

- a) **DOV/20/01520 – Change of use of House of Multiple Occupation (HMO) from 9 bedsitting rooms to 10 bedsitting rooms, to accommodate up to 15 persons - Land at 16 Park Avenue, Dover**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- DM1 - Development will be permitted within the settlement boundaries.

National Planning Policy Framework 2019 (NPPF)

- Section 5 is relevant as it seeks the delivery of a sufficient supply of homes, including the size, type and tenure of housing need for different groups in the community.
- Section 8 is relevant as it seeks to promote healthy and safe communities through social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other and through providing safe and accessible places.
- Section 12 is relevant as the proposal should seek to achieve well-designed places ensuring that development will function well and add to the overall quality of an area, be sympathetic to local character and history and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development that takes into account context.

National Design Guide 2019

- This Guide provides detail and advice on how to achieve well-designed places as required by the NPPF. In this case, relevant to the determination of the application is the need to ensure that communities have a mix of home tenures and that communities are socially inclusive.

Regulation 18 Consultation on the Draft Local Plan 2021

The Draft Local Plan is undergoing its first public consultation exercise, which expired in March 2021. At this stage only minimum weight can be afforded to the policies of the Plan.

d) **Relevant Planning History**

90/00003 – Planning Permission Granted, change of use to five x 1 bedroom flats and external alterations.

20/01033 – LDC Granted, the continued use as a Large House in Multiple Occupation (a sui generis use) for up to 9 self-contained units of accommodation. Under this Grant, it appears that the case was not fully evidenced that the 9 self-contained flats were occupied by 17 persons on a continuous basis for a period of 10 years, although the previous HMO Licence that was granted (2008-2013) allowed up to 17 persons in the 9 rooms and the current Licence allows 9 households for up to 18 persons.

e) **Consultee and Third-Party Responses**

Town Council: “Object, on the basis of disproportionate supply of this type of accommodation in Dover.”

Private Housing Sector: An HMO Licence was granted in 2019 for 9 households made up of up to 18 persons. If the 10th room is used it will only be acceptable for 1 person, due to its size. The other 9 (as existing) rooms are large enough to be acceptable for 2 persons.

The owner is only requesting an HMO Licence for 6 rooms for 2 persons and the other rooms for 1 person. The shared facilities, and exclusive facilities look adequate for this request.

Kent Police: Does not object if a planning condition is imposed requiring measures to achieve Secure By Design are incorporated into the proposal.

Dover Society: In the unique circumstances of this case, the application is supported.

Other Public Representations: There have been 12 other responses received from the public consultation exercise. Of these, 10 responses raise objections, 1 response supports the application, and 1 response is neutral/an objection. The objections can be summarised as follows:

- The use would lead to additional parking on the road, where there is already high demand and highway obstructions.
- There would be an increase in noise, activity, lack of care for the property and anti-social behaviour.
- There is already an over-supply of HMOs in the area.
- The proposal would be out of character with the family orientated residential character of the area.
- The proposal would lead to cramped living conditions.
- There will be insufficient refuse storage.
- There would be a rise in pressure on local amenities.

f)

1. **The Site and the Proposal**

- 1.1 The application property is a large detached four-storey Victorian building (basement, two upper floors and an attic). It has a lawful use to be used as 9 HMO bedsittings rooms. Under the existing HMO Licence these 9 bedrooms can accommodate up to 18 persons. At the time of the officer's site visit, the building was undergoing refurbishment.
- 1.2 The building comprises one of a number of large detached buildings of 2 – 4 storeys, along this stretch of the road. On the opposite side of the road, the properties are two storeys and have a smaller scale.
- 1.3 The immediate area has a residential character and there are a number of houses, flats (purpose built and converted from houses) and some HMOs along Park Avenue.
- 1.4 To the south, the town centre is located within walking distance.
- 1.5 The application property does not have its own parking area. It is mostly laid to lawn to both its front and rear garden areas, with refuse storage along the side boundary of the property.
- 1.6 The building is currently in use as follows:
- Lower Ground Floor/basement area: three small (non-habitable) rooms
- Ground Floor: Two entrances, 3 bedrooms, 1 kitchen, 1 shower room/WC.
- First Floor: 4 bedrooms, 2 kitchens, 2 shower rooms/WC.
- Attic Space: 2 bedrooms, 1 kitchen, 1 bathroom, 1 WC.
- 1.7 The proposal is to increase the number of bedrooms from 9 to 10, which will be achieved through the conversion of the kitchen in the attic space to a 1 person bedroom.
- 1.8 Other internal works are proposed to be undertaken, mainly to provide two ensuite bathrooms to two of the largest bedrooms in the property. No other changes are being undertaken to the layout of the building.
- 1.9 In effect, the proposal adds two additional ensuite bathrooms to the property, and replaces a kitchen in the attic with a 1 person bedroom. The additional bedroom would, in effect, enable the property to be Licenced as a 19 bedroom HMO. However, it is the opinion of the Private Sector Housing team, that the applicant is seeking not to use the building for its capacity. The applicant has confirmed that the maximum number of persons in the building will be 15.
- 1.10 Two sheds to accommodate cycle spaces are proposed and there will be wheelie bins stored along the southern boundary of the property, just inside the boundary enclosure.
- 1.11 No external alterations to the building are proposed.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact upon the character and appearance of the area
- The impact upon residential amenity
- The impact upon highway safety

Assessment

Principle of Development

2.2 The application site falls within the urban area of Dover. As such, under Policy DM1, the change of use of the building is acceptable in principle.

2.3 The Council does not have a development plan policy that seeks to regulate or limit the number of HMOs in any specific area. As such, each case needs to be determined on its own merits. However, there is support in the NPPF to significantly boost the supply of homes where it is needed and that the needs of groups with specific housing requirements should be addressed.

2.4 In essence, therefore, and in relation to the determination of this application, whilst the principle of the change of use is acceptable, its impact needs to be assessed.

Impact upon Character and Appearance

2.5 The proposed change of use seeks to retain the residential accommodation provided within the building and to increase the number of bedrooms by 1 additional room, whilst reducing the number of occupiers in the building as a whole. Whilst the increase in the number of bedrooms would require planning permission, the proposal would not significantly change the overall character of the use of the building or its gardens.

2.6 The previous and existing lawful occupation of the building needs to be taken into account, in assessing the increase in the likely impact upon the residential character and appearance of the area. It is considered that the increase from 9 to 10 bedrooms is not likely to give rise to a material increase in activity, noise or disturbance around the building or in the surrounding streets. In addition, the applicant has accepted the case officer's suggestion that the number of occupiers be limited to 15 – which would be 3 fewer than what could be lawfully accommodated at present, and 4 fewer than what could be accommodated through the HMO Licence granted in 2019.

2.7 The layout of the building is not being altered. As such, it is not considered that the proposed use of the building should be considered over-intensive as the rooms are proposed to be used for virtually the same way, as they have been for more than 10 years.

2.8 In view of the limited change in the nature of the use of the building and its layout, with a decrease in the number of occupiers and with no external changes to the building, it is considered the proposed increase in the number

of bedrooms will be compatible with the existing character and appearance of the area.

- 2.9 The refuse bins of the application property are currently located in the side/rear garden and this is not proposed to be changed.
- 2.10 It is considered therefore that the proposal would assimilate within its immediate context and subject to suitable planning conditions, the use would not lead to a material deterioration in the visual quality or residential character and appearance of the area.

Impact upon Residential Amenity

- 2.11 It is not anticipated that the proposed use of the building, and with a decrease in the number of occupiers, will give rise to a materially greater degree of comings and goings that would be noticeable within the immediate area.
- 2.12 The HMO use has been taking place since at least 2008 and there have been no specific events reported through the consultation of this application, that demonstrates that the use of the building harms the living conditions of the occupiers of nearby properties.
- 2.13 In conclusion, it is considered that the living conditions of the occupiers of nearby residents would not be unduly harmed and should be suitably safeguarded through the imposition of planning conditions.

Impact Upon Highway Safety

- 2.14 The unrestricted parking along the road is mostly used to capacity. It does not follow, necessarily, that the proposed use would lead to additional demand for on street parking that might cause harm to highway safety, or that the demand for on street parking would be materially different now from the demand generated by the occupiers who previously lived at the property.
- 2.15 It also has to be borne in mind that with the imposition of the planning condition to limit the number of occupiers to 15, this is likely to have the potential to reduce the 'demand' for car parking on the street.
- 2.16 The proposed cycle storage is welcome as an alternative means of providing travel to and from the site. In addition, the town centre is within a reasonable walking distance from the application property – thereby providing suitable and convenient access to goods and services for the occupiers of the premises.

3. Conclusion

- 3.1 There is a need to accommodate tenants in shared accommodation. In view of the retention of the same layout and reduction in the number of occupiers, it is unlikely that the proposed use will materially affect the character and appearance of the area or the current living conditions of the occupiers of nearby properties.
- 3.2 A safeguarding condition is recommended to help minimise the impact of the proposal. However, due to the lawful use of the premises, and the circumstances of the proposal, Officers do not consider that planning

conditions are necessary to require a business management plan to be submitted or measures are needed to incorporate 'Secure By Design'.

- 3.3 It is considered that the proposal should be supported as a sustainable form of development in a suitably sustainable location.

g)

Recommendation

I PERMISSION BE GRANTED subject to the following conditions:

- i) The layout of the building to be in accordance with the submitted drawings.
- ii) The use of the building to be limited to up to 15 persons at any one time.
- iii) The side/rear garden of the site to accommodate the provision of cycle, refuse and recycling facilities.

II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer

Vic Hester