

- a) **DOV/23/01282 – Change of use to a larger House in Multiple Occupation; insertion of 2 rooflights, bin/cycle stores and associated alterations to elevations – 26-27 Tower Hamlets Street, Dover**

Reason for report – Number of contrary views (28)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM11, DM13

Draft Dover District Local Plan (March 2023) - The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded some weight, depending on the nature of objections and consistency with the NPPF. The relevant policies are: PM1, PM2, PM6, SP2, SP4, TII, TI3 and H7.

National Planning Policy Framework (NPPF) (2023): Paragraphs 7, 8, 11, 47, 112-115, 135

- d) **Relevant Planning History**

DOV/02/00228 - Formation of flat roofed covered way to gentleman's toilets. - Granted

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

Representations can be found in the online planning file; a summary is provided below:

Dover Town Council – Object - over intensification of the area, when combined with other HMOs within the local area, which has a detrimental impact on the town.

DDC Environmental Health – No observations

Kent Highways –Following the parking survey provided by the applicant, Kent Highways raise no objection. In order to support sustainable links, a condition has been recommended for cycle parking facilities.

Crime Prevention Officer – No comments received

Private Sector Housing – No comments received

Third party Representations: 29 objections have been received and are summarised below:

- Insufficient parking
- Too many rooms for size of property
- Concerns relating to noise and disturbance during construction
- Loss of privacy to neighbouring properties
- Comments relating to status of potential occupants
- Loss of property value
- Risk to safety of neighbouring residents

- Inappropriate use of the site

f) 1. **The Site and Proposal**

1.1 The application site relates to a two-storey terraced property set to the northwest of Tower Hamlets Street, set within the settlement confines of Dover. The property is currently a Public House (pub) but has ceased trading. The property is not listed, is not within a Conservation Area, nor is it within the setting of these constraints and is not within a Flood Zone. In addition, the pub is not listed as an asset of community value. The existing block plan of the site is shown below in Figure 1.



Figure 1: Existing Block Plan

1.2 The proposal is for the change of use from Public House (Sui Generis) to Home in Multiple Occupancy (HMO) (Sui Generis) with 12 beds. Following amendments to the internal layout of the proposal, and the removal of the rear dormer, this has reduced the number of bedrooms from 14 to 12. The proposal includes the insertion of 2 no. dormer windows within the roof, and other minor alterations to windows and doors to enable means of escape, and adequate natural light to every bedroom. The proposed block plan of the property is shown below in Figure 2.



Figure 2: Proposed Block Plan

2. Main Issues

2.1 The main issues for consideration are:

- Principle of the development
- Impact on the character and appearance
- Impact on residential amenity
- Impact on highways
- Other matters

Assessment

Principle of Development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.3 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.
- 2.4 The Core Strategy does not have a development plan policy that seeks to regulate or limit the number of HMOs in any specific area. As such, under the adopted development plan, each case needs to be determined on its own merits. It should be noted 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.
- 2.5 In terms of the draft Local Plan, policy H7 is afforded moderate weight, and there is support for proposals for Houses in Multiple Occupation (HMOs) where the application site itself, or in combination with existing HMOs within the vicinity, would not result in:

A) an adverse impact to living conditions of adjoining residents

- B) unacceptable impacts to highway safety, caused by insufficient on-site parking provision thereby resulting in an unacceptable increase in on street parking
 - C) An adverse impact to visual amenity and character of the area, including that from inappropriate or insufficient arrangements for refuse and cycle storage.
- 2.6 In terms of the impacts of the proposal in combination with other HMOs, it should be noted that the nearest registered HMO to the application site is on Tower Hamlets Road, with 2 other HMO registered within Tower Hamlets. The potential impact of the proposal will be discussed later in the report, with consideration for the cumulative impact of the HMOs within the area.
- 2.7 In terms of the loss of the community facility (public house), paragraph 97 of the NPPF states that decisions should “*plan positively for the provision and use of shared spaces, community facilities ... and other local services to enhance the sustainability of communities and residential environments*”, “*guard against the unnecessary loss of valued facilities and services...*”.
- 2.8 In addition, draft Local Plan policy PM6 sets out criteria where in exceptional circumstances, permission will be granted for proposals involving the loss or change of use of community services or facilities. The draft policy states that permission will only be granted for proposals involving the loss or change of use of community services or facilities where there is alternative provision, or where there is no longer a demand for the facility. Consequently, it is considered the draft policy would attract moderate weight in the planning balance.
- 2.9 Within a short walk of the application site, there are three Public Houses, and further drinking establishments in close proximity. Given the number of alternative facilities in the area, as well as those slightly further away in the town centre, it is considered that the proposals would accord with part a) of the draft policy. It is important to note that there is only a requirement under the stated policy for one of the criteria to be met.
- 2.10 In addition, Draft Local Plan policy SP4 sets out the appropriate locations for new windfall residential development. The draft policy seeks to deliver new housing in a range of accessible and sustainable locations in the district. SP4 is considered to attract moderate weight in the planning balance. The site is located within the settlement confines for the urban area and would therefore accord with the objectives of the policy, subject to the criteria within the policy being met.
- 2.11 Therefore, in relation to the determination of this application, the principle of the change of use is acceptable and the details and impact of the proposal are assessed in more detail below.

Impact on Character and Appearance

- 2.12 The NPPF states that planning decisions should ensure that developments ‘will function well and add to the overall quality of the area’, be ‘visually attractive as a result of good architecture, layout and appropriate and effective landscaping’, be ‘sympathetic to local character and history’ and ‘establish or maintain a strong sense of place’ (paragraph 135).
- 2.13 Draft Local Plan policy PM1 sets out that all development must achieve a high quality of design that promotes sustainability, and fosters a positive sense of place, by responding to the following principles in an integrated and coherent way.
- 2.14 Following revisions to the proposal, the proposed rear dormer has been removed, resulting in a reduction in the number of bedrooms within the roof from two to one. In terms of amenity, this bedroom would be served by two new rooflights on the

rear elevation and two existing rooflights on the front elevation. This amendment has reduced the visual change of the proposal when viewed from Ethelbert Road to the rear significantly and is considered to be acceptable.

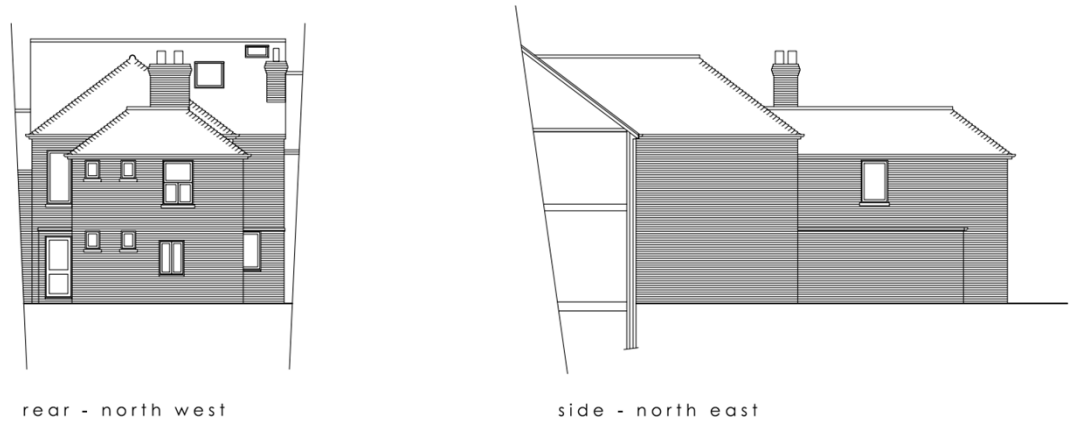


Figure 3: Proposed Rear Elevation



Figure 4: Proposed Front Elevation

2.15 The other changes are considered to be minor and include the removal of the covered walkway to access the toilets, replacing the rear door with a window, and an additional door to the side entrance of the rear elevation. The other additions to the property include cycle storage and bin storage facilities to the rear of the property. These will not detract from the street scene or visual amenity of the area.

2.16 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. The proposal would comply with Paragraphs 135 of the NPPF (2023) and policies PM1 and H7 of the Draft Local Plan.

Impact on Residential Amenity

2.17 As noted above, the proposals include minor external alterations, including the insertion of 2 rooflights on the rear elevation. These additional openings will provide long range views to the rear of properties on Odo Road, which are

approximately 30 metres away. However, due to the separation distance, it is not considered that the proposal would result in significant additional loss of privacy to these properties. The two rooflights on the front elevation are existing and are to be retained. Other new openings are proposed on the ground floor and are not considered to result in a significant loss of amenity.

- 2.18 As such, the proposal would not result in significant additional harm to existing residential amenities from what is already experienced in terms of overlooking, interlooming, loss of light, loss of outlook or loss of privacy to any residential neighbour.
- 2.19 Up until recently the property was a functioning Public House and had been for a number of years. It is not considered that the change of use to an HMO would result in a significant change to noise within the property and have a significant impact on neighbouring properties, nor will it give rise to a materially greater degree of comings and goings that would be noticeable within the immediate area.
- 2.20 Furthermore, Environmental Health have raised no concerns regarding the proposal. It is therefore considered that the proposal would accord with policy H7a in this regard.

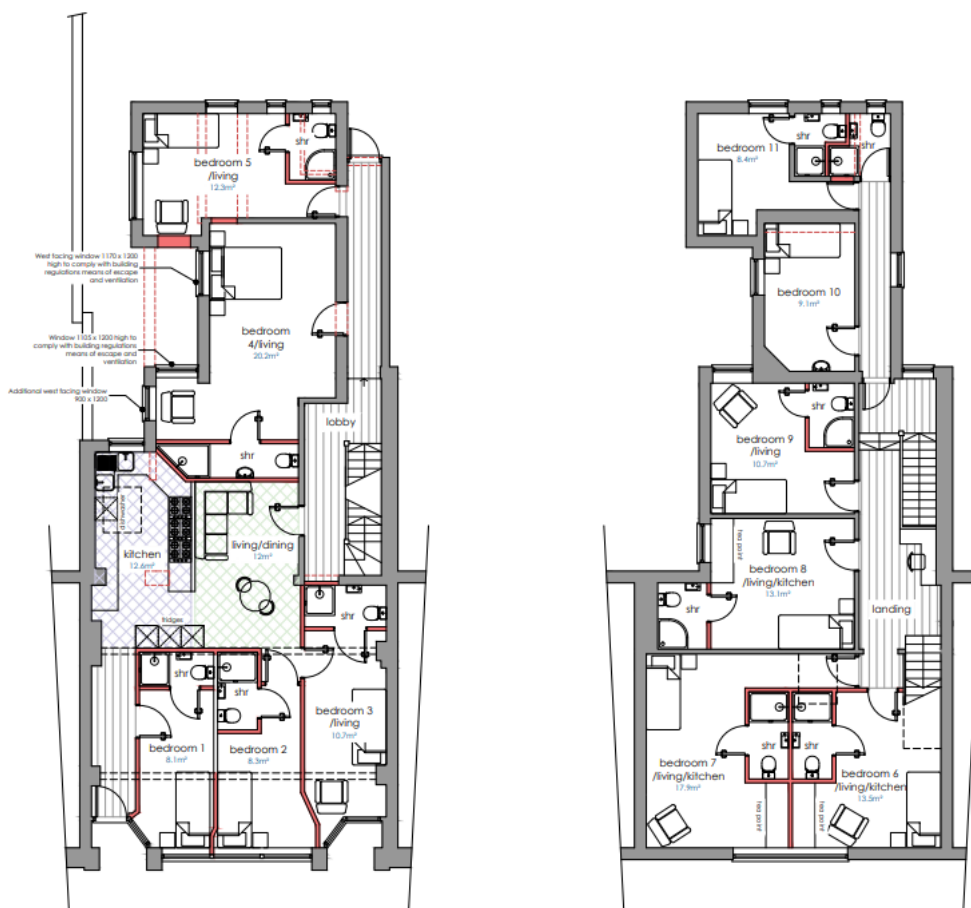


Figure 5: Proposed Ground and First Floor Plan

Regarding future occupiers of the HMO, the rooms exceed the minimum standards, set out within the Council's HMO Standards document (2019) with future residents also benefiting from a shared kitchen and living area. The rooms have their own shower and WC either within the room or immediately adjacent. The proposed occupants would have a good level of amenity, and the proposals would comply with paragraph 135(f) of the NPPF and policies PM2 and H7 of the Draft Local Plan

Highways

- 2.21 The site is located in a residential area, where the majority of dwellings are terraced houses with no-off road parking. Some on street parking is available outside the property and in surrounding roads. The property would have no off-road parking.
- 2.22 Paragraph 115 of the NPPF states that “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*”
- 2.23 As set out above, draft Local Plan policy H7 sets out that HMO proposals will be supported where they do not result in an unacceptable impact on highway safety, caused by insufficient on-site parking provision thereby resulting in an unacceptable increase in on street parking.
- 2.24 A parking survey was conducted in the area surrounding the application site, which concluded that “*the proposals on street parking impact is minimal/ likely to be insignificant.*” KCC Highways did not raise any objections to the scheme due to parking capacity within 200 metres of the scheme. As such, the development is considered unlikely to result in a significant increase in parking pressure or undue harm to highways safety by itself or in combination with existing HMOs.
- 2.25 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. The application site is on the edge of Dover town centre, with a regular bus route and approximately 10 minutes’ walk from Dover Priory Station. The proposals are therefore considered to accord with draft policy T13 and in turn draft policy H7b.

Other Matters

- 2.26 As set out above, draft policy H7 requires sufficient cycle and bin storage be provided that does not adversely impact on the visual amenity and the character of the area. The proposal includes provision for the storage of bicycles and refuse storage to the rear of the property, accessed from Ethelbert Road. Ethelbert Road is a road for rear access to dwellings on Odo Road and Tower Hamlets Street, with mainly rear gardens and garages. The storage facilities will be located behind a 2-metre-high close board fence, with a secure lockable gate. This would provide acceptable screening of refuse and cycle storage in accordance with draft policy H7c.

3. Conclusion

- 3.1 There is a need to accommodate tenants in shared accommodation. It is not considered that this proposal would materially affect the character and appearance of the area or the current living conditions of the occupiers of nearby properties. While it is accepted that there may be a minor increase to parking pressure, this is not significant to warrant refusal of the application.
- 3.2 The proposal is considered to be a sustainable form of development in a suitably sustainable location in accordance with the NPPF, Core Strategy and Draft Local Plan.

g) Recommendation

I PLANNING PERMISSION BE GRANTED, subject to conditions:

1. Time Limit
2. Approved plans
3. Restriction of number of residents to 16
4. Boundary treatment
5. Bike storage
6. Bin storage

II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Amber Tonkin