

MC/16/4508

Date Received: 3 November, 2016

Location: 60 Linden Road, Gillingham ME7 2PH

Proposal: Change of use of property from residential to HMO

Applicant: Mrs Bell

Ward Gillingham South

Case Officer Thomas Stubbs

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 10 May 2017.

Recommendation - Refusal

- 1 The application property is a mid-terraced dwelling in a residential area and is of a size suitable for occupation by a single family unit. The occupation by over six independent occupiers, with very poor and inadequate communal facilities (lack of sitting room, lounge room, TV room) as well as one room being within the basement area and being the primary room for an occupier, would result in a poor standard of accommodation for the future occupiers. The proposal would also have increased and unacceptable impact on the amenities of the occupiers of adjacent properties by virtue of increased comings and goings and primary rooms at first floor level adjacent to bedrooms. The proposal is contrary to policies H7 and BNE2 of the Medway Local Plan 2003.

Proposal

This application seeks planning permission for the change of use of property from residential (C3 dwelling) to HMO (sui-generis).

There is no proposed change to the layout and the three storey building would be laid out with accommodation on three levels comprising:

- Basement level: Bedroom 1 (16.97sqm)
- Ground floor level: Bedroom 2 (13.61sqm), Bedroom 3 (10.74sqm) and a kitchen/diner, shower room and wc.
- First floor level: Bedroom 4 (17.79sqm), Bedroom 5 (10.74sqm), bathroom and Bedroom 6 (10.32sqm).

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Three letters of representation have been received objecting to the proposal on the following grounds:

- Road already has too many flats and HMOs
- Parking concerns

One letter of support from the applicant addressing concerns raised by the public.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 and are considered to conform.

Planning Appraisal

Principle

The application site is located within the urban area of Gillingham within a terrace. Planning history shows that the neighbouring property at No. 62 is currently subdivided into flats. The proposal is to use the dwelling house as a HMO. The property would be able to accommodate more than 6 people living within the dwelling due to the room sizes and therefore the change of use would be considered to be sui generis and not permitted development as house of multiple occupation of up to six people. The NPPF which advises that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49). Policy H7 of the Local Plan states dwellings for multiple occupation will be permitted subject to the following criteria:

- (i) the property is in an area with a predominantly mixed-use or commercial character; and
- (ii) the property is located where increased traffic and activity would not be detrimental to local amenity; and
- (iii) either the property is detached and the proposal would not adversely effect the amenity of the occupiers of nearby properties; or
- (iv) where the property is not detached, relevant nearby or adjoining properties are in multiple occupation or a non-residential use; and
- (v) for changes of use, the property is too large to reasonably expect its occupation by a single household.

Most suitable locations according to paragraph 5.5.28 of the Local Plan are likely to be within or on the fringes of town centres or on main roads where there is a mix of land use and unlikely to be suited to family occupation.

In this instance the application site is a terraced property considered to be a suitable size to be occupied as a single household as a three bedroom house in a residential area where only 10% of the properties have been historically approved as flats, bedsits and HMOs. Consequently the principle of the change of use into a HMO accommodation is therefore not acceptable and contrary to Policy H7 of the Local Plan.

Design

The proposed development would not result in any material changes to the external appearance of the building and on this basis; no objection is raised to the proposed development in the context of Policy BNE1 of the Local Plan.

Amenity

There are two main amenity considerations, the impact of the development on neighbours and the living conditions for future residents of the site itself.

The proposed levels of occupancy will intensify when compared to the existing use and will result in 3 first floor rooms effectively being used as the main living accommodation for residents immediately abutting the bedrooms of adjoining residents resulting in some harm to amenity. In addition the use of the property as an HMO will also result in increased comings and goings to the property above that which would normally be experienced by a property in single family accommodation thereby resulting in further harm to the amenity of adjacent residents. On balance it is considered that the combined effect of this would be unacceptable harm to the amenities of occupiers of adjacent and neighbouring property and thereby contrary to policies H7 and BNE2.

The standard of accommodation for future occupiers has been assessed with regard to the with regard to the technical housing standards – nationally described space standard 2015 published by DCLG which are used as part of the planning assessment for new housing developments. The national spaces standards for new housing require single bedrooms to be at least 7.5sqm and doubles to be at least 11.5sqm however such dwellings would also have separate living facilities such as a kitchen and living room.

With regards to the national standard prescribes the bedrooms are suitable as three double bedrooms and three single bedrooms however no lounge/tv area provided only a shared kitchen/diner area. In the absence of any form of shared living accommodation for relaxation the tenants would have to sleep and live in their bedrooms and this is essentially a bed-sit not a HMO. Consequently the application would result in a poor standard of accommodation for the future occupiers and would be contrary to Policy BNE2 of the Local and the guidance given in the NPPF (including the fourth core planning principle given in paragraph 17).

In addition one of the bedrooms/living rooms will be in the basement area where the only window will face onto a small sunken area and therefore there will be inadequate amenity and outlook for the occupier of this room and again the proposal will be contrary to Policy BNE2.

Highways

The proposed development is close to a town centre location and there is no specific planning policy that relates to the sui generis use proposed. There is no parking for the existing use which could be used as a property to accommodate for up to 6 people without planning permission. The application site is within walking distance to the town centre and Gillingham train station. Parking controls exist on the road and due to the nature of the accommodation provided it is likely that car ownership would be low. The road is subject to traffic control order and in consideration of this, the occupants are unlikely to have a car but where they do, parking is available. No objection is raised on highway grounds where the site is within the vicinity of a bus route, train station and the town centre.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £223.58 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicants have paid this tariff and have submitted a unilateral undertaking. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Refusal

The application property is a mid-terraced dwelling in a residential area and is of a size suitable for occupation by a single family unit. The occupation by over six

independent occupiers, with very poor and inadequate communal facilities (lack of sitting room, lounge room, TV room) and one primary room in a basement would result in a poor standard of accommodation for the future occupiers. The proposal is contrary to policies H7 and BNE2 of the Medway Local Plan 2003. In addition the proposal will result in main living areas adjacent to neighbour bedrooms as well as increased comings and on goings greater than would be expected for a property in single family accommodation and consequently there will be unacceptable impact on neighbour residents amenity contrary to Policy BNE2 of the Medway Local Plan 2003

The application would normally be determined under delegated powers. However the application was deferred from the previous committee list where it had a different recommendation and as such the Head of Planning considers the decision most appropriately be made by Planning Committee.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>