicts, however, this is a current occurrence in the local area, and I do not consider it would not be made significantly worse by this proposal.
- 5.5.5 It is also important to note that the KCC Highways Engineer raises no objections to the application. With this in mind and having regard to Government advice to reduce car usage; the sustainable location of the site; that there would be no significant highway safety issues arising from the development; and the fallback position, I consider an objection to the lack of off-street parking could not be sustained.

## **5.6 Residential Amenity**

- 5.6.1 A local resident has stated that the room sizes are below the Council's housing sections standards for HMOs. Three bedrooms are just below the 2 person bedroom standard and one is just below the 1 person standard. Having discussed this with my housing colleagues they have advised that there is some flexibility and informally advise that a licence for 5 people (1 person for each room) could potentially be granted based on the room sizes. Notwithstanding this, and importantly, policy H22 does not set minimum room sizes for HMOs but seeks "*no harm to the amenity of intended occupiers*". With this in mind and that it is likely to be granted a licence, I consider the rooms would all be of sufficient size and would receive sufficient light to provide acceptable living conditions for

this type of use. As outlined above, the HMO licence would determine the final number of occupants.

- 5.6.2 The neighbouring property has raised concerns regarding noise in the shared walkway. Whilst this type of use can have a different outward impact than say, a single dwellinghouse, this can be very much down to the individuals who live there, over which there is no planning control. My view is that the proposed use would not result in unacceptable neighbouring living conditions through noise and disturbance. This is also a mixed area with family houses and self-contained flats and for this reason, I do not consider that such a use is out of character.
- 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. I am aware through previous discussions with the waste management section for an HMO for up to 9 persons, that two standard refuse bins, two food bins and a recycling bin would be allocated. This would only be one additional refuse and one additional food bin above its use as a house, and I do not consider this would result in any significant harm to the appearance of the area if positioned to the front. Many other properties have bins stored to the front.
- 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.

## **6. CONCLUSION**

- 6.1 For the above reasons, I consider the proposals would not result in any significant change to the local parking situation or create highway safety issues above the existing situation; that living conditions would be acceptable for existing and prospective occupiers; and there would be no harm to the local area. I therefore consider the proposals are in accordance with policy H22 of the Local Plan and recommend permission subject to the following conditions.

## **7. 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:

3no. existing floor plans and 3no. proposed floor plans received on 22nd May 2013, and A4 site location plan received on 15th July 2013.

Reason: in the interests of residential amenity.

### **Informatives set out below**

Please note that a separate HMO licence will be required for this use.

#### Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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 there are no overriding material considerations to indicate a refusal of planning consent.