



Appeal Decision

Site visit made on 10 June 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 11TH July 2022

Appeal Ref: APP/A2280/W/21/3285990
42 New Road, Chatham, Kent ME4 4QR

- 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 Mrs B Hardings against the decision of Medway Council.
 - The application Ref MC/21/2643, dated 9 September 2021, was refused by notice dated 26 October 2021.
 - The proposed development is for change of use from a 6 person, 6 bedroom HMO (House of Multiple Occupation) (Use Class C4) to a 7 person, 7 bedroom HMO (Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a 6 person, 6 bedroom HMO (House of Multiple Occupation) (Use Class C4) to a 7 person, 7 bedroom HMO (Sui Generis) subject to the conditions set out in the Schedule below.

Procedural Matter

2. This application is associated with a costs application that will be dealt with under a separate decision letter.

Main Issues

3. The main issue is the impact of the proposal upon the living conditions of a future occupier of the proposed new accommodation.

Reasons

4. The appeal property is a four storey Georgian house typical of those that characterise the New Road, Chatham Conservation Area. The property contains a symmetrical façade of flanking bay windows at either side of a central doorway. Although likely once a single dwelling, the property is now a House of Multiple Occupation (HMO) and contains six flats whose residents share living, kitchen and dining facilities to the ground floor, along with access to a shared garden area to the rear.
5. Several rooms within the property occupy the bay windowed rooms fronting onto New Road. To the upper level there are what appear to be two original rooms within a mansard type roof served by partial dormer windows. These two rooms are reached through the existing central house stair and are located opposite to one another across a small landing area.

6. The proposal before me seeks permission to utilise one of these rooms as another room of occupation thereby changing the HMO from a six bedroom property to one of seven bedrooms. Within this room would be included a small en-suite facility that would allow a future resident to have sanitary facilities immediately accessible to them without the need to leave their private space.
7. I saw on my site visit that that room is of a reasonably good proportion and in good repair. The occupant would also have access to use the shared living, dining and kitchen facilities to the ground floor, thereby increasing the opportunity for interaction and a change of scenery should it be desired.
8. In assessing this appeal I have been made aware of the Nationally Described Space Standards¹ which provides guidance on the minimal dimensions of such spaces. Without the en-suite I notice that these standards would easily be exceeded and even when including the en-suite facility the internal space dimensions would still be in excess of those suggested by the above policy.
9. Despite this policy being considered as guidance only I consider that the living conditions of any future occupant of this room would generally be of a good quality, not only due to the internal space available and its good proportion, but also due to the quality, tasteful decoration and facilities available to them within the building as a whole. I therefore find that this appeal meets the Policy requirements contained within Policy...of the Medway Local Plan.

Other Matters

10. I saw on my site visit that there is parking available to the rear of the property should a single person flat located within such a sustainable location ever require a vehicle of their own. Added to this I note the lack of objection from the Council's Highway consultees and as such I find no conflict between the needs of parking and the facilities provided locally if it is to be supported by a Parking Management Plan as suggested in the Planning Officer's report.
11. I also note that the property is located within the New Road, Chatham Conservation Area. In light of this, although I am required to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I also note that there are no changes externally to the building that I consider would have an impact upon the character and appearance of the conservation area. I therefore find no harm to the historic environment through this proposal that would lead me to determine to dismiss this appeal.

Conditions

12. The appeal is allowed subject to the conditions as set out in the schedule below. The conditions are necessary in order to ensure consistency with the agreed plans as well as to ensure necessary environmental protection for the living conditions of the future residents. The conditions also ensure that cycle provision and storage is secured as well as an agreed parking management strategy so as to enable sustainable travel and parking.

¹ Technical Housing Standards – Nationally Described Space Standards March 2015

Conclusion

13. For the reasons above, taking into account all other matters raised, I allow the appeal subject to the conditions set out in the schedule below.

A Graham

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 21/323/02 C dated April 2021.
- 3) The 7th bedroom herein approved shall not be occupied until a scheme of acoustic protection has been submitted to and approved in writing by the Local planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq, T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (L_{Amax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.
- 4) The 7th bedroom hereby approved shall not be occupied until the cycle storage facilities as shown on drawing number 21/323/02 C has been implemented and thereby retained in accordance with the approved details.
- 5) The parking arrangements shall be managed in accordance with the Planning Statement received 9 September 2021.