

REPORT SUMMARY

REFERENCE NO - 16/505311/FULL		
APPLICATION PROPOSAL Change of Use from a C3 (4 bedroom house) to Sui Generis for multiple occupancy of 8 bedrooms, conversion of loft with the insertion of rooflights and side dormer window, conversion of garage to bedroom with alterations and provision of additional parking.		
ADDRESS 47 Freeman Way Maidstone Kent ME15 8AR		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION Given what can be carried out without the consent of the Council under its planning powers the impact of the development in excess of this is considered marginal.		
REASON FOR REFERRAL TO COMMITTEE Cllr Powell objects to the proposal on parking, footway crossing, drainage grounds and harm to visual amenity and requires the application to be determined by the Planning Committee		
WARD Shepway South	PARISH/TOWN COUNCIL	APPLICANT Mr Daniel Ryan AGENT
DECISION DUE DATE 09/09/16	PUBLICITY EXPIRY DATE 12/08/16	OFFICER SITE VISIT DATE 22/07/16

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.01 The application site is occupied by a detached house located on the eastern side of Freeman Way just north of its junction with Spencer Way. The immediate area comprises a mix of mainly detached and semi detached houses falling within the built up area of Maidstone.

2.0 PROPOSAL

- 2.01 Consent is being sought to change the use of the property into a house in multiple occupation (HMO) with the property being divided up into 8 separate bedroom units. All rooms have ensuite bathroom and toilet facilities apart from bedroom 3 which has access to bathroom and toilet facilities but which are in a separate module just opposite. Communal cooking and a living room areas are to be provided on the ground floor.
- 2.03 Turning to the external changes that have taken place, the applicant advises that installation of the flank dormer and rooflight have been carried out as 'permitted development' i.e. without the need to seek planning permission from the Council. This work is possible as the property remains a dwellinghouse to which permitted development can be lawfully carried out.

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2.04 The front garden area will be laid out as parking for 4 cars to compensate for loss of an integral garage which is to be converted into a separate bedroom unit.

2.05 The following has also been submitted in support of the application:

- The applicant is part of a national franchise committed to meeting the housing needs of local professionals key workers.
- A rigorous vetting process will be in place to ensure that tenants meet and maintain high standards.
- A cleaner and gardener will be employed to ensure that the property is maintained both internally and externally in good condition.

2.06 The applicant also notified local residents of the proposal before submitting the application.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 Development Plan: H22
 Submission version of the draft local plan: DM4, DM8

4.0 LOCAL REPRESENTATIONS

4.01 Cllr Powell objects to the proposal on parking, footway crossing, drainage grounds and harm to visual amenity and requires the application to be determined by the Planning Committee

4.02 A petition has been received with just over 50 signatories objecting to the proposal on the following grounds:

- The loft extension will overlook adjacent properties and create a loss of privacy.
- The loft extension is visually out of proportion
- Insufficient parking provision leading to a dangerous situation at the junction of Freeman Way/Garden Close and Spencer Way roads.

4.03 10 neighbouring properties were notified of the application – 6 objections have been received that are summarised as follows:

- Concerned about discrepancies in plans.
- Dormer not in keeping with the character of the area.
- Additional occupants will overload existing sewer while siting the bin area could be a source of smells to adjoining properties.
- As only 4 parking spaces are proposed whereas the property is to be converted into 8 units will result in parking conflict while the additional traffic will result in harm to the free flow of traffic and highway safety in the locality.
- Use as an HMO will appear out of character .
- Development has gone ahead without planning permission first being obtained.

5.0 CONSULTATIONS

- 5.01 **Housing and Health Officer:** The person in control of the above property has applied for a House in Multiple Occupation License under the Housing Act 2004, Part 2.

6.0 BACKGROUND PAPERS AND PLANS

The development proposals are shown on site location plans received on the 8th and 14 July 2016 and drawing nos:FreemanWay-47-02, 03 and 04.

The application is supported by a letter dated the 8th June 2016 and a planning statement.

7.0 APPRAISAL

- 7.01 Members are advised that use of a dwellinghouse as an HMO by not more than 6 residents does not represent a material change of use requiring planning permission as Class L of the GDPO allows the change from a dwellinghouse to a HMO. A HMO can be defined by the relevant government circular as a '**Class C4: Houses in multiple occupation** (3-6 occupants) – in broad terms, the new C4 class covers small shared houses or flats occupied by between 3 and 6 unrelated individuals who share basic amenities. In the circumstances the assessment for this application must turn on whether the impact of two additional residents will have a material harmful impact over that which can be carried out without requiring planning permission from the Council.
- 7.02 In this case it is considered it would be extremely problematic to seek to argue any additional material harm to the character of the area, impact on amenity or erosion to the free flow of traffic or highway safety in the locality when compared with what could be undertaken without planning permission under Class L. A planning condition is proposed to limit the numbers of persons in the property.
- 7.02 In addition though objections have been raised regarding the visual impact of the dormer, this was erected as permitted development without requiring planning permission from the Council as the property was a dwellinghouse at the time of the works. Similarly, the installation of the rooflight and infilling the garage door void and replacing it with brickwork and a window was also be undertaken as permitted development.
- 7.03 The remaining built element i.e. the laying out of the front garden as a parking space only requires planning permission as it appears an impermeable surface is being proposed. However if this was permeable surfacing, again permission would not be required to provide a parking area to the front of the property. In any case its impact on the street scene is considered insignificant and is a common feature seen within many residential areas.

Other matters

- 7.03 Regarding the capacity of the existing sewer to accommodate the development, in the absence of evidence to support this it is not a matter that can be taken into account in determining this application.
- 7.04 The siting of any the bin storage area has not been shown but given the size of the front garden area it is not anticipated this will result in any harm and is a matter that can be dealt with by condition which is proposed at the end of this report.

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- 7.05 Concerns relating to the retrospective nature of the application are noted. However as advised above the external works do not require permission while until 7 or more people occupy the premises the consent of the Council is also not required. The applicant advises he is currently only marketing the property on the basis of being able to rent up to 6 rooms. So far five tenants are in occupation and include one who will be shortly working in a local IT firm while another is currently serving in the army and will shortly be employed by Kent Police. The applicant considers this shows consistency with the tenancy policy set out being that the development will provide high quality, affordable shared accommodation to working professional people such as key workers, graduates.
- 7.06 In connection with privacy concerns, windows to the flank dormer are shown to be obscure glazed and fixed shut and this can be conditioned. The windows shown to the front and rear of the dormer are in elevations already having windows at 1st floor level. Given that high level overlooking already exists, additional windows on these elevations will not materially erode existing privacy standards in the locality.

8.0 CONCLUSION

- 8.01 Given what can be carried out without the consent of the Council under its planning powers (namely the use of the property as an HMO by 6 unrelated persons) the impact of two additional persons is considered marginal and not sufficient to justify refusing planning permission. It is therefore considered planning permission should be granted as consequence.

9.0 RECOMMENDATION – GRANT 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 vehicle hardstanding hereby approved shall be surfaced in a water permeable material.

Reason: In the interests of the free flow of traffic and highway safety.

3. Details of the size, design and siting of any refuse bin housing shall be submitted for prior approval in writing by the Local Planning Authority and shall be available for use on occupation of the 4th bedroom.

Reason: In the interests of amenity.

4. No more than 8 persons shall be resident at the premises at any one time.

Reason: to retain control over the use in the interests of amenity.

5. The windows shown to be obscure glazed and fixed shut on drawing no:FreemanWay-47-04 shall be installed with these measures in place before first occupation of the rooms which they serve and maintained as such at all times thereafter.

Reason: To maintain privacy in the interests of amenity.

6. The development hereby permitted shall be carried out in accordance with the following approved plans: site location plans received on the 8th and 14 July 2016 and drawing nos:FreemanWay-47-02, 03 and 04.

Reason: To ensure the quality of the development is maintained and to prevent harm to amenity.

Case Officer: Graham Parkinson

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.