



Appeal Decision

Site visit made on 5 November 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2024

Appeal Ref: APP/K2230/W/24/3338710

2A Christianfields Avenue, Gravesend, Kent DA12 5NF

- 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 F Weiss (Fields Reality Ltd) against the decision of Gravesham Borough Council.
 - The application Ref is 20231185.
 - The development proposed is a change of use from a 6 person HMO (Class C4) to a 12 person HMO (Sui Generis).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. An amended plan was provided with the submission of the appeal which showed the proposed kitchen and dining rooms combined together along with part of the corridor. The amended plan also saw the removal of the furniture which was shown within the bedroom spaces. Given the minor nature of the changes and that the LPA has had the opportunity to comment, I am satisfied that it would not prejudice interested parties and consequently, I have accepted the amended plan and determined the appeal on this basis. Although the description of development on the application form refers to a 12 person HMO, the submissions clarify that it is for up to 11 people and I have proceeded with this appeal accordingly.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the living conditions of neighbouring residents, with regards to noise and disturbance,
 - whether the proposed development would provide satisfactory accommodation for its future occupants, with regard to noise and disturbance, daylight and sunlight,
 - the effect of the proposed development on the character and appearance of the area, and;
 - the effect of the proposed development on highway safety, with particular regard to car parking.

Reasons

Living conditions – neighbouring residential occupiers

4. The appeal site comprises of an existing House in Multiple Occupation (HMO) that currently accommodates not more than 6 residents, with the proposal seeking a change of use to a large HMO to accommodate 11 residents.
5. The appeal property is a detached building set within its own grounds. The proposal does not include operational development, but it would result in a near doubling in the number of occupiers. This would lead to a significant increase in the comings and goings, over and above the lawful HMO use in a location where the appeal property is surrounded by residential properties. There would not therefore be minimal additional activities, even if the number of occupants was limited by condition to 11, and the proposal would give rise to harmful levels of noise and disturbance to surrounding residential occupiers.
6. I therefore conclude that the proposed development would cause unacceptable harm to the living conditions of neighbouring residential occupiers with regards to noise and disturbance. As such, it would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (Core Strategy) and Saved Policy H5 of the Gravesham Local Plan 1st Review, which seek, amongst other matters, to safeguard the amenity of neighbouring occupants. It would also fail to accord with Paragraph 135 of the National Planning Policy Framework (Framework), which seeks a high standard of amenity for existing and future users.

Living conditions - appeal property's future occupiers

7. The proposed bedroom in Unit 3 would be situated directly adjacent to and accessed from a communal kitchen/dining room. This close relationship would result in undue noise and disturbance to the occupiers of this bedroom from users of this adjoining communal space.
8. The Council refer to the unconventional layout with shared bedrooms being proposed. Despite this sharing between people from different households, given the size of the different units, which would all be of a sufficient size when considered against the Council's standards¹, this aspect of the proposal would not be harmful. Unit 3 would only be served by a small window, but I was able to see that this would be no different to the current arrangement.
9. The dining room would be combined with the kitchen and part of the corridor, but the dining area of the resultant room would be some distance from a sole small window, which would be situated towards the corner of the kitchen area. The dining area would not therefore be provided with sufficient daylight or sunlight.
10. I therefore conclude that the proposed development would fail to provide satisfactory accommodation for its future occupants with regards to noise and disturbance, daylight and sunlight, and as such, it would be contrary to Policy CS19 of the Core Strategy, which seeks, amongst other matters, development that safeguards amenity, including daylight and sunlight. It would also be contrary to Paragraph 135 of the Framework insofar as it seeks a high standard of amenity for future users.

¹ Guidance for HMO Amenity Standards (Gravesham Borough Council 2023)

Character and appearance

11. The appeal site is situated in a predominantly residential area which mainly features two storey residential dwellings which are set back behind gardens and parking areas. The predominance of houses as well as the suburban built form, provides for a pleasant residential character.
12. The appeal property is an existing HMO, and as such, the pattern of activity by groups of unconnected adults is already different to that of a typical single-family dwelling. The increase in the number of residents would result in greater levels of activity but as the appeal site is a detached property that is setback from the road, such increased activity would not be detrimental to the area's character, particularly as the surroundings would continue to be formed predominantly of single-family dwellings. Other detailed matters such as refuse storage arrangements could be dealt with by condition as there appears to be sufficient space within the curtilage, had the proposed development been otherwise acceptable.
13. At the time of the site visit the property appeared well managed. There was no obvious difference between the standard of maintenance of the property and others in the area, and there is no reason to find the upkeep of the site as a result of the proposal would be any different.
14. I therefore conclude that the proposed development would not have an unacceptable adverse impact on the character and appearance of the area. As such, it would comply with Core Strategy Policies CS14 and CS19 and Saved Policy H5 of the Gravesham Local Plan 1st Review, which seek, amongst other matters, for new development to integrate well with the surrounding local area. It would also be compliant with Section 12 of the Framework which seeks development to be sympathetic to local character.

Highway safety

15. The proposal would result in an increase in occupancy, without any increase in on-site car parking provision. Whilst the appeal site is distant from town centre facilities and services and there is likely to be a reliance on private vehicles, based on the evidence² before me of the existing parking situation in the area, there would be sufficient on-street parking provision to accommodate additional vehicle parking arising from the development.
16. Whilst reference has been made to the high demand for pavement parking, there is no detailed evidence provided by the Council of this and nor was this reflected during my site visit, where there was a significant availability of parking during a weekday morning. Whilst this only provides a snapshot in time, my observations along with the evidence submitted by the appellant demonstrates that there would not be an adverse impact on on-street parking.
17. Consequently, I conclude that the proposed development would not have an unacceptable adverse effect on highway safety with regard to car parking. As such, it would not be contrary to Saved Policies H5 and P3 of the Gravesham Local Plan 1st Review, which seek sufficient provision of vehicle parking. It would also not be contrary to Paragraph 115 of the Framework, which seeks, to prevent or refuse development on highway grounds only if there would be

² Transport Statement (TTP Consulting Ltd September 2023)

an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Other Matters

18. The proposal would not result in the net loss of housing and is in an urban area where there is support in principle for residential development. It would provide affordable accommodation to a greater number of people, contributing to meeting local housing needs. Whilst these factors weigh in favour of the proposal, they would not outweigh the harm that I have identified in relation to the first two main issues.
19. The appeal is not in a conservation area and nor is it a listed building. The development would also not give rise to any adverse effects on neighbouring occupiers in relation to light or outlook. These are however neutral matters and not ones which weigh in favour of the development.

Conclusion

20. There would be no harm arising in relation to character and appearance or on highway safety, but I find the development would be unacceptable in relation to the living conditions of existing and future occupiers.
21. I conclude that the proposal would not accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR