

<b>2.4 REFERENCE NO – 23/500616/FULL</b>		
<b>PROPOSAL</b> Erection of a two storey side extension to House in Multiple Occupation (HMO)		
<b>SITE LOCATION</b> 1 Norwood Walk West Sittingbourne Kent ME10 1QF		
<b>RECOMMENDATION</b> Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.		
<b>APPLICATION TYPE</b> Householder		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The application has been referred to Planning Committee by Councillor Baldock  Parish Council objection		
<b>Case Officer</b> Rebecca Corrigan		
<b>WARD</b> Borden And Grove Park	<b>PARISH/TOWN COUNCIL</b> Bobbing	<b>APPLICANT</b> Mr Tatler  <b>AGENT</b> Oast Architecture Ltd
<b>DATE REGISTERED</b> 09.02.2023	<b>TARGET DATE</b> 12/12/23	
<b>BACKGROUND PAPERS AND INFORMATION:</b> <a href="#">23/500616/FULL   Erection of a two storey side extension to House in Multiple Occupation (HMO) (Revised description)   1 Norwood Walk West Sittingbourne Kent ME10 1QF (midkent.gov.uk)</a>		

## 1. SITE LOCATION AND DESCRIPTION

- 1.1 The site is situated within the defined built-up area boundary of Sittingbourne and comprises of a two-storey end of terrace property which forms part of a small terrace on the southern side of Norwood Walk West. The property is currently in use as a house in multiple occupation (HMO), comprising of a communal kitchen / diner and 4 bedrooms. The property has a small front garden and a side and rear wraparound garden.
- 1.2 The property is located within a pedestrianised part of the estate, and in common with neighbouring properties has no direct on-site parking. One car parking space is available to the property within a communal area of garages sited adjacent to the railway line to the north. Unrestricted street parking takes place within the locality on the adjoining service roads.

## 2. PLANNING HISTORY

- 2.1 No relevant planning history

### **3. PROPOSED DEVELOPMENT**

- 3.1 Planning permission is sought for the erection of a two storey side extension. This would create a communal lounge/diner at ground floor level and one additional bedroom with en-suite facilities at first floor level. The resulting development will provide a 5 bedroom House in Multiple Occupation (HMO)
- 3.2 The side extension would project 3.7m from the side wall of the property and have a length of 7.7m. It would be set back 0.5m from the front elevation of the building with a hipped roof profile and an eaves height of 5m to match existing. The plans have been amended through the course of the application to incorporate a hipped roof rather than a gable end roof profile, and to clarify that the property is and will continue in use as a HMO and not a single dwelling.

### **4. CONSULTATIONS**

- 4.1 Three rounds of consultation were undertaken, during which letters were sent to neighboring occupiers: Full details of representations are available online.
- 4.2 A total of 21 letters of representation were received following the public consultation. Of these 14 were received from separate addresses. Objections were raised in relation to the following matters:
- Visual impact – overdevelopment, loss of openness, out of character
  - Amenity – overbearing impact, loss of outlook
  - Loss of privacy
  - Overshadowing and loss of light
  - Additional bathrooms have the potential to cause drainage problems
  - Highway safety concerns
  - Insufficient available parking
  - Noise and disturbance through construction
  - Internal layout is not as described – the house is a House in Multiple Occupation
  - Loft extension is not included in the application
  - Reduction in security in the area due to loss of visibility

- 4.3 Bobbing Parish Council – Raise objection for the following reasons:

- The proposed extension would block light to neighbouring properties.
- The proposed extension would overlook neighbouring properties.
- Could lead to more parked cars increasing congestion on the road.
- The property would be out of character for the area.
- Southern Water have problems with sewage in the area and it is known by residents that the drainage capacity is not the correct specification for the area.
- The increase in property size could add to the existing problem.

### **5. REPRESENTATIONS**

- 5.1 **Southern Water** - Raise no objection but advise that the developer is intending to build-over a public foul sewer which is crossing the site..

## **6. DEVELOPMENT PLAN POLICES**

### **6.1 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017**

**Policy ST1** Delivering sustainable development in Swale

**Policy ST3** The Swale settlement strategy

**Policy CP4** Requiring good design

**Policy DM7** Vehicle parking

**Policy DM14** General development criteria

**Policy DM16** Alterations and extensions

### **6.2 Supplementary Planning Guidance/Documents**

Supplementary Planning Guidance (SPG): “Designing an Extension A Guide for Householders”.

The Swale Borough Parking Standards 2020

## **7. ASSESSMENT**

7.1 This application is reported to the Committee at the request of Cllr Baldock and because Bobbing Parish Council has objected to the proposal. Considering these comments and on the basis of the scheme that has been submitted, the committee is recommended to carefully consider the following points: -

- The Principle of Development
- Character and Appearance
- Living Conditions
- Transport and Highways
- Flood Risk, Drainage and Surface Water
- SAMMS

### **Principle**

7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise

7.3 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

7.4 The site is situated within the defined built-up area boundary of Sittingbourne where the principle of extending a residential property is generally accepted subject to compliance with policies CP4, DM14 and DM16 of the Local Plan.

7.5 A number of objections have been received which relate to the property being in use as a House in Multiple Occupation (HMO). The application was revised to clarify this, the description was changed and the revised drawings now show the existing and proposed

internal layout as a HMO.

- 7.6 It is important for members to note that the use of a dwelling as a HMO by up to 6 persons does not require planning permission, and is permitted development under Class L of Part 3 of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended). As such the existing use of the property is lawful. The property is still a dwellinghouse (albeit one used as a HMO rather than by a single household) and the principle of extending a dwelling in an urban area is acceptable, subject to the more detailed considerations set out below.

### **Character and Appearance**

- 7.7 The NPPF attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement. Policies CP4, DM14 and DM16 of the Local Plan state that developments and extensions should be well designed and respond positively to the building and its surroundings. The Council's SPG entitled Designing an Extension – A guide for Householders recommends that two storey side extensions should be set back from the front elevation of the existing dwelling and stepped down from the existing ridge height, in order to appear subservient and preserve the original form and symmetry of the host dwelling. In this instance the extension would be set back 0.5m from the front elevation of the building and the ridge line would be 0.5m lower than the original ridge height. This is in accordance with the SPG "Designing an Extension A Guide for Householders".
- 7.8 The side extension would project 3.7m from the side wall of the property and have a length of 7.7m. A distance of more than 3m is to be retained to the side boundary of the property. The roof design has been amended to incorporate a hipped roof profile which reduces the overall bulk of development and is also consistent with other end of terrace properties in the area which are also designed with a hipped roof profile. The width of the extension would be subservient to the main house, and would not be out of keeping with the prevailing form of development in the area which comprises blocks of terraced houses.
- 7.9 Overall, the proposed two storey side extension is considered to integrate successfully with the host property and would not cause any harm to the visual amenities of the surrounding area.

### **Living Conditions**

- 7.10 Policy DM14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight.

#### *Potential impact upon No's 44 and 46 Norwood Walk*

- 7.11 The proposal would extend the property closer to these dwellings. A distance of 11m would be maintained to the front elevation of No 46, and the extension would not be sited directly in the line of this property. The front elevation of No 44 would directly face the extension. A distance of approx. 12.6m would be retained between No. 44 and the extension. Taking into account this distance and that this property already faces towards

the flank wall of the application dwelling, the impact upon outlook is considered acceptable.

- 7.12 No's 44 & 46 are sited on a lower land level than the application property by approximately 1m and objections have been raised that the development would result in a loss of light to these properties. However, the development would comply with guidelines as set out in the BRE Daylight and Sunlight Good Practice Guide, and the impact on light provision to these neighbouring dwellings is considered acceptable.
- 7.13 Concerns have also been raised from objectors that the proposal has the potential to result in loss of privacy. However, no windows are proposed within the side elevation of the proposed extension and as such no direct overlooking would occur to these properties.

*Potential impact upon No's 13-17 Woolett Road*

- 7.14 The proposed extension would be located to the north of no's 13-17 (odd) and would be sited at a distance of approx. 16m from the rear elevations of these properties. The extension would not project further south than the main house and at this distance would be unlikely to cause any harmful impacts relating to light and outlook.
- 7.15 In terms of overlooking, the extension would be closer than the 21m distance normally applied to back-to-back dwellings. However this is no worse than the existing situation, and importantly the first floor rear facing window would be to a bathroom and can be restricted by condition to be an obscure glazed window.

*Potential impact upon 27 Norwood Walk West*

- 7.16 Given the location of this dwelling 16m from the extension and across public footways, no adverse amenity impacts would be likely to occur.

*Potential impact upon 3 Norwood Walk West*

- 7.17 Although the application site is attached to No 3, the extension would be erected on the other side of the site and would not cause any impacts to this property in terms of light, privacy or outlook.
- 7.18 Although the proposal would increase the number of bedrooms by 1, from 4 to 5 in total, this would be unlikely to increase activity or intensify the use of the site to an unacceptable level.
- 7.19 Overall, the proposal is not considered to cause unacceptable amenity impacts and would not be in conflict with Policy DM14 of the Local Plan.

**Transport and Highways**

- 7.20 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

*Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable."*

- 7.21 The NPPF also 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."*

- 7.22 A number of objectors have raised concerns in relation to the increased demand for parking arising from the proposal. None of the properties on Norewood Walk have on-site parking due to the estate design with pedestrianised walkways. As a result it is acknowledged that parking occurs on local residential roads. Notwithstanding this, any additional parking demand from the development would be limited and it would be difficult to argue that additional pressure from one extra bedroom would be sufficiently harmful to refuse the scheme on highways grounds.

### **Flood Risk, Drainage and Surface Water**

- 7.23 Concerns have been raised that the foul drainage system in the area is poor. Southern Water have not raised any concerns regarding capacity. Although a condition is requested relating to protection of any public sewers on the site, this is a matter that is controlled directly by Southern Water and as such it is not considered necessary to impose a planning condition.

### **Impacts upon SPA and Ramsar Sites**

- 7.24 Members will be aware that the Council (together with other North Kent authorities) operates a strategy to manage impacts arising from recreational pressure on the coastal SPA and Ramsar sites. A tariff-based system is in place to collect contributions to fund the management of recreation uses in these areas. The strategy includes a charging schedule in place for other types of development that do not neatly fall to be considered as “dwellings”, including for Houses in Multiple Occupation.
- 7.25 For completeness an Appropriate Assessment is set out below. Since this application will result in a net increase in residential accommodation on the site, impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. Due to the scale of the development, there is no scope to provide on-site mitigation and therefore off-site mitigation is required by means of developer contributions at the rate of £314.05 per additional room for a HMO. One additional bedroom is proposed here, and therefore a total fee of £314:05 is required. The agent has paid this mitigation fee and therefore the application is acceptable in this regard.

## **8. CONCLUSION**

- 8.1 This application would not cause adverse harm to either visual or residential amenities and the addition of one additional bedroom at the property would not have significant impacts on the parking provision of nearby roads. The application is considered to accord with relevant development plan policies and it is recommended that this application be approved.

### **Conditions**

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with drawing title number(s): A103 (received 10<sup>th</sup> November 2023), A104 (received 6<sup>th</sup> February 2023), A105 (received 31<sup>st</sup> March 2023), A106 (received 6<sup>th</sup> February 2023).

Reason: For the avoidance of doubt, and in the interests of proper planning.

- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reason: In the interests of visual amenity.

- 4) Before the development hereby permitted is first used, the proposed window in the first floor rear elevation shall be obscure glazed and this window shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

- 5) No more than 6 residents shall occupy the property as a House in Multiple Occupation, as defined under Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To avoid unacceptable impacts upon Special Protect Areas and Ramsar sites within the area without suitable mitigation being put in place, and because occupation by more than 6 persons would require a separate application for planning permission being a change of use from Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended) to a sui generis use.

- 6) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:  
- Monday to Friday 0800 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interest of residential amenity.

### **Informative**

You are referred to the response received to the Council from Southern Water dated 23<sup>rd</sup> May 2023. As per the contents of the advisory note, you are advised to liaise directly with Southern Water regarding the location of the public sewer prior to the implementation of development. This planning permission does not remove or override any requirement for approval from Southern Water in respect of development over or near a public sewer.

### **Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.**

This Appropriate Assessment (AA) has been undertaken without information provided by the applicant.

The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

The proposal therefore has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advise that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites.

The recent (April 2018) judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, *"it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."* The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group.

However, the proposed development is of a very small scale and, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA, subject to the conditions set out within the report.

Notwithstanding the above, NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG), and that such strategic mitigation must be in place before the dwelling is occupied.

Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.

Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (which has been secured prior to the determination of this application) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.



