
Appeal Decision

Site visit made on 22 June 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2023

Appeal Ref: APP/U2235/W/23/3315982

67 Arundel Square, Maidstone, Kent ME15 6HB

- 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 Marwen Abdo against the decision of Maidstone Borough Council.
 - The application ref. 22/505562/FULL, dated 30 November 2022, was refused by notice dated 27 January 2023.
 - The proposal is for the change of use from 6 bedroom HMO (Class C4) to 7 bedroom HMO (Sui-Generis).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from 6 bedroom HMO (Class C4) to 7 bedroom HMO (Sui-Generis) in accordance with the terms of the application ref. 22/505562/FULL, dated 30 November 2022, 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: 1846 A-0200 01

3) Prior to the first occupation of the development hereby approved, details of the storage and collection of refuse bins shall be submitted to and approved by the Local Planning Authority. The details will be implemented prior to first occupation and maintained as such thereafter.

4) The development hereby approved shall not be occupied by more than seven residents at any one time.

Preliminary Matter

2. An application for costs was made by Mr Marwen Abdo against the decision of Maidstone Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether or not the development provides appropriate living conditions for the occupiers of the development with specific regard to the size of the internal accommodation.

Reasons

4. The Council states that the proposal would not fully comply with the internal dimensions referred to in the Government's 'technical housing standards – nationally described space standard March 2015' (THS). In particular, bedrooms 4 and 5 are both approximately 0.5 square metres below the standard. The Authority is also concerned that the kitchen facilities would not meet the requirements for an HMO licence.
5. The ground floor plan shows that the kitchen/dining area is relatively large and of a useable shape, with direct access to the rear garden area. There is unimpeded access to the room from the rest of the property, with a reasonably spacious communal hallway immediately adjacent, and an overall layout that facilitates circulation. Whilst I acknowledge that the kitchen/diner would be restricted if all 7 persons were to attempt to use it at the same time, this is unlikely, and in any event would also be the case for the existing occupiers.
6. An additional resident would not therefore significantly reduce the quantum or quality of the space available. Having regard to the arrangement and standard of the communal area and its lawful use by 6 persons, for the purposes of planning I consider that the scheme would not result in an inadequate standard of communal accommodation for 7 persons.
7. With regard to the two bedrooms, the width of each space would meet the 2.15m requirement set out in the THS. Although there would be a slight shortfall in overall space, I am satisfied that any deficit would be marginal. The proposed rooms are of a useable shape with southerly-facing windows; overall to my mind each would provide an adequate standard of accommodation for a single occupant.
8. I consider that the proposal would provide appropriate living conditions for the occupiers of the development with specific regard to the size of the internal accommodation. It would accord with Policies DM1 and DM9 of the Maidstone Borough Local Plan October 2017, which seek to ensure new development would provide acceptable accommodation for future residents. It would also be consistent with the advice in the National Planning Policy Framework (the Framework) in relation to safe and healthy living conditions.

Conditions

9. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. I have altered the wording of some of the conditions suggested by the Council in the interests of clarity and necessity.
10. In addition to the standard implementation condition, the approved plans are listed for certainty. A condition relating to refuse storage and collection arrangements is necessary to ensure provision of such facilities on the site.
11. A condition to restrict the number of residents occupying the property is necessary, as while I have found that 7 occupiers of the unit would not be harmful in respect of the provision of internal accommodation, any increase above this would need to be assessed against relevant policies of the development plan.

Conclusion

12. Based on my reasoning above, the appeal succeeds.

C Hall

INSPECTOR