

## REPORT SUMMARY

<b>REFERENCE NO:</b> 23/500212/FULL		
<b>APPLICATION PROPOSAL:</b> Change of use of existing dwellinghouse into 10 bedroom HMO including installation of solar panels, electric vehicle charging point and associated parking.		
<b>ADDRESS:</b> 2 Trapham Road Maidstone Kent ME16 0EL		
<b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Councillor Jeffery and Councillor Cannon have both requested the application is considered by Planning Committee if officers are minded to recommend approval. These requests are made for the reasons outlined in the consultation section below.		
<b>WARD:</b> Bridge	<b>PARISH COUNCIL:</b> N/A	<b>APPLICANT:</b> RND Estates Ltd <b>AGENT:</b> Mr Fowler
<b>CASE OFFICER:</b> Kate Altieri	<b>VALIDATED ON:</b> 16/01/23	<b>DECISION DUE:</b> 27/03/23
<b>ADVERTISED AS A DEPARTURE:</b> NO		

## RELEVANT PLANNING HISTORY

- 14/0165 - Single storey front/side & single storey/part 2-storey side/rear extensions - Approved

### 1.0 SITE DESCRIPTION

1.01 2 Trapham Road is a relatively large detached property located on a corner plot, with Vicary Way running past its northern boundary. Trapham Road is characterised by relatively large detached houses of differing design and with off-street parking. The neighbouring streets of Vicary Way, Hazlitt Drive and Bently Close, are also largely characterised by detached dwellings with off-street parking. The block of flats and the terraced properties at the north-eastern end of Hazlitt Drive also have parking areas; and again the majority of the properties on Queens Avenue are detached with off-street parking. For the purposes of Local Plan the proposal site is within the defined urban area of Maidstone; and the site is within Flood Zone 1.

### 2.0 PROPOSAL

- 2.01 The proposal is described as: *Change of use of existing dwellinghouse into 10 bedroom HMO including installation of solar panels, electric vehicle charging point and associated parking.*
- 2.02 The existing property is a 5-bed detached dwelling. Apart from the addition of solar panels, the building's external appearance will remain unaltered. Refuse storage is shown to the northern side of the building; there is off-street parking for four cars; the double garage is shown to be used as a store/utility room and for bicycle parking (10 spaces); and one new freestanding electric vehicle charging point is shown.

### 3.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP1, SP19, SP23, DM1, DM2, DM3, DM5, DM6, DM8, DM9, DM21, DM23
- National Planning Policy Framework (2021) & National Planning Practice Guidance
- Regulation 22 Local Plan

#### Local Plan

- 3.01 As the largest and most sustainable location, the urban area (as defined in the Local Plan) should be the focus for new residential development, provided it accords with relevant Local Plan policies. Local Plan policy SP19 sets out how the Council will seek to ensure the delivery of sustainable mixed communities across new housing developments and within existing housing areas throughout the borough. Paragraph 1 of policy SP19 also states: *In considering proposals for new housing development, the council will seek a sustainable range of house sizes, types and tenures.....that reflect the needs of those living in Maidstone Borough now and in years to come.*

- 3.02 Subject to certain criteria, Local Plan policy DM9 allows for the conversion of dwellings to houses in multiple occupation, and this will be discussed further on in the report. Paragraphs 6.54 and 6.55 state (in summary):

*6.54 Conversion of larger residential properties to...HMOs aids provision of accommodation for smaller households & contributes towards mix and choice of homes, advocated by NPPF....Council wishes to ensure new residential units are attractive, high quality places to live, which respond positively to local area.*

- 3.03 HMOs also aid the provision of accommodation for smaller households and contributes towards a mix and choice of homes, provided such developments are attractive, high quality places to live that respond positively to the local area.

#### **NPPF**

- 3.04 The NPPF is clear that good design is a key aspect of sustainable development and that permission should be refused for development that is not well designed, with section 12 referring to 'achieving well-designed places'.

#### **Regulation 22 Local Plan**

- 3.05 This document is a material consideration, but limited weight is attached to it because of the stage it has reached, having not yet been the subject of full public examination. Stage 2 hearings commence on 15<sup>th</sup> May 2023. This said, here is a list of emerging policies that are relevant to this proposal: LPRS2 (Urban area); LPRSP10 (Housing); LPRSP10(A) (Housing mix); LPRSP14 (Environment); LPRSP14(A) (Natural environment); LPRSP15 (Design); LPRSS1 (Spatial strategy); LPRTRA4 (Parking); LPRHOU2 (Residential conversions in built-up area); LPRQ&D1 (Sustainable design); and LPRQ&D2 (External lighting).

### **4.0 LOCAL REPRESENTATIONS**

- 4.01 **Local Residents:** 63 representations received raising concerns over: Highway safety/parking provision; use out of character and not appropriate for this area; residential amenity including general noise and disturbance; will attract anti-social behaviour; work has commenced without planning permission; inadequate refuse arrangements; proposal will exacerbate doctor/dentist waiting times in area; fire regulations; poor standard of living accommodation; loss of property value; impact upon utilities; and it will set a precedent for future development.
- 4.02 **Helen Grant MP:** Submitted a neighbour representation and commented that it summarises many of the concerns of local residents.

### **5.0 CONSULTATIONS**

(Please note summaries of consultation responses are set out below with responses discussed in more detail in main report where considered necessary)

- 5.01 **Councillor Jeffery:** Wishes to see the application reported to Planning Committee if Officers are minded to recommend approval for following (summarised) reasons:

*Given contentious nature of this application as evidenced by comments submitted and contact from residents to me, can this be called in to Planning Committee.*

- 5.02 **Councillor Cannon:** Wishes to see the application reported to Planning Committee if Officers are minded to recommend approval for following (summarised) reasons:

*Proposal is clearly not in keeping with area, it would have detrimental effect on amenity of local residents and does not appear to comply with policies DM1 and DM9.*

- 5.03 **Environmental Protection Team:** Neither supports nor objects to application.
- 5.04 **KCC Highways:** Proposal does not meet criteria to warrant their involvement.
- 5.05 **MBC Health & Housing Team:** Confirms a HMO licence is likely to be granted.

## 6.0 APPRAISAL

6.01 The main assessment of the proposal will follow the criteria within Local Plan policy DM9, and then other matters will be considered.

### **Assessment against Local Plan policy DM9**

- **Scale, height, form, appearance and siting of proposal would fit unobtrusively with existing building where retained and character of the streetscene and/or its context**

6.02 The proposal does not include any external alterations or extensions to the building or surrounding land, except for the installation of solar panels. It is not unusual for residential properties to have such a feature on the roof (that could also be possible under permitted development rights). Furthermore, the bin storage is shown to be placed behind existing garden fencing, out of public view. On this basis, it is considered that the proposal would not harmfully alter the appearance of the existing building and it would therefore retain the character of the streetscene.

- **Traditional boundary treatment of area would be retained and, where feasible, reinforced**

6.03 The frontage to the property is partly landscaped and partly of block paving, with a dwarf wall running around most of the site boundary. The side/rear of the site is also enclosed by existing close boarded fencing, behind which is where the bins are shown to be stored. The proposal is not altering the site's existing boundary treatment.

- **Privacy/daylight/sunlight/maintenance of pleasant outlook of residents is safeguarded**

#### Neighbouring occupants

6.04 Given the nature of the proposal, it would not have an adverse impact upon any local resident when trying to enjoy their own property, in terms of light and outlook; and the internal changes would not have an unacceptable impact upon any neighbouring property in terms of privacy, when compared to the current situation and given surrounding land levels. It is also noted that the property is detached and the use of the building would remain residential; the existing parking area onsite is not being altered; there is already on-street parking movements in the locality. The Environmental Protection Team comment that there may be noise concerns with occupants using the garden, particularly in the summer time. However, there is no evidence to suggest that this would result in unacceptable harm to residential amenity and the Environmental Protection Team have not actually raised an objection on this matter. On this basis, no objection is raised to the proposal in terms of general noise and disturbance from associated comings and goings from the site. The adopted Local Plan policy doesn't deal with this form of intensification.

#### Future occupants

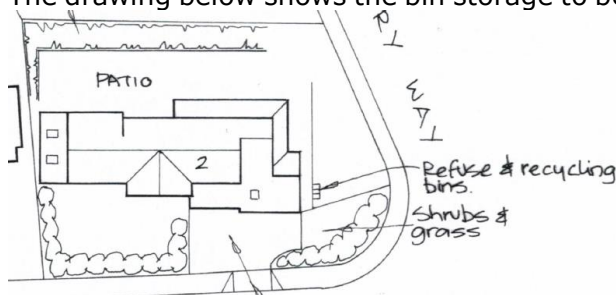
6.05 It is considered overall that future occupants of the site would benefit from acceptable living conditions, in terms of privacy, light and outlook. Whilst the Environmental Protection Team comment that bedrooms above the kitchen may result in conflict, they confirm this is not a matter for which they can request further details on. Furthermore, the Council's Housing & Community Services Team have their own legislative requirements under the Housing Act 2004; and a HMO licence would carry its own conditions to ensure the wellbeing of the occupants of the building including in relation to amenity and health and safety. The Council also has adopted minimum room size standards for HMOs and this would be assessed when the HMO licence application is made; and to further ensure the acceptable living conditions for future occupants of the building, a condition is recommended to restrict the number of households in this HMO. Please note that subject to a full assessment of any licence application, the Council's Health and Housing Team confirm that a HMO licence is likely to be granted for the proposal. There is no adopted supplementary guidance that deals with ensuring that kitchens are not above bedrooms etc so an argument to counter this would have to be made on poor design but this is an internal layout matter.

- **Sufficient parking provided in curtilage without diminishing character of streetscene**
- 6.06 The proposal site has four onsite car parking spaces, and as previously set out above, the proposal is not changing the level of existing hardsurfacing and therefore would not diminish the existing character of the streetscene in this respect. The issue of parking provision will be discussed further on in the report.
- **Intensified use of building and its curtilage would not significantly harm appearance of building or character and amenity of surrounding area**
- 6.07 As set out above, the proposal would not involve any external alterations to the site that would significantly harm the character and appearance of the surrounding area. In terms of the intensified use of the site, the main issue relates to parking/highway safety.
- 6.08 The site is in a sustainable location, close to Maidstone town centre and its amenities/services and public transport links, with local bus stops within walking distance; and the proposal shows the provision of secure bicycle parking for each household. Whilst the Council's adopted parking standards do not specifically relate to HMO's, it is considered reasonable to compare such a use to 1-bed flats for the purposes of parking provision. For a suburban location, the parking standards require a minimum of 1 space per flat, and using this the proposal would be six onsite parking spaces short. However, the surrounding streets have unrestricted on-street parking and so there is the opportunity to park on the street; and given that the majority of the properties in the area have their own off-street parking, it is considered difficult to argue that the proposal would have an unacceptable impact upon the amenity of local residents in this respect. Furthermore, it is evident that vehicles currently park on surrounding streets and it would be difficult to argue that the potential for additional parked cars in the area would again diminish the character of streetscene to an objectionable level. On review of [crashmap.co.uk](http://crashmap.co.uk), there have also been no reported highway accidents on Trapham Road, Vicary Way (including the junction with Queens Avenue), Hazlitt Drive and Bentlif Close. On this basis no objection is raised in terms of highway safety; and there is no evidence to suggest that the residual cumulative impacts on the road network would be severe.

### **Other considerations**

- 6.09 There is unlikely to be any protected species on the site and so no further details are required in this respect prior to the determination of this application. Notwithstanding this, one of the principles of the NPPF (para 180) is that: *Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.* The proposal does show the provision of three bird boxes to the rear boundary fence and two log piles within the existing shrub bed. It would also be possible to provide a bat or bird box onto the main building. A suitable condition is recommended to secure proportionate biodiversity enhancements on the site.
- 6.10 The submission shows the installation of solar panels. In accordance with Local Plan policy and in the interests of sustainability and air quality, a suitable condition will be imposed to secure this detail. There are no arboricultural concerns with the submission. The site is in Flood Zone 1; surface water will be disposed of by way of soakaway; and no change is being made to the footprint of the building nor the hardstanding. With this considered, no objections are raised to the proposal in terms of flood risk. Furthermore, no objections are raised to the proposal in terms of foul sewage disposal, and no further details are required. The Environmental Protection Team have also raised no objection to the proposal in terms of land contamination; air quality; and lighting.

6.11 The drawing below shows the bin storage to be hidden behind the existing close boarded fencing:



6.12 As can be seen, there is sufficient room within the site for associated bins to be stored and hidden from public view, and no objection is raised on this matter. It is also noted that through the HMO licence, a condition is added that states: *The licence holder must ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the premises for the storage of refuse and litter pending their disposal. The licence holder must also make such further arrangements for the disposal of refuse and litter from the premises as may be necessary, having regard to any service for such disposal provided by the Council.*

6.13 The Ward Councillors and neighbour representations received in relation to this application have been considered in this assessment. Please note here that potential antisocial/criminal behaviour would be a matter for the police to deal with if necessary; and as part of the HMO occupation licence conditions, the licence holder is required to take reasonable steps to prevent occurrences of anti-social behaviour. Furthermore, a HMO is not required to provide financial contributions towards community infrastructure, and in any case there is no evidence to prove that the proposal would place unacceptable pressure on local amenities/services; the potential loss of property value is not a material planning consideration; the approval of this application would not set a precedent for similar development in the area, as each application should be considered on its own merits at the time; and there is an open Planning Enforcement investigation on this site that is being held in abeyance until this application has been determined.

6.14 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 proposal would not undermine the objectives of the Duty.

## 7.0 CONCLUSION

7.01 For the reasons set out above, the proposal would be in accordance with Local Plan policy DM9; and it would be acceptable with regard to all the other relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval of the application is therefore made on this basis.

8.0 **RECOMMENDATION:** GRANT PLANNING PERMISSION subject to the following conditions with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

(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 plans: site location plan; 22/939/01; 02; 03; and 05.

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The development hereby approved shall have no more than 10 separate households occupying the building at any one time.

Reason: To protect the amenity of future occupants.

- (4) Prior to the first occupation of the development hereby approved, the log piles and the bird boxes shall be in place (as shown on the submitted plans), and a bird or bat box/tube shall also be installed onto the building (at main eaves height). These features shall be maintained as such thereafter.

Reason: In the interests of biodiversity enhancement.

- (5) The secured bicycle parking, for a minimum of ten bicycles (as shown on the submitted plans), shall be completed and fully useable prior to the occupation of the development hereby approved and shall be maintained as such thereafter.

Reason: In the interests of sustainable development.

- (6) The existing vehicle parking area to the front of the building (within the application site), shall be permanently retained for parking thereafter and not used for any other purpose.

Reason: To retain onsite parking provision.

- (7) The solar panels, as shown on the submitted plans, shall be installed and operational prior to first occupation of the development hereby approved and shall be maintained as such thereafter.

Reason: To ensure an energy efficient form of development.

- (8) No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of residential amenity.

Informative(s):

- (1) The applicant is reminded that works may require separate approval under the Building Acts and they are advised to contact the Council's Building Control Section at [building@maidstone.gov.uk](mailto:building@maidstone.gov.uk) or 01622 602701.
- (2) The applicant advised to refer to the Mid Kent Environmental Code of Development Practice, as broad compliance with this document is expect. Further details can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.