



Appeal Decision

Site visit made on 4 January 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2024

Appeal Ref: APP/U2235/W/23/3325028

14 Charles Street, Maidstone, Kent ME16 8ET

- 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 Kemsley against the decision of Maidstone Borough Council.
 - The application Ref 22/505206/FULL, dated 31 October 2022, was refused by notice dated 28 April 2023.
 - The development proposed is the change of use from Class C4 6 bedroom HMO to sui-generis 8 bedroom HMO to include erection of a single storey rear extension and loft conversion with the erection of 1no. rear dormer and 1no. front rooflight.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from Class C4 6 bedroom HMO to sui-generis 8 bedroom HMO to include erection of a single storey rear extension and loft conversion with the erection of 1no. rear dormer and 1no. front rooflight at 14 Charles Street, Maidstone, Kent ME16 8ET in accordance with the terms of the application, Ref 22/505206/FULL, dated 31 October 2022, subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Mr Kemsley against Maidstone Borough Council. This application is subject to a separate Decision.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.
4. The Council is currently preparing the Maidstone Local Plan Review which is at an advanced stage of preparation. I have little information to suggest when the plan is likely to be adopted, or if there are any unresolved issues. Accordingly, I attribute limited weight to this Plan.

Main Issue

5. The main issue is the effect of the proposed development on the availability of on-street parking provision, with particular regard to highway safety and the character and appearance of the area.

Reasons

6. Charles Street is a one-way street with marked parking bays on both sides where parked cars is part of the local character. The appeal property is a mid-terrace dwelling currently in use as a 6-bedroom House in Multiple Occupation (HMO). It does not have any off-street parking.
7. The evidence indicates that the Maidstone Borough Local Plan 2017 (LP) does not set out car parking standards for HMOs, but where planning permission is required, the Council normally applies a standard of one off-street space per room and 0.2 visitor spaces per room. For an edge of centre location, such as the appeal site, that standard is set as a maximum.
8. The proposal would be for two additional bedrooms, so it would require a maximum of two off-street spaces and 0.4 visitor spaces. Although the scheme would not include off-street parking spaces, there would be no conflict with the LP in this regard and it would accord with the Council's standard, albeit informal, approach to assessing parking for HMOs in this type of location.
9. Charles Street is part of a controlled parking zone, with the parking limited to vehicles for residents with permits and a maximum stay of two hours for non-permit holders. It is evident from the information before me that there is pressure in the area surrounding the site for on-street parking.
10. However, the site is located within walking distance to Maidstone High Street as well as other local services and, additionally, it is well served by public transport. Given this particular set of circumstances, it is unlikely that future occupiers would require a private car to carry out their daily needs. Indeed, the evidence demonstrates that not all the parking permits that the property is entitled to are being used, which suggests that not all residents own or have access to a car.
11. In any event, even if future occupiers were to park their cars on the road, the demand in parking spaces associated with the proposal would be limited. Consequently, it is unlikely that the proposal would result in a significant parking pressure in the locality over and above the situation that already exists. As such, the proposal would not lead to a severe impact on the road network.
12. The patterns of movement for people are integral to well-designed places. In this case, the potential parking demand associated with the proposal would be limited and, as such, it would not detract from the character of the area where there are plenty of on-street parking bays.
13. The Council draws my attention to several issues that may occur because of high parking demand. However, there is limited evidence before me to demonstrate that such problems are common in the area, including pavement parking, and obstruction of driveways and accesses. In any event, if inconsiderate parking practices were to arise, they would be subject to normal policing and controls within the highway.
14. As such, I conclude that the proposed development would not have a significant effect on on-street parking provision, with particular regard to highway safety and the character and appearance of the area. The proposal would therefore accord with Policies DM1 and DM9 of the LP, where these policies support development that safely accommodates the vehicular

movement generated by the proposal on the local highway network and would fit unobtrusively with the character of the area. The proposal would be in accordance with the Framework, where it seeks to promote sustainable transport and create places that will function well.

Other Matters

15. The Council raises no concerns with the appearance of the rear extension, rear dormer and front rooflight or the impacts on neighbours. I have no reason to take a different view. I have noted the comments from interested parties, including in relation to HMO density, waste management issues and safety, but given that the proposal seeks to extend an existing HMO, no other matter is of such weight or substance as to alter my overall conclusions.

Conditions

16. I have considered the Council's suggested planning conditions in light of the Framework and Planning Practice Guidance. As a result, I have amended these where necessary for clarity.
17. The standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. A condition securing matching materials is also necessary, to ensure that the development is in keeping with the existing building and, where visible, with its surroundings. In the interests of protecting the character of the area a condition requiring details of bin storage is required.
18. To protect the living conditions of neighbours, a condition is needed to restrict the number of occupants and a condition is necessary to restrict the use of the roof of the extension as a balcony.

Conclusion

19. Overall, I conclude that the proposal would comply with the development plan as a whole. There are no material considerations that indicate that a decision should be taken otherwise than in accordance with it. As such, the appeal is allowed.

P Terceiro

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3839 – 001; 3839 – 005 – A; 3839 – 006 – B; 3839 – 007 – A.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The development hereby permitted shall only be occupied by a maximum of eight (8) separate households at any one time.
- 5) Prior to the first occupation of the new accommodation hereby permitted, facilities for the storage and screening of refuse bins, shall be in place that are in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority. These details shall be maintained as such thereafter.
- 6) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.