



Appeal Decision

Site visit made on 16 January 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2025

Appeal Ref: APP/A2280/W/24/3346734

10 Grove Road, Strood, Rochester, Medway ME2 4BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jassal against the decision of Medway Council.
 - The application Ref is MC/24/0556.
 - The development proposed is described on the application form as the use of the property as a 7-person HMO (sui generis).
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Decision

1. The appeal is allowed and planning permission is granted for the use of the property as a 7-person HMO (sui generis) at 10 Grove Road, Strood, Rochester, Medway ME2 4BX in accordance with the terms of the application Ref MC/24/0556, subject to the conditions below:
 - 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 drawing numbers: Site Location Plan; Sheet No: 02 (Proposed plans); Sheet No: 04 (Proposed elevations); Sheet No: 05 (Roof plan); Sheet No. 06 (Site Plan).
 - 3) The development hereby permitted shall not be occupied until details of secure private cycle parking provision have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details before the house of multiple occupation is occupied and shall thereafter be retained.
 - 4) The site shall be occupied by a maximum of seven occupants.

Preliminary Matters

2. At the time of my site visit, some works had been carried out. Notwithstanding any works that may have already taken place, I am assessing the proposed development based on the plans before me.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, with particular regard to the balance and mix of housing; and

- whether a satisfactory standard of accommodation would be provided for future occupiers.

Reasons

Character and appearance

4. Policy H7 of the Medway Local Plan (LP, 2003) sets out the Council's position on dwellings intended for multiple occupation. It states that such development will be permitted where, amongst other things, the property is in an area with a predominantly mixed-use or commercial character.
5. Parts of Grove Road have a predominantly residential character to them, formed principally of terraced housing stock. These often appear to be in use as single dwellings. However, flat developments, serviced apartments and subdivided properties do exist on the road.
6. Moreover, during my site visit, I observed that a range of commercial uses also exist within Grove Road. Specifically, at the Frindsbury Road end, is a functioning hand car wash business, in full operation at the time of my site visit. Commercial units at 58-64 Grove Road, a grocery store and a building and plumbers merchants all exist within Grove Road, positioned near the road's junction with South Eastern Road. A large surface car park also exists further along. Several places of worship and community uses are in operation nearby. From that perspective, although parts of the road have a residential character, this is interspersed by numerous non-residential uses and the road is connected to neighbouring streets with a similar range of uses. Overall, the area could reasonably be described as of a mixed-use.
7. The property is a mid-terrace unit and there are neighbouring dwellings adjoining it and nearby. As a large house in multiple occupation, the proposal may well generate more day-to-day activity than a traditional single household. However, this does not necessarily mean that a large HMO (for 7 occupants) here would automatically be harmful. Any additional comings and goings as a result of the proposed development would be small relative to the number of rooms that could potentially be provided here without the need for planning permission, noting, in particular, that a Lawful Development Certificate was issued previously to allow up to 6 occupants to live at this property. I have no substantive evidence before me to demonstrate that the appellant is likely to revert the property to a single household, or that would lead me to conclude that the proposal would harm local amenity or the living conditions of neighbouring occupants.
8. For these reasons, I conclude that the proposed development would not have a harmful effect on the character or appearance of the area. Consequently, the proposed development would accord with the relevant provisions of LP Policy H7. This policy, in summary, seeks to ensure that HMOs are located in the right places.

Standard of accommodation

9. The Council's second reason for refusal relates to the standard of accommodation for future occupiers. In particular, the communal area on the ground floor and the layout of bedrooms 2, 5 and 7.

10. There is no substantive evidence before me, such as adopted guidance of minimum floorspace requirements for communal living space, or setting out the need for a dedicated living space within individual bedrooms. Moreover, the Council confirms that Nationally Described Space Standards are met, although these (or an equivalent) are not specifically referenced within local policy. Accordingly, I have no reason to conclude that the space would be inappropriate in this instance.
11. In any case, the nature of an HMO is such that the communal space would unlikely be used by all residents at all times. From the plans before me and my observations on site, I find that the layout and quality of bedrooms combined with the space set out for communal living would be satisfactory in this instance.
12. Overall, I conclude that a satisfactory standard of accommodation would be provided for future occupiers, in compliance with the relevant provisions of LP Policy BNE2. This policy, in summary, seeks to protect the amenity of residents.

Other Matters

13. My attention is drawn to a scheme at Luton Road, under reference APP/A2280/W/23/3319228. While this case deals with some similar issues, it related to a scheme for an HMO of 10 persons. This differs markedly from the appeal case. Moreover, the communal living space in that case was deemed by the Inspector to be dark and gloomy due to its basement location, unlike the case before me. The characteristics of each site and location are different and the circumstances that applied in this other case, and the planning balance there, are not directly comparable to those before me.
14. There is no dispute between the Council and appellant in respect of highways or parking matters. I have no reason not come to an alternative conclusion.
15. The appeal site is within the Zone of Influence of the Medway Estuary and Marshes Special Protection Area (SPA) and Ramsar site, as well as the Thames Estuary and Marshes SPA and Ramsar site.
16. All public bodies have a duty to take reasonable steps to further the conservation and enhancement of this designated area. There is the potential for significant impacts on the SPAs identified as a result of any net increase in residential development within the zone of influence. This is principally due to pressures on the sites by reason of its attractiveness as a location for recreation. While the increase in recreational activity resulting from the development alone would be likely to be very limited, it is likely that in combination with other developments, the proposal could have a significant impact on the integrity of the SPAs/Ramsar sites.
17. The Conservation of Habitats and Species Regulations 2017 (the Regulations) require competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment in circumstances where the plan or project is likely to have a significant effect on a European site, alone or in-combination with other plans or projects. The proposal is not directly connected with or necessary for the management of the protected site and on-site mitigation would not be possible. I must therefore consider whether measures could be put in place to avoid or mitigate the impact of the pressure arising from the proposed development on the protected sites, and the effectiveness of any proposed measures.

18. The Council seeks financial contributions from new development to fund measures identified through its Strategic Access Management and Monitoring Strategy (SAMMS). The SAMMS sets out a strategy to resolve disturbance issues to wintering birds on the protected sites. Mitigation measures include wardening of the sites, the promotion of responsible dog walking, schemes to raise awareness, interpretation and signage and enforcement and monitoring.
19. The delivery of mitigation measures is to be through Bird Wise, a partnership of local authorities and conservation organisations established to ensure that development, considered in combination, does not have an adverse effect on the integrity of the protected sites. Natural England has endorsed this approach. The Council indicates that a financial contribution of £328.27 has been paid by the appellant. Natural England has also confirmed its satisfaction with this approach.
20. Based on the evidence before me, there is an appropriate mechanism in place that would secure a financial contribution to the SAMMS, which I have found necessary to mitigate the impact of the proposed development on the negatively affected protected site. There is no evidence before me to demonstrate that any other adverse effects exist. I conclude that the proposed development would not lead to unmitigated adverse effects on the integrity of the protected sites.

Conditions

21. In addition to the standard time limit condition, I have imposed a condition relating to approved plans. This is in the interest of certainty. I have imposed a further condition relating to cycle parking as this is necessary in the interests of suitable provision and sustainable transport. I have included a suggested condition setting out that the site shall be occupied by a maximum of seven occupants for certainty.

Conclusion

22. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions above.

A Price

INSPECTOR