
Appeal Decision

Site visit made on 20 August 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/J2210/W/20/3252092

68 Headcorn Drive, Canterbury, Kent CT2 7TX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mehta against the decision of Canterbury City Council.
 - The application Ref CA/20/00308, dated 4 February 2020, was refused by notice dated 2 April 2020.
 - The development proposed was originally described as "the conversion of existing garage into habitable space and existing flat roof to be replaced with new pitched roof with tiles to match existing".
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Decision

1. The appeal is allowed and planning permission is granted for the proposed change of use of garage to living accommodation together with pitched roof and installation of door and window to front at 68 Headcorn Drive, Canterbury, Kent CT2 7TX in accordance with the terms of the application, Ref CA/20/00308, dated 4 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P100, P_201 and P_202

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. At Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered which reflects that used by the Council in their decision notice. The amended description refers to the installation of a door and window and, as a result, is more complete than the original description. Therefore, noting that the amended description has been used by both main parties and been the subject of public consultation, I have proceeded on the basis of the amended description and used it in the decision above.

Main Issue

3. The main issue is the effect of the development on the concentration of Houses in Multiple Occupation (HMO) within the vicinity of the site, with particular regard to the mix of housing and the composition of households.

Reasons

4. Policy HD6 of the Canterbury District Local Plan 2017 (The CDLP) states that within areas that are the subject of an Article 4 direction relating to the creation of HMOs,

proposals for the extension of an existing HMO will not be permitted where more than 10% of properties within a 100 metre radius are used as HMOs. The policy and the preamble to it indicates that the aim of the restriction is to maintain an appropriate housing mix and safeguard the character of local communities.

5. I interpret that the reference to 'extensions' within the policy is intended to address proposals that would increase the capacity of a HMO as well as increases to the size of the building. Therefore, the proposal falls to be considered in relation to Policy HD6 of the CDLP. In this regard, the main parties agree that the appeal site is within an area that is the subject of an Article 4 direction and substantially more than 10% of the properties within a 100 metre radius of the appeal site are used as HMOs.
6. However, as the proposal would involve the expansion of an existing HMO rather than the creation of a new HMO, it would not cause the loss of an existing dwellinghouse and would not change the proportion of buildings within the area that are used for those purposes. Accordingly, the proposal would have no effect on the overall mix of housing. Furthermore, the creation of one additional bedroom would have a minimal effect on the composition of the household at the appeal site.
7. The alterations to the appearance of the building would not be harmful to the character and appearance of the area. Furthermore, the small increase of habitable accommodation would not cause a substantial increase in the need to store refuse or cause car parking in a manner that would affect the flow of traffic or be harmful to the character and appearance of the site or the area. Moreover, when considered alone and in addition to the other HMOs within the area that the Council have identified, I do not find that the creation of one bedroom would lead to additional activity or disturbance at the site or within the locality to an extent that would detract from the residential character of the area. Therefore, I conclude that the proposal is acceptable in these respects. Furthermore, I have no basis to conclude that the conversion of the garage to habitable accommodation would effect the likelihood of the building reverting to use as a dwellinghouse in the future or that the ability for such a reversion to occur should be determinative in my assessment of the proposal.
8. Whilst I have had regard to the contrasting opinions of the appellant and other interested parties in respect of the need and demand for accommodation within HMOs and the effect of the current Covid-19 pandemic in this regard, as policy HD6 of The CDLP includes no requirement for need or demand to be demonstrated, this factor is not determinative in this case.
9. For the reasons given above, the proposal would have an acceptable effect on the concentration of HMOs within the vicinity of the site, with particular regard to the mix of housing and the composition of households. Therefore, whilst the development would not accord with the limitations set out within Policy HD6, I do not find any conflict with the abovementioned aim of that policy.

Other Matters

10. The proposed habitable accommodation would have an independent access and the plans indicate that it would have sufficient facilities to be occupied with a substantial degree of independence from the remainder of the building. However, the appellant's submissions clarify that the intention is for the use of the building at the site to remain as a single HMO and, as such, I have considered the appeal on that basis. Should the building be used in a manner that contrasts with this,

procedures would be available to the appellant or the Council to address this matter and, as such, it is not a matter that I need to address further.

11. The proposed extension to the roof of the existing garage would be in close proximity to the boundary of the site and an interested party has identified that it would cross that boundary. This is a matter that falls outside the scope of my consideration and the determination of this appeal would not alter any requirement that there may be for an agreement to be reached or a permission to be given in this respect.

Conditions and Conclusion

12. In addition to the standard condition relating to the time by when development must commence, I have attached a condition, in the interests of clarity, to require the development to be undertaken in accordance with the submitted plans.
13. For the reasons set out above and subject to the abovementioned conditions, I conclude that the appeal should be allowed.

Ian Harrison

INSPECTOR