

MC/23/1726

Date Received: 2 August 2023
Location: 32 Tennyson Road Gillingham, Medway ME7 5QD
Proposal: Construction of a single storey rear extension, single-storey side extension and insertion of dormer to rear and roof lights to front, to facilitate the change of use from dwellinghouse (Class C3) to 7 person House in Multiple Occupation (Sui Generis).
Applicant Agent: Mr Cook
HMO Designers
Mr Willment
Gatcombe House
Copnor Road
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Ward: Gillingham South
Case Officer: Madeline Mead
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 22nd November 2023.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

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130-PL05_Rev F - Proposed floor plans
130-PL06_Rev C - Proposed front and rear elevations
130-PL07_Rev C - Proposed side elevations

Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 All materials used externally shall match those of the existing building.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how residents and their visitors will be deterred from parking on street. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: To ensure satisfactory parking in accordance with Policy T13 of the Medway Local Plan 2003.

- 5 Prior to the first occupation of the development hereby approved details of cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facilities shall be implemented, prior to first occupation, in accordance with the approved details and thereafter retained.

Reason: In the interests of sustainability and to encourage cycle use with regard to Policy T4 of the Medway Local Plan 2003.

- 6 The house of multiple occupation hereby approved shall be occupied by a maximum of seven people.

Reason: To regulate and control the amount of occupants of the property in the interests of the amenities of neighbouring properties and of future occupants of the site, due to limited communal facilities, in accordance with Policy BNE2 of the Medway Local Plan 2003.

For the reasons for this recommendation for Approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks planning permission for the construction of a single storey rear extension, a single storey side extension and insertion of dormer to rear and roof lights to front, to facilitate the change of use from dwellinghouse (Class C3) to 7 person House in Multiple Occupation (HMO) (Sui Generis).

The single storey rear extension would have a depth of approx. 3m, a width of approx. 2.9m and height of approx. 2.65m and would have a flat roof. The side extension would be to the side of the existing single storey projection and to the rear of the living area and would have a flat roof with a lantern light window within it. The dormer would be "L" shaped

and would extend out of the main roof slope of the building and over the existing two storey rear projection.

The ground floor would comprise of two bedrooms each with ensembles and a kitchen/dining/living room. The first floor would comprise of three bedrooms and a bathroom and within the roof, two further bedrooms, both with ensembles.

Access to the rear garden would be via the kitchen/dining/living room located at ground floor level.

Relevant Planning History

MC/23/1233 Application for a Lawful Development Certificate (Proposed) Change of use from class (C3) dwellinghouse to class (C4) HMO, construction of a single-storey extension to rear, single-storey extension to side and construction of a dormer to rear to facilitate living accommodation within the roof space.
Decision: Approved
Decided: 26 July 2023

Representations

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

Twelve letters of representation have been received (some are from the same household). The representations have the following comments:

- Loss of family dwelling.
- Overconcentration of HMO's in the local area.
- Anti-social behaviour.
- Impact on neighbouring residential amenity in terms of noise, loss of daylight, overshadowing and overlooking.
- Design not in keeping with properties within the vicinity.
- HMO not in keeping with the community.
- Increase in traffic.
- Increased on street parking pressures.

Southern water has advised that the drawings show that the developer is intending to build close to a public foul sewer which is crossing the site and have advised that building over a public sewer is not normally permitted by Southern Water.

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 2021 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

Background

As listed in the relevant planning history, application MC/23/1233 was for a Lawful Development Certificate (LDC) (proposed) for the change of use from residential dwelling (Class C3) for use as a 6-bedroom House in Multiple Occupancy (HMO) (Class C4) along with the construction of an “L” shaped dormer, a single storey side extension and a single storey rear extension. As this was an application for an LDC the matter was dealt with on the basis of an assessment of the permitted development rights. The application was approved on 21 July 2023.

As the above mentioned development has not been implemented, this application considers those works that were subject to the LDC application (rear and side extensions, dormer and use as a 6-bedroom HMO) and the addition of an extra bedroom with ensuite within the ground floor area of the building.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The NPPF seeks to pursue sustainable development, in a positive way through a presumption in favour of sustainable development, unless the paragraphs within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11). Paragraph 60 of the NPPF also seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements.

The proposal site is located within the urban area of Gillingham. Policy H7 of the Local Plan refers to houses in multiple occupation, saying that they will be permitted subject to certain criteria:

- Property is in a mixed character area.
- Increased traffic would not be detrimental to amenity.
- The property is detached, or the use would not adversely affect amenity.
- Where not detached, there are other HMOs in close proximity.
- The property is too large to be used for family accommodation.

In the current case, although is not in a predominantly mixed use area, there are three other HMO's within the vicinity (one in the same road and two in surrounding roads) and

the site is in relatively short walking distance from retail shops and a hot food take away in Byron Road.

As detailed in the planning history above, the property can be converted to a 6 bed HMO with extensions to facilitate that, without the need for planning permission. In these circumstances, although the property is not detached and could still be occupied by a single household, on balance the change of use to a 7 bed HMO is considered acceptable in principle.

Design

Paragraphs 126 and 130 of the NPPF emphasise the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The proposal includes the insertion of three rooflights within the front roof slope of the building, a large “L” shaped dormer to the rear roof slope and a single storey flat roofed rear extension and single storey flat roofed side extension. The single storey rear extension would be considered modest in scale and although flat roofed, which is not ideal, would only be viewed from neighbouring properties and gardens. Similarly, the single storey extension to the side is flat roofed but with a lantern roof light and is modest in scale with little impact on the appearance of the host dwelling or area due to its scale and siting. The dormer to the rear is considered large in scale and would dominate the roof slope of the dwelling. However, the proposed dormer is the same as that which was subject to a lawful development certificate and therefore, could be constructed under permitted development rights, and on that basis alone it is considered to be acceptable. The rooflights are considered to be acceptable in terms of scale and design.

Overall, on balance it is considered that the development would be in accordance with Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposal on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 130f of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

It is not considered that the dormer or rear and side extensions would have a detrimental impact on neighbouring amenity in terms of loss of daylight, sunlight, outlook, due to the location and scale of these extensions. The dormer window would introduce some further mutual overlooking above that already experienced from first floor windows to the rear gardens of neighbouring properties, however, this is would not be at a level that would be considered unacceptable. Whilst there is likely to be some increase in comings and goings to the property, it is considered that as the property could be converted to a 6 bed

HMO without planning permission, that the proposal for a 7 bed HMO is unlikely to result in harmful levels of noise and disturbance to neighbouring occupiers.

A condition is recommended to restrict the number of occupants within the property to seven in order to control the noise and disturbance further occupants may have on the neighbouring residential amenity.

Amenity of Future Occupiers

The proposal has been considered against the technical housing standards - nationally described space standard dated March 2015 (the national standard). All of the bedrooms proposed are single bedrooms and would either meet or exceed the size requirements of the space standards.

One of the bedrooms within the roof space would receive its daylight, sunlight and outlook from three rooflights. These rooflights would be located at a height that would provide suitable outlook for the future occupant of the room and would also provide adequate daylight and sunlight.

The communal living/dining/kitchen room would measure approx. 24.4m². The future occupants would also have access to the rear garden area which would provide suitable private amenity space.

Overall, with the abovementioned condition imposed, it is considered that the proposed extensions and conversion to an HMO would not cause significant harm in terms of neighbouring and future occupants amenity and would be in accordance with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

Highways

Policy T1 of the Local Plan relates to the assessment of the highways impact of development and outlines the criteria of when development would be permitted. Policy T13 of the Local Plan provides guidance on vehicle parking standards. Paragraph 111 of the NPPF outlines that 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.

The property does not benefit from any off street parking and no parking is proposed as part of the application. The development is likely to increase parking demand and therefore a condition is recommended for a parking management scheme to be submitted.

A condition is recommended to ensure cycle storage facilities are provided on site.

Subject to the recommended conditions the proposal is considered to be acceptable in highway terms and in accordance with Policies H7, T1, T4 and T13 of the Local Plan and paragraph 111 of the NPPF.

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 £314.05 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. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by 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. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

The applicant has confirmed that subject to approval of the application the SAMMS Mitigation Contribution Agreement and payment will be paid and agreed, therefore subject to this no objection is raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

Conclusions and Reasons for Approval

The extensions to the building, on balance and in consideration of what could be carried out under permitted development rights, are considered acceptable. The principle of the conversion of the property to a 7-bedroom (7 person) HMO (Sui Generis), would not impact negatively on the housing mix in the area, particularly reflecting on that it could be converted to a 6 bed HMO without the need for permission. The proposed development would respect the character of the area and existing and neighbouring residential amenity, and there would be no additional unacceptable impact on highways or parking. The proposal would comply with the provisions of Policies BNE1, BNE2, BNE35, H7, S6, T1, T4 and T13 of the Medway Local Plan 2003 and paragraphs 11, 111, 130, 180, and 181 of the NPPF, therefore, is considered acceptable.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation for approval.

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://publicaccess1.medway.gov.uk/online-applications/>