



Delegated Report

Planning Application

Planning Application No: 20230683

Location: 17 Lynton Road South Gravesend Kent DA11 7NF

Description: Change of use from Class C4 six bedroom house of multiple occupation (HMO) to Sui Generis seven bedroom HMO.

Applicant: Mr Anthony Curtis

Site Visit Date: 31 August 2023

Submitted Documents/Plans

Application for Planning Permission form;
Drawing no. 2316_PL01 Rev. C Existing and proposed layouts, location and block plans and details of refuse store and bicycle rack;
Design and Access/Planning Statement June 2023; and
Response to consultations.

Superseded Documents/Plans

~~Drawing no. 2316_PL01 Rev. A Existing and proposed layouts, location and block plans and details of refuse store and bicycle rack.~~

Procedural Issues

Following the receipt of consultation responses, the case officer contacted the applicant to request amendments to the internal layout, refuse storage arrangements and a ground floor window and to provide parking information. An amended plan and consultation response document were submitted and subject to re-consultation to the GBC Highways Officer, the GBC Waste and Recycling Manager and the GBC Service Manager (Housing Options).

Relevant Planning History

Reference	Description	Decision	Decision Date
20230313	Application for a Lawful Development Certificate for proposed change of use of a dwellinghouse (use class C3) to small HMO (use class C4) for up to 6 people.	Granted	31.05.2023
20220671	Erection of single storey and first floor rear extensions; construction of dormer extension in rear roof slope; conversion of roof space into habitable rooms; and conversion of dwelling into 1 x 2 bed flat and 1 x studio flat	Refused	14.10.2022
20220209	Application for Lawful Development Certificate for proposed construction of a dormer extension in the rear roof slope and conversion of the roof space into	Granted	14.04.2022

	habitable rooms.		
20220203	Erection of single storey ground floor side and first floor rear extension.	Permitted	22.04.2022

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P5 – Exceptions to the Vehicle Parking Standards – Change of Use of Buildings
- T1 – Impact of Development on Highway Network

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 5 – Delivering a Sufficient Supply of Homes
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making effective use of land
- Section 12 – Achieving Well-designed Places
- Section 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – nationally described space standard (2015)
- SPG 4 - KCC Parking Standards (2006)
- Kent Design Guide Review: Interim Guidance Note 3 Residential Parking (2008)
- Guidance for HMO Amenity Standards (2023)

Consultations, Publicity and Representations

GBC Highways Officer

Initial response:

This proposal is a difficult one to assess. The applicant states that there is on street parking available, but scanning the images available on Google Maps, whilst there may be spaces these are generally in front of existing dwellings.



Google Satellite image

The May 2018 Google Street View Images show the area heavily congested with on street parking, although it is not necessarily repeated on other days. Unfortunately, Google does not provide details of the day of week or time which would be useful additional information.



Google Street View May 2018.

The satellite image appears to have been taken near midday, whilst the May images appear to be in the evening looking at the shadows.

Given the information available I would suggest the roads have reached capacity and any change that may result in an increase in parking demand should be resisted, unless the applicant can provide evidence to support the claim that the residents don't own vehicles, or a parking survey is carried out in the early hours

of a Sunday Morning (Before 6 am) to determine the true demand.

Second response:

The property already benefits from a Lawful Development Certificate to operate as a HMO for up to six people. Therefore, this application is considering one additional occupant.

I note the applicant intends to install cycle parking for seven cycles, but the rear access looks narrow and uninviting particularly in the dark or inclement weather, so cycles are liable to be wheeled through the house a not unusual situation.

As previously identified car parking may be an issue and this is supported by the submissions objecting to the proposal.



Google Street View November 2022

Some gaps do exist although these may disappear as people come home from work. There are considerable differences in on street parking availability when comparing the situation with the Google Street View image of May 2018 below



Note the introduction of waiting restrictions at the junctions along Lynton Road, between 2018 and 2022.

In isolation an objection on inadequate car parking would be unsuccessful at appeal, as the impact of an extra bedroom cannot generally be considered as significant, as the occupier may or may not own a vehicle and demand will vary as tenants and neighbours' change. The availability of suitable parking is often a criterion that would be used when selecting a dwelling.

GBC Environmental Protection Team (Regulatory Services)

No objection to this application or comments to make.

GBC - Service Manager (Housing Options)

Initial response:

In relation to Drawing No: 2316_PL01 the property would comfortably achieve 7 occupants, 7 households

for HMO licencing purposes.

Observations:

- i) For 7 occupants the communal kitchen would require additional cooking facilities and amenities, these have not been visually incorporated within the proposal plan.
- ii) We advise applicants to peruse the guidance on HMO Amenity Standards which can be found on our website pages [Overview | Houses in Multiple Occupation – Gravesham Borough Council](#)
- iii) Clarification on Bedroom 6 is required. The plan suggests external double doors, it is unclear if there is the required window facility incorporated into the design. To sleeping rooms, an external door provision alone is not acceptable for licencing purposes, this is due to excessive/uncontrollable ventilation and security concerns.

Where the HMO is the applicants preferred option, the team welcomes a conversation or site visit to the premises to discuss licencing requirements.

In addition, we welcome and support suitable site redevelopment, and for the premises to be brought back into residential use within our capacity as the Empty Homes service function.

Second response:

The property would comfortably achieve 7 occupants, 7 households for HMO licencing purposes.

Observations:

- i) The clarification provided for Bedroom 6 satisfies our initial concerns for both the room and its occupants. With an operational door and operational window facility meeting licencing requirements.

Where the HMO is the applicants preferred option, the team welcomes a conversation or site visit to the premises to discuss licencing requirements.

In addition, we welcome and support suitable site redevelopment, and for the premises to be brought back into residential use within our capacity as the Empty Homes service function.

GBC Waste and Recycling Manager

Initial response:

The property is a 7 bedroom HMO so the property requires space for a minimum of 2 x 240ltr bins for each material type (refuse and recycling), so 4 bins in total. To allow for food waste there needs to be space for 3 x 23ltr food caddies

I have detailed below the measurements of each type of bin.

Capacity	240ltr Recycling Bin	23ltr Food Caddy
Length	585mm	380mm
Width	740mm	290mm
Height	1100mm	405mm

Second response:

I have reviewed the amended planning application and I can confirm that I am happy with the refuse storage. Will there be a back gate as they could use the alley to move bins on collection day otherwise they will have to carry the bags through on the relevant collection day.

KCC - Highways & Transportation

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our

consideration.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

Other consultees

No response has been received from the following consultees;

GBC - Licensing Team (Regulatory Services)
GBC Strategic Manager (Communities)
Natural England
Kent Police - Designing Out Crime Team

Neighbouring properties

The application was publicised by a site notice and to six neighbouring properties by letter. Two representations have been received, objecting to the proposal and are summarised as follows;

- The applicant has built seven bedrooms, which has not been authorised by the Council.
- Poor living conditions for occupiers as the bedrooms shown on the plans only just meet the minimum size requirements.
- Bedrooms should be checked to ensure that they actually meet the standards.
- Parking is already difficult and the potential for another seven cars will exacerbate this.

- Noise nuisance from televisions, games consoles and sound systems in each bedroom and the amount of occupiers.
- Loss of the common area would mean that occupiers and guests congregate in the garden.
- The applicants' intention was always to build a seven person HMO but by making numerous applications with small changes he tried to avoid objections from the local community.
- Insufficient space for refuse and recycling bins on the site frontage.

Officer's Analysis

Principle of the Development

Policy CS14 of the Gravesham Local Plan Core Strategy September 2014 seeks to protect the mix of housing in the existing stock and to restrict the conversion of family sized units into smaller properties. In the preamble to this policy family homes are defined as homes with two or more bedrooms. It also states that new housing development should provide a range of dwelling types and sizes taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities.

The application site is located in an area where single family dwellings prevail. Until recently, the application property was a four bedroom dwelling, which had been unoccupied and in a poor state of repair. It is noted that proposals which bring empty properties back into residential use are supported by the GBC Service Manager (Housing Options).

Following the granting of a lawful development certificate (reference 20230313) in May 2023, the application property has been in the process of being converted from a single family dwelling into a small house in multiple occupation (HMO). The new HMO has six bedrooms. Whilst the introduction of an HMO is out of character with the surrounding area, this change of use is development that does not require planning permission. Therefore, it must be considered as an existing situation. As such, for the purposes of this proposal, it is the impact of the additional bedroom being formed within an existing HMO that must be considered and not the use as an HMO per se.

The proposed development would increase the occupancy at an existing HMO, adding to the range of residential accommodation in Gravesham. Therefore, the proposal would be broadly in line with Policy CS14 of the Gravesham Local Plan Core Strategy (2014).

Design, Character and Appearance

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 sets out that new development will be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the built environment and take account of the scale, height, building lines and other architectural features of buildings. Account should also be taken of strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place.

The proposed development would result in only one external alteration to the application building, the replacement of double doors at ground floor level in the rear elevation with a single door and window. A cycle rack and refuse storage would be provided in the rear garden. The proposed window/door arrangement would not be out of character with the existing building and the cycle and refuse storage would not be widely visible or be out of character with the surrounding area.

Therefore, it is considered that there would be no adverse design impacts and the proposed development would not be detrimental to the character or appearance of the surrounding area. As such, the proposal would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Amenity of Future Occupiers

Local residents have raised concerns regarding the proposed living conditions for future occupiers. In relation to the proposed internal layout, the Guidance for HMO Amenity Standards (2023) includes minimum bedroom sizes and layout guidance for kitchens, dining areas and living areas and the advice of the GBC Service Manager (Housing Options) is relevant.

For a room to be used as a bedroom with living space, there should be a minimum floor area of 10 square metres and for a bedroom only (for one person) there should be a minimum floor area of 6.5 square metres. The following illustrates the proposed bedroom sizes;

	Area in square metres measured from submitted plan
Bedroom 1	8.7
Bedroom 2	6.9
Bedroom 3	14.4
Bedroom 4	7.1
Bedroom 5	10.5
Bedroom 6	7.2
Bedroom 7	12

The applicant has set out that the proposed HMO would accommodate seven persons. Therefore, all bedrooms meet the minimum size standards and three of them could be used as combined bedroom/living areas. The GBC Service Manager (Housing Options) has advised that the proposal would comfortably accommodate seven occupants for HMO licencing purposes.

Due to the large size of the three of the proposed bedrooms (potentially accommodating two persons), it would be possible to increase the occupancy at the application property. Therefore, any planning permission granted should be conditioned to restrict the total number of occupants to seven. This would allow the impacts (in particular, to residential amenity and highway safety) of any future increase in occupants to be assessed.

The GBC Waste & Recycling Manager has advised that the proposed refuse arrangements would be acceptable. He also suggests that a rear gate would be beneficial to avoid taking refuse through the application property. A condition can be attached to any planning permission granted to ensure that the proposed refuse enclosure is provided and retained permanently and an informative can draw attention to the need for a back gate.

The proposed development would provide appropriate living conditions for future occupiers and as such, the proposal would not be detrimental to residential amenity and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Neighbouring Amenity

The closest residential properties to the application site are nos. 15 and 19 Lynton Road South (located to the north and south respectively). No. 32 Bartlett Road is located to the west across a rear alleyway and nos. 16 to 22 Lynton Road South are located to the east across the roadway.

The proposed alteration to a ground floor rear window would not result in any adverse overlooking impacts to any of the surrounding residential occupiers.

Whilst it is recognised that concerns have been raised by local residents regarding the potential for noise and disturbance from the proposed HMO use, this matter is not considered to lead to significant harm over and above that which would be expected from a large residential property or indeed the existing HMO use. No objection has been raised by the GBC Environmental Protection Team (Regulatory Services) and this proposal would only lead to one additional resident at an existing HMO.

Overall, the proposed development would not be detrimental to the residential amenity of surrounding occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Parking and Highways

Policy CS11 of the Gravesham Local Plan Core Strategy September 2014 requires new development to

mitigate its impact on the highway and public transport networks and to provide sufficient parking in accordance with adopted parking standards. Saved Policy P5 of the Gravesham Local Plan First Review (1994) allows a relaxation of the vehicle parking standards for changes of use of buildings and the sub-division of existing dwellings in certain circumstances and provided that existing on-street parking problems are not unduly exacerbated.

The proposed development would result in the application property increasing from a six bedroom HMO to a seven bedroom HMO. No on-site car parking is available but cycle parking for seven bicycles would be provided in the rear garden.

The GBC Highways Officer initially raised concerns regarding parking issues but in light of the fact that this proposal does not introduce a new HMO but only adds one bedroom to an existing one, he has not raised an objection. However, the GBC Highways Officer does seek the provision of cycle parking spaces.

The surrounding streets are subject to significant parking demand (as identified by local residents and the GBC Highways Officer) but it is considered that the impact of one additional HMO occupant would not unduly exacerbate existing on-street parking problems.

The proposed cycle parking should be subject to a condition on any planning permission granted, to ensure that it is provided and retained permanently.

Overall, it is considered that the proposed development would have no adverse impacts to highway safety and would be in line with Policy CS11 of the Gravesham Local Plan Core Strategy September 2014 and Saved Policy P5 of the Gravesham Local Plan First Review November 1994.

Ecology and Biodiversity

Paragraph 180 of the NPPF 2023 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, then planning permission should be refused. Paragraph 181 sets out that Special Protection Areas and Ramsar Sites should be given the same protection as habitats sites.

Policy CS12 of the Gravesham Local Plan Core Strategy September 2014 states that sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites. It also states that, where a negative impact on a protected or priority habitat/species cannot be avoided, compensatory provision will be required.

The application site falls within 6 km of the Thames Estuary and Marshes Special Protection Area (SPA), classified in accordance with the European Birds Directive, which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. The Thames Estuary and Marshes is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site).

Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011, found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Borough Council has mitigated out the impacts of recreational disturbance on each and every planning application for a new residential development of one or more units within the 6 km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) tariff payment (currently £314.05 per dwelling).

The proposed development would result in the creation of an additional residential unit within an existing HMO and as such, additional recreational activity would result. A SAMMS tariff payment has been made. Therefore, the recreational disturbance impact would be effectively mitigated. As such, the proposed development would be in line with Policy CS12 of the Gravesham Local Plan Core Strategy September 2014 and paragraphs 180 and 181 of the NPPF 2023.

Any Other Material Planning Considerations

Local residents have raised a number of concerns, the majority of which have been covered in the above discussion. The outstanding issues are summarised and commented on as follows;

- The applicant has built seven bedrooms, which has not been authorised by the Council – works to convert the application property are ongoing and this proposal, if granted planning permission would regularise any unauthorised development. If planning permission is refused then a referral to GBC Planning Enforcement can be made.
- The applicants' intention was always to build a seven person HMO but by making numerous applications with small changes he tried to avoid objections from the local community – noted.
- Insufficient space for refuse and recycling bins on the site frontage – noted.

The application site is located in a smoke control area. As such, advice regarding smokeless fuels/appliances can be given to the applicant in an informative attached to any planning permission granted.

Suggested Conditions

Time Limit

Development in accordance with the approved plans

Materials to match

Provision and retention of cycle storage facilities

Provision and retention of refuse storage facilities

Maximum of seven bedrooms and occupiers

Conclusion & Recommendation

The proposal would comply with local and national planning policies and subject to the conditions set out above, the proposal would be acceptable.

Planning permission subject to conditions is recommended.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:	<i>K Joyce</i>	Signed:	<i>R Hart</i>
Dated:	06 December 2023	Dated:	7th December 2023