

**Tonbridge
Medway**

TM/16/01498/FL

Extension and change of use from single dwelling house to 7 bed HMO at 16 Royal Avenue Tonbridge for Mr Peter Dabner

Private Reps: 14 further representations have been received since publication of the main report raising no new issues beyond those discussed in the main report.

Additional Information: Since writing the main report, the applicant's agent has submitted an additional supporting statement the contents of which can be summarised as follows:

- Main objection from residents is based on parking which is a historical problem caused by commuters and students;
- Type of occupier will be single professional adults and in most cases will not own a car;
- 2/3 parking spaces are to be provided along with a cycle store;
- Cycling is likely to be the most likely form of transport;
- Number of occupants has been widely over stated – given the number of bathrooms, cooking areas and storage the maximum number could be 10;
- Type of tenant is not a planning issue but the HMO will be furnished to a high standard and managed by a professional letting agent;
- Prospective tenants will be interviewed and vetted;
- Seven bedroom HMO requires planning permission whereas a 6 bedroom one does not;
- Council's own Core Strategy supports housing provision.

In addition, a letter from the prospective lettings agent has also been provided, stating that:

- They manage several HMOs for the applicant in the Tunbridge Wells area;
- Housing shortage means that shared living of this nature has become an extra stepping stone for many young people;
- Tenant demographic is made up of largely single people between the ages of 21 – 35 years old in full time employment, lower paid work but with career progression;
- Cherry Tree Road, Tunbridge Wells is an example where two shared houses are managed – during the first three years there have been no social disturbances, no visits by the police and no Environmental Health visits;

DPHEH: To firstly clarify, the agent is incorrect in his assertion that a 6 bedroom HMO is permitted development whereas a 7 bedroom HMO is not. In fact, the permitted development rights are predicated on a maximum number of residents, not the total number of bedrooms. An HMO up to a maximum of 6 residents constitutes permitted development. As set out in the main report, the provision of 7 bedrooms could in theory allow for a number of occupants far in excess of the permitted development threshold of 6.

I note that the agent states that the maximum number of residents in this case would be 10, based on housing legislation surrounding the number of bathrooms, cooking areas etc. to be provided within the building. The agent has also since submitted a revised floor plan indicating the number of double and single bedrooms to be provided within the building (3 double rooms; four single rooms). For awareness, legislation concerning standards for HMOs is set out in the Housing Act 2004, with associated guidance Regulations. The Council also has a set of adopted standards to be used as a guide for landlords in providing and managing such accommodation. The use of this property as an HMO would not require a License under the Act because it is only a two-storey building (licenses are required for more than two-storeys where there are more than 5 occupants). In any case, the standards set out in the Regulations and guidance should be adhered to on the basis that it sets out a framework for ensuring there are not unacceptable hazards to occupants. A Housing, Health and Safety Rating System can be undertaken by the Council in exercising housing functions which makes an assessment as to whether any such hazards exist. In the event that hazards are identified, an Improvements Notice can be issued and that could set out requirements ranging from the provision of extra facilities to a reduction in the number of occupants.

Irrespective of this separate regime, what must be assessed in this case is whether the intensified use and associated activity arising from the use of the property as a 7 bed HMO would cause harm in planning terms.

This is clearly a matter of judgement and one that must be carefully balanced against the permitted development rights that exist. Even based on a maximum of 10 residents (and when comparing that number to the permitted development benchmark of 6 residents), I remain of the view that this level of occupation in this location and the associated level of activity and likely resultant noise and disturbance to residents would cause harm to amenity.

In any case, for the reasons set out in my main report, I do not consider that occupation levels could be reasonably controlled by the imposition of planning conditions. Equally, it should be remembered that should internal changes be required in the future to satisfy housing requirements that could in theory increase the number of residents, those internal alterations could not be controlled by the planning system.

I acknowledge the comments made in respect of prospective tenants. This is not material to the case and forms no part of the recommendation to refuse planning permission.

Similarly, notwithstanding the local residents' concerns regarding parking provision, this matter does not form a basis for the recommended refusal, for reasons already detailed. Crucially in this regard, there are no specific adopted parking standard regarding HMO uses. The only standard we are reasonably able to apply is that for 4+ bedroom houses in suburban areas (which requires 2 independently accessible spaces). The provision of the front driveway would accord with this standard and as such the proposal is acceptable in these terms.

RECOMMENDATION REMAINS UNCHANGED

**Tonbridge
Higham**

TM/16/00957/FL

Proposed two storey chalet style detached dwelling with associated parking and garden areas at 1 Rodney Avenue Tonbridge for Mr & Mrs Mark Bridgewater

No supplementary matters to report.
