



Appeal Decision

Site visit made on 24 June 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

Appeal Ref: APP/U2235/W/25/3360945

27 Charles Street, Maidstone, ME16 8ET

- 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 Scott Nickless against the decision of Maidstone Borough Council.
 - The application Ref is 24/502229/FUL.
 - The development proposed is change of use of the property from a dwellinghouse to an 8-bedroom House in Multiple Occupation.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the property from a dwellinghouse to an 8-bedroom House in Multiple Occupation at 27 Charles Street, Maidstone, ME16 8ET in accordance with the terms of the application, Ref 24/502229/FUL, subject to the conditions set out in the schedule at the end of this decision.

Application for costs

2. An application for costs was made by Mr Scott Nickless against Maidstone Borough Council and this is the subject of a separate Decision.

Main Issue

3. The appeal application was considered and determined by the Planning Committee. In making the decision the Committee considered that the proposal would significantly harm the character and amenities of the surrounding area. It resolved to refuse permission, and that the Head of Development Management be given delegated powers to finalise the reasons for refusal based on the issues summarised above. Following from this, and the reasons in the decision notice, the main issues in this case are: i) the effect of the proposal on character, appearance and amenity of the area, taking account of car parking and refuse storage; and ii). the living conditions of future residents in terms of internal communal space.

Reasons

4. The appeal site is a three-storey terraced building located on the western side of Charles Street. It consists of a lower ground floor/basement at the front, ground floor, first floor and a loft. It appears that at the time of the Committee's consideration of the application, the building was an 8-bedroom single family dwelling (Use Class C3) having had additions built under permitted development and after prior approval. There is one bedroom in the basement, two bedrooms at ground floor with a central kitchen dining area, three bedrooms at first floor and two

bedrooms in the roof space. All 8 rooms have an ensuite toilet, with 7 bedrooms also provided with shower and the last bedroom has a bath. The property has a rear garden with separate pedestrian service access from Douglas Road. At the time of my site visit the dwelling was used as a 6-bed House in Multiple Occupation (HMO) (Use Class C4) by virtue of permitted development.

5. The site is in the Maidstone urban area near the Town Centre (approximately a 7-minute walk to Maidstone West Station). The surrounding area is residential, with terraced dwellings, some of which have been converted into HMOs. Charles Street has Edwardian terraced properties that commonly feature front bay windows on the ground floor with sash windows at first floor. The local area is predominantly single family houses (C3 use).

The effect of the proposal on character, appearance and amenity of the area, taking account of car parking and refuse storage

6. As part of the appeal documentation, the council has provided a copy of the consultation draft 'Houses in Multiple Occupation' - Supplementary Planning Document. This is intended to provide detailed guidance on how the relevant policies should be applied in practice. Since it has not yet been adopted, I can only give it limited weight. However, the council has highlighted concerns that the document deals with. These include: impacts on visual amenity, harm to the character of the local area, exacerbating parking capacity problems, lack of amenity space (both private and communal), multiple bins stored in front gardens, and occupants may struggle to properly use recycling services, which are a legal requirement under Simpler Recycling, leading to increased waste management issues. In addition, the loss of family sized dwellings (3 bed+) may result in unbalanced communities.
7. I am also given details of the number of HMOs in Charles Street, Douglas Road, Florence Road, and Reginald Road. The neighbouring roads are considerably longer than Charles Street. Charles Street currently is shown as having HMOs at Nos.1, 7, 15, and 16. In addition, of course, No.27 is also in lawful use as a 6-bed HMO. This amounts to about 10% of Charles Street frontages, bearing in mind that there are a number of corner properties that do not number on Charles Street. The other roads mentioned have: Douglas Road 4, Florence Road 3 and Reginald Road 2. These numbers do not appear to me to demonstrate dominance on any of these streets. I am certainly not convinced that the appeal proposal would result in an unbalanced community.
8. I appreciate that it is necessary to maintain a supply of family sized dwellings, but it is also necessary to ensure that there is a wide variety of housing available. The consideration of the first issue must begin by recognising that the appeal property, at the time the application was considered by the Committee, was able to operate lawfully as an HMO, and that only 2 extra persons would be housed under the proposal. The outward appearance of the building itself would barely change.
9. Car parking in the area is generally confined to the kerbside, the site is within a Controlled Parking Zone with a permit scheme in operation, although I understand that this scheme does not restrict the number of permits per dwelling. In this case, because of the present use of the house, the potential number of additional car owners is limited to 2, and the occupants of HMOs are probably less likely to be car owners than the occupants of family houses. If the house remained

as an 8 bedroom single family dwelling, the result could be the same in terms of the likely car ownership. On balance I do not consider that car parking is a determining matter. In addition, the site is in a sustainable location, with good access to bus stops and services. Cycle storage is included in the proposal, and is already present in the rear garden.

10. The proposal also caters for collection of waste and recycling in much the same way as it is dealt with in the street generally, by making provision in the enclosed front paved area. The proposal includes the provision of 4x 240L bin storage, 2 for recycling and 2 for general wastes, a box for bottles and a food waste bin. The council questions this provision on the basis that 2 different drawings have been submitted showing these facilities. I have been provided with a drawing, reference BDS-1773-P24, that shows the layout at the front of the building, but this does not appear to be an application drawing. However, 1 of the proposed conditions would deal with this.

The living conditions of future residents in terms of internal communal space

11. There is no detail of the way in which the council has judged the adequacy of internal communal space. The evidence is that the proposal exceeds the minimum standards for HMO amenities and nationally described space standards for one-bedroom/one-person occupancy. In addition, my viewing of the internal areas of the building demonstrated to me that it provides good-quality accommodation, which included the communal kitchen/dining area.

Conclusion

12. For the reasons explained above I find that the proposal would not be harmful to the character, appearance and amenity of the area, and that the living conditions of future residents in terms of internal communal space would be satisfactory. For these reasons, the appeal will be allowed.

Conditions

13. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the text. In particular it has been necessary to amend the conditions that refer to 'prior to occupation'; this is because the house is already an HMO, and therefore the conditions need to refer to 'prior to occupancy by 8 residents'.
14. I consider that the conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted; condition 3 is to protect residential amenity; condition 4 is the interests of amenity and character and appearance of the area; condition 5 is in the interests of amenity, to promote sustainable travel choices and the reduction of CO2 emissions; condition 6 is to ensure an energy efficient form of development; and condition 7 is to enhance the ecology and biodiversity on the site in the future.

Terrence Kemmann-Lane

INSPECTOR

Schedule of 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: Drawing No. BDS-1773-P20 (1) (Existing and Proposed Plans, Elevations, Sections and Block Plans); Drawing No. BDS-1773-P21 (1) (Location Plan); Design and Access Statement - all received 29.05.2024, and Drawing No. BDS-1773-P25 (Basement Windows Plan, Elevation and Section) - received 17.07.2024
- 3) The development hereby approved shall have no more than 8 separate occupants living in the building at any given time.
- 4) Prior to the first occupation by more than 6 separate occupants of the accommodation hereby approved, facilities for the storage and screening of refuse bins, and a Waste Management Strategy identifying how bins will be dealt with between collections shall be in place that are in accordance with details that have previously been submitted to and approved by the local planning authority. These facilities will be retained and maintained as such thereafter.
- 5) Prior to first occupation by more than 6 separate occupants of the accommodation hereby approved, the implementation of the cycle store shall be carried out in accordance with following approved plans: Drawing No. BDS-1773-P20; Supplementary information - Metal Bike Store 427-Galvanised Steel, 4 bike racks (received 12.07.2024).
- 6) Prior to the occupation by more than 6 separate occupants of the accommodation hereby approved, a decentralised and renewable or low-carbon source of energy shall be incorporated into the development to provide at least 10% of total annual energy requirements of the development and measures to improve energy efficiency. The decentralised and renewable or low-carbon sources of energy and measures to improve energy efficiency shall be in accordance with details that have previously been submitted to and approved in writing by the local planning authority and once installed the decentralised and renewable or low-carbon sources of energy and measures to improve energy efficiency shall be retained and maintained thereafter, or their equivalent first approved by the local planning authority in the event of failure or becoming obsolete.
- 7) Prior to the occupation by more than 6 separate occupants of the accommodation hereby approved, details of a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the local planning authority. The scheme shall consist of the enhancement of biodiversity through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. These details shall include a timetable for implementation and the development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

End of Schedule