

**REPORT SUMMARY**

<b>REFERENCE NO:</b> - 22/503535/FULL		
<b>APPLICATION PROPOSAL:</b> Conversion of existing four storey dwelling into 3no. self-contained flats, incorporating a single storey ground floor pitched roof side extension and single storey lower ground floor flat roof rear extension, and new pedestrian access within boundary wall.		
<b>ADDRESS:</b> 101 Milton Street Maidstone Kent ME16 8LD		
<b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The development is acceptable regarding 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> The reasons for referral to committee from Cllr Paul Harper are detailed below within section 4 (Local Representations)		
<b>WARD:</b> Fant	<b>PARISH/TOWN COUNCIL:</b> N/A	<b>APPLICANT:</b> Mr P Olayinka <b>AGENT:</b> Cadscapes Ltd
<b>CASE OFFICER:</b> William Fletcher	<b>VALIDATION DATE:</b> 26/07/22	<b>DECISION DUE DATE:</b> 27/01/23
<b>ADVERTISED AS A DEPARTURE:</b> No		

**Relevant planning history**

12/0164 - Change of use of redundant barber's shop to residential use as part of attached property at 101 Milton Street – approved 06.07.2012

**MAIN REPORT**

**1. DESCRIPTION OF SITE**

- 1.01 The application site is in a residential area in the Maidstone urban area to the west of the town centre and north of the river Medway. The surrounding character is predominantly 2 storey properties in terraces with small front gardens There are several properties in the locality already converted to self-contained flats. This matter is discussed in greater detail below in section 6.
- 1.02 The application site is located at the junction of Milton Street and Dover Street. The plot is marginally wider than the surrounding plots but otherwise reflects the shape of surrounding properties.
- 1.03 With a fall in ground level towards the rear of the site, the existing building is three storeys to the front elevation in Milton Street and four storeys to the rear elevation (basement, ground, first and second floors). The existing dwelling includes former commercial floorspace at ground floor level converted to residential use to the Milton Street frontage.
- 1.04 A two-storey building (which the supporting statement describes as being vacant) is located to the rear of the application site. This building is attached to 75 Dover

Street and accessed via Dover Street. There is no change to this building as part of the current application.

- 1.05 There is currently a dropped kerb in Dover Street providing vehicular access to the land at the rear of the application site. Dover Street is a one way street with traffic movements only permitted towards Milton Street (north west direction). Milton Street is also one way with traffic only permitted in a southwest direction towards Hackney Road.

## 2. PROPOSAL

- 2.01 The application seeks the conversion of the existing four storey, four-bedroom dwelling into three self-contained flats. The proposal includes a single storey ground floor pitched roof side extension and single storey lower ground floor flat roof rear extension. A new pedestrian access is proposed within boundary wall.

- 2.02 The proposed accommodation is as follow:

- Lower ground(basement): (Flat 1) two bedroom flat of 74m<sup>2</sup> accessed from the rear of the building and including a single storey rear extension.
- Ground: (Flat 2) one bedroom flat of 37m<sup>2</sup> accessed from the front corner of the building and including a small single storey side extension.
- First: (Flat 3) lower floor of a split level flat (kitchen and living room) accessed by existing rear external staircase, rear door at ground floor level in and internal staircase. Flat is total of 74m<sup>2</sup>.
- Second: (Flat 3) upper floor of a split level flat (2 bedrooms and a bathroom)

- 2.03 Original application also sought the conversion of the existing outbuilding into a single dwelling This separate conversion has now been removed from the application and the building will remain as an outbuilding.

## 3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

SS1 – Maidstone borough spatial strategy

SP1 – Maidstone urban area

SP19 – Housing mix

DM1 – Principles of good design

DM9 – Residential extensions, conversion within the built-up area.

DM12 – Density of housing development

DM23 – Parking standards (Appendix B)

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. –

The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (Stage 1 hearings concluded). The relevant policies in the draft plan are as follows:

SS1 – Maidstone borough spatial strategy

SP2 – Maidstone urban area

SP10(a) – Housing mix

SP15 – Principles of good design

HOU2 – Residential extensions, conversions...in the built-up area

HOU5 – Density of residential development

TRA4 – Parking standards (Appendix B)

Q&D6 – Technical Standards

Q&D7 – Private open space standards

#### 4. LOCAL REPRESENTATIONS

##### **Local Residents:**

26 representations have been received from local residents, 25 in objection and 1 in support.

The representations in objection to the development raise the following summarised issues.

- Lack of parking provision in the area.
- Impact upon trees.
- Principle of converting the building.
- Access to emergency services.
- Aural amenity of the area.
- Deficiencies in social facilities.

*(Officer comment: Whilst deficiencies in social facilities i.e. spaces in schools and GP provision are a material planning consideration, each planning application must be assessed on its own merits. Two additional dwellings here would not create so 'additional' demand (one of the new dwellings is a 'studio' flat and whilst there are more households, existing and proposed accommodation provides the same number of bedspaces [8]) that local services would be overwhelmed).*

The representation in support of the development raises the following:

- traffic impacts are manageable.
- development would improve the appearance of the building.
- 'Local' need for HMOs.

##### **Cllr Paul Harper**

Application has raised considerable local concerns from Fant residents and is yet again a conversion of a dwelling into multiple flats.

It is unsustainable in its current location which is a very congested street. It does not provide sufficient off street parking, amenity space and is classic overdevelopment.

#### 5. CONSULTATIONS

##### **KCC Highways**

This consultee responded to the consultation request with their standing advice. No objections issued.

#### 6. APPRAISAL

6.01 The key issues are:

- Cumulative assessment
- Visual impact
- Standard of accommodation
- Neighbouring amenity
- Highways
- Ecology, biodiversity and trees

##### **Cumulative assessment**

6.02 The application site and surrounding roads are within Maidstone urban area and a short distance from the town centre. Adopted policy states that the urban area will be the focus for new development subject to other planning consideration such as

neighbour impact etc. In policy terms, the 'principle' of subdividing single dwellings in this location is accepted.

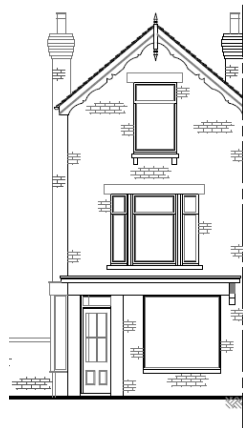
- 6.03 Representations received raise concerns regarding the number of dwellings that have been subdivided in the area. An assessment of the number of subdivisions in Milton Street, Dover Street, Charlton Street and Pope Street (the closest neighbouring streets) is provided below.
- 6.04 In terms of planning applications for single dwellings converted into self-contained flats. A search of internal Council systems indicates:
- 7 permissions along Milton Street which sought to convert single dwellings into flats and 2 seeking to convert single dwellings into HMOs.
  - 6 permissions for conversions to flats along Dover Street, no permissions for HMOs.
  - 6 permissions for conversions along Charlton Street, 1 permission for a HMO.
  - No applications for conversions or HMOs along Pope Street.
- 6.05 As the resulting impact is not great enough to require planning permission the conversion of a single family dwelling to a house of multiple occupancy with up to 6 occupants does not require planning permission.
- 6.06 The Council's Housing and Community Services team have advised that in Fant Ward overall there are approximately 30 HMOs and approximately 40 buildings converted into flats. When considering that there are at least 4000 'dwellings' in total in Fant Ward it is concluded that there is currently no local over concentration and the current additional conversion will not result in a concentration of non-single family homes in this location.

### **Visual impact**

- 6.07 Policy DM1 states that development must respond positively to, and where possible enhance local, character. Regard will be paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage- incorporating a high quality, modern design approach and making use of vernacular materials where appropriate.
- 6.08 Policy DM9 continues, stating that development will be permitted if "the scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and character of the street scene and/or its context".
- 6.09 The proposed extensions are to the rear and side of the building. The rear extension is at 'lower ground floor' level and projects 3m from the existing rear elevation. The side extension projects 1.8m from the side elevation of the dwelling and has a total height of 4.3m (situated on top of the lower ground floor/basement) and an eaves height of 2.7m with its pitched roof form and a breadth of 4.2m.
- 6.10 The proposed side and rear extensions would not have a harmful impact on the character and appearance of the application property or the surrounding area. Due to the topography of the area the flat roof rear extension at basement level is situated below the boundary wall of the dwelling and as such the extension would not be overly visible from the street.
- 6.11 The roof and overall form of the side extension is in keeping with the host building and would appear as a sympathetic addition.
- 6.12 The application form indicates that the extensions would be finished in materials that match the host dwelling. The application form indicates that proposed windows

would be uPVC. It is not clear if existing windows would be replaced. Conditions will be imposed requiring the applicant to submit materials details for approval.

**Existing Front Elevation**



**Proposed Front Elevation**



**Standard of accommodation**

6.13 Policy DM1 details the need to provide an appropriate level of amenity for future occupants. The internal space of the flats are as follows:

- Flat 1 - Ground Floor 37sqm /1-bedroom/ 1 person
- Flat 2 - Basement 70sqm 2-bedroom/3 person
- Flat 3 - First & Second Floor 74sqm 2-bedroom/3 person

6.14 The accommodation is in accordance with national space standards (and LPR policy Q&D6) which require the internal space of 1 bedroom (1 person) dwellings to be at least 37m<sup>2</sup> and 3 person dwellings to be at least 70m<sup>2</sup> in size. Dwellings, including the basement would have sufficient natural light.

Whilst little weight is given to LPR policies at this stage, in terms of private amenity space LPR Policy Q&D7 states "All new dwellings created through subdivision, conversion or new build should have private amenity space""...For flats, have a space (balcony or terrace) large enough for two persons to use".

6.15 A planning condition is recommended seeking a plan of the open area at the rear of the main building to show the provision of external amenity space for future occupants. A further condition is recommended seeking details of the enclosure of areas to the front and side of the building to ensure that the amenity of future occupiers are protected. It is also highlighted that in terms of the general standard of accommodation, the two larger flats are 9m<sup>2</sup> in excess of the space standard.

**Neighbouring amenity**

6.16 Policy DM1 of the Local Plan detail the need for development to respect the amenity of neighbouring occupiers. The extensions to the building would not cause any loss of light to neighbouring properties. By its nature the 'lower ground floor' extension would not overshadow the adjoining neighbouring property to its south due to the difference in building heights as well as the boundary wall to the south. The closest neighbouring property to the side extension is 15m to the north.

6.17 Loss of privacy has been raised in neighbouring representations specifically in terms of visitors to the building. The access to the proposed ground floor accommodation uses the former access to the ground floor commercial use (shop front is still in place). In addition to the parking and (likely early morning) deliveries associated

with the former commercial use (a barbers and believed to include a bakery), the former use would have attracted many visitors to the application site and likely greater disturbance than a residential use.

- 6.18 The access to the single dwelling at first and second floor levels is by way of an existing external staircase from basement to an entrance at ground floor level (with an internal staircase to first floor level). The historic and existing use of the floorspace at first and second floor levels is residential which would have involved visitors to the building. The current proposal also provides residential use and there are no grounds found to refuse permission in terms of activity levels associated with the converted building.
- 6.19 Potential noise issues from the property are also raised in consultation responses. There is nothing to indicate that the potential for anti-social behaviour is any higher from smaller residential units and in any event noise nuisance is dealt with outside the planning system by environmental legislation. The comments on the former use of the ground floor made above and the likely associated disturbance are also highlighted.

### **Highways and servicing**

- 6.20 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements. Paragraph 6.99 of the supporting text to policy DM23 states that "The council adopts a flexible approach to minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car".
- 6.21 The adopted Local Plan considers Maidstone urban area the most 'sustainable' location for new housing development in the borough. With easy access available on foot to facilities (such as education, employment, leisure uses) and public transport, residents do not necessarily need to own a private vehicle to carry out normal day to day activities in the urban area.
- 6.22 The additional vehicle trips associated with the proposal can be adequately accommodated on the local road network without harm to highway safety.
- 6.23 The application includes drawings of a refuse store with the location of this store indicated on drawing 004A. A planning condition is recommended requiring the provision of this refuse store prior to first occupation of the accommodation. A drawing has been submitted of a cycle storage building. A planning condition is recommended seeking details of the precise location of this storage on the site and again provision of this store prior to first occupation of the accommodation.
- 6.24 Car parking demand is assessed in relation to the anticipated increase from 'existing' accommodation at maximum lawful occupancy when compared to the 'proposed' outcome from a planning application.
- 6.25 The existing building provides a 4 bedroom property which could reasonably generate existing demand for 4 car parking spaces (2 adults and 2 'adult' children), however for the purposes of this assessment adopted car parking standards have been used.
- 6.26 In this 'suburban' location (in 'town centre' and 'edge of centre' locations standards are maximum not minimum), adopted Local Plan parking standards would require a new build 4 bedroom house to have a minimum of 2 off street car parking spaces (2 off street spaces for 4+ bedroom houses).

- 6.27 The current proposal provides 2, two bedroom flats and a one bedroom flat. Adopted Local Plan parking standards would require a similar new build development to have one off street space for each of the one and two bedroom flats. The parking demand for the proposed accommodation would as a result be 3 off street spaces, an increase in one space from existing accommodation (with former ground floor barber discounted).

**View of the rear of the site from Dover Street.**



- 6.28 Paragraph 111 of the NPPF states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." (Officer emphasis). Census data indicates that of 4788 local households 909 do not own a vehicle, 1938 households own a single vehicle, 989 two vehicles, 188 three vehicles and 69 four vehicles.
- 6.29 The existing local on street parking stress highlighted in neighbour letters and witnessed during the officer site visit is acknowledged. Notwithstanding this existing parking stress, the additional single car parking space will not result in a severe impact. No grounds are present that would reasonably justify refusal of planning permission on parking or highways impact grounds.

**Ecology, biodiversity and trees**

- 6.30 Local Plan policy DM3 highlights the need where relevant to appraise the value of the borough's natural environment to take full account of the biodiversity present. The application site consists of an existing property, with the open areas of the site predominantly covered in hardstanding. In this context the likelihood of protected species being present on the site is low. A planning condition is recommended seeking biodiversity enhancements on the site.
- 6.31 Representations raise the recent loss of trees on the application site. It is evident that a Leylandii (or similar) tree to the rear of the site that appears to have been

in poor health/dying has been removed. No trees on the application site were covered by a Tree Preservation Order and the site is not in a conservation area. IN this context the trees could be lawfully removed from the site.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.32 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.

### **CIL**

- 6.33 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.

## **7. CONCLUSION**

- 7.01 The application site is within the urban area (the most sustainable location for new residential development), a short distance from the Maidstone Town Centre boundary and is a suitable location for a new dwelling.
- 7.02 The extensions proposed would not have a harmful impact upon the character and appearance of the host dwelling or the wider area. The dwelling provides an appropriate level of residential amenity for future occupants.
- 7.03 The proposal would not result in a loss of privacy or amenity to neighbouring occupants nor do the external works to the building cause any loss of light or privacy.
- 7.04 In terms of parking provision, when considering the number of vehicles that could be associated with the existing dwelling the impact from the proposal would not be 'severe'. The proposal as a result does not meet the relevant NPPF threshold that would justify refusal on highway safety or cumulative impact grounds.

## **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 shall be carried out in accordance with the following approved plans and documents:  
Application for planning permission  
PA\_22\_060\_001 - Existing Plans and Elevations  
PA\_22\_060\_002 - Proposed Plans and Elevations  
PA\_22\_060\_004 Rev A - Site Location, Existing and Proposed Block Plans and Layout Plan  
PA/22/060/005 - Refuse and Cycle Store Elevations  
Design and Access Statement Revised



Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.

- 3) Prior to the extensions hereby approved commencing above slab level, written details and samples of facing materials and all fenestration shall have been submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials and retained thereafter.

Reason: To ensure a satisfactory appearance to the development.

- 4) Prior to the extensions hereby approved commencing above slab level, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extensions by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details prior to first occupation of the approved accommodation and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- 5) The development hereby approved shall not be occupied until the refuse storage indicated in drawing PA\_22\_060\_004 Rev A has been provided and shall be maintained thereafter.

Reason: In the interests of amenity and the streetscene.

- 6) The development hereby approved shall not be occupied until details of the location of covered cycle storage have been approved in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation of the relevant dwelling and maintained thereafter.

Reason: In the interests of amenity and the streetscene.

- 7) The development hereby approved shall not be occupied until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into each dwelling to provide at least 10% of their total annual energy requirements, have been approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the relevant dwelling and maintained thereafter.

Reason: To ensure an energy efficient form of development.

- 8) Prior to the extensions hereby approved commencing above slab level a plan of the open areas of the site forward of the building to the Milton Street and Dover Street frontages shall be submitted to and approved in writing by the local planning authority. Whilst protecting the existing lightwells the plan show the landscaping and enclose of these areas.

Reason: In the interests of amenity and the streetscene.

### **Informative**

- 1) The applicant is advised that the proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st 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.