

**A02**

**F/TH/23/1234**

**PROPOSAL:** Change of use from residential dwelling (Use Class C3) to 6-bed HMO (Use Class C4) together with bin store and cycle storage

**LOCATION:** 38 Effingham Street RAMSGATE Kent CT11 9AT

**WARD:** Central Harbour

**AGENT:** Mr Paul Simms

**APPLICANT:** Mrs Sarah Ene

**RECOMMENDATION:** Approve

Subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND:**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered P2010, P2011 and P2110, received 22 December 2023.

**GROUND:**

To secure the proper development of the area.

3 No more than six persons shall occupy the property as principal or main residence at any one time.

**GROUND:**

In the interests of neighbouring amenity, in accordance with Policy QD02 and HO19 of the Thanet Local Plan.

4 The refuse storage facilities as specified upon the approved drawing numbered P2010 received 22 December 2023 shall be provided prior to the first occupation of the HMO hereby approved and shall be kept available for that use at all times.

**GROUND:**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

5 Prior to the first occupation of the HMO hereby approved, the secure cycle parking facilities within the basement, as shown on approved drawing numbered P2010 received 22 December 2023, shall be provided and thereafter maintained.

**GROUND:**

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

**INFORMATIVES**

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

Please be aware that your project may also require a separate application for Building Control. Information can be found at:

<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

**SITE, LOCATION AND DESCRIPTION**

The site is a three storey terraced dwelling with basement fronting onto Cavendish Street. The property has a small garden to the front enclosed by metal railings. The garden to the rear extends toward the boundary with Ramsgate Library. The site lies within the Ramsgate Conservation area and is not heritage listed. However, the neighbouring property (No 36) is Grade II heritage listed and the first and second floors of the application building extend into the neighbouring property above the entrance door to No 36.

**PROPOSED DEVELOPMENT**

The application was originally submitted for a change of use to a 7-bed HMO under sui-generis use, but amended plans have been submitted reducing the number of bedrooms within the HMO to six.

The application now seeks to change the use of a 5-bed residential dwellinghouse to a 6-bed HMO, under use class C4. The internal layout is to be altered to change the existing lounge to an additional bedroom, and the existing kitchen/diner is being changed to a kitchen/diner/lounge area. Additional en-suite and shower room facilities are also provided, and a new internal wall to separate the main living space from the stairwell is proposed. Externally there are no alterations proposed to the property.

**DEVELOPMENT PLAN POLICIES**

SP29 - Strategic Access Management and Monitoring Plan (SAMM)

SP43 - Safe and Sustainable Travel

HE02 - Development in Conservation Areas

HE03 - Local Heritage Assets  
HO19 - House in Multiple Occupation  
QD03 - Living Conditions  
QD04 - Technical Standards  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

## **NOTIFICATIONS**

Neighbours have been notified, a site notice posted and an advert placed in the newspaper and 9 representations have been received raising the following summarised concerns:

- No planning notices have been affixed in the local area
- We have not been personally notified of the application
- Effingham Street is an important and unique street with a substantial number of listed buildings of historic interest - The proposed conversion will not have a positive effect on the existing community.
- It's a blue plaque Road bordering on a conservation area.
- Multiple occupancy inevitably leads to unkempt outdoor areas and this impacts on the conservation area.
- There should be restoration of the front garden, path, railings, rainwater goods through the conversion.
- The architects wrongly state that its facade is partly red brick and 'rendered from the second floor up'
- Over concentration of HMOs
- Effingham Street is not a suitable location to put a HMO in - It is a family area
- Seven bedrooms - negative impact of up to 14 persons in the dwelling in each double bedroom
- Object to the intensification of use
- The dining and living room is inadequate for 8 tenants.
- The kitchen is too small for seven individuals
- Building Regulations need to be followed
- Concerns regarding the condition of building and heating.
- The house is not suitable for conversion.
- The rooms and associated spaces are too small.
- Cramped bed sitting rooms
- The two 2nd floor front bedsits have shared lavatory/shower arrangements.
- Wellbeing of potential occupants and how might this impact relationships with other people living in the street.
- My garden will be overlooked by more people.
- Impact on privacy - my living room and bedroom will be opposite the 7 new rooms.
- Noise nuisance from the significant increase in people
- Noise transfer between bedrooms
- Physical noise nuisance arising from the inadequate soundproofing, causing undue public nuisance.

- Existing noise and disturbance from the building is outrageous and HMO with even more residents will be worse.
- The residents of 36 Effingham Street with the flying freehold with no.38. will experience increased noise and disturbance within his property.
- Loss of single family dwelling
- There is already a shortage in the local area of rentable houses that can accommodate families.
- The family currently living in it would be likely to become homeless should the proposal be approved.
- Larger dwellings should be retained for families
- It should be kept as a family dwelling as originally designed.
- Police check on the applicant and the management of HMO.
- Type of occupier given that there is a girls school opposite and old Firestation is an Art building used for kids projects.
- Has consideration been given to the health and safety of school children opposite and other children or adults living in the neighbourhood.
- Has a risk assessment been looked into because of the potential issues?
- The area to the front of the property is inadequate for the amount of bins required given the number of occupants - the bins and recycling would be overflowing
- The bin area is not of an adequate size to accommodate 8 people or more
- Object to the wooden bin enclosure - out of keeping
- Pedestrian safety opposite the school
- A 7 bedroom house would mean more issues with the parking on the street which is extremely limited already
- Further pressure on the available parking in the local area.
- Narrow street and pavement with illegal parking causing traffic chaos - increase in residents is likely to make this even worse.
- Increase in residents is likely to make traffic worse - proximity to school entrance and a busy/dangerous road junction.
- Effingham Street is very narrow - it should be one way, or have speed humps.
- Vehicles mount the kerb at present to pass each other - the building work will exacerbate this
- Lack of parking
- Car parks are too expensive for most residents.
- New flats in Cavendish Street have already led to social conflict within the conservation area because of the limited parking.
- This application with its multiple occupants will likely exacerbate these conflicts.
- Inadequate space to provide cycle racks for all occupants.
- Basement bicycle storage will be challenging to use because of the steep steps and low ceiling.
- Bicycles will be locked to the railings causing obstruction.
- There will be a massive increase in dirt/ dust/ traffic build up due to the proposed works, a rise in air pollution, by the fumes from vehicles.
- The property is a terraced house with no access to the rear - how will residents escape in case of fire.
- The fire risk to neighbouring properties is exacerbated.

- Fireproofing and means of escape
- HMO may reduce property prices.

**Ramsgate Heritage and Design Forum** - There was concern that the number of rooms proposed exceeds that allowed for a single kitchen facility. As this is a conservation area, it is felt that the bin store in the front garden was not appropriate as this should be an area that is served with seagull proofed bags. General sense of the building being overdeveloped. Objection.

**Ramsgate Town Council** - Objects to this application on the grounds of it being considered as overcrowding of the property, the size of the bin store and its location would be an eye sore in an historic street in the Conservation Area.

### CONSULTATIONS

**TDC Conservation Officer** - Following a review of the proposed application and the lack of external proposed changes to the property I do not believe there to be a negative implication on the setting and appearance of the surrounding conservation. As such I do not object to the proposed.

**Senior Housing Licensing Officer, Private Sector Housing** - final comment - Based on the amended floor plans we would look to propose a maximum permitted occupation of 6 persons, 6 households.

There are no licensed HMOs within 100m of the property. I have no information as to whether there are any smaller HMOs with shared accommodation (up to 4 persons) in the vicinity. As such smaller HMOs are not licensable, we have no records as to their whereabouts.

**Senior Housing Licensing Officer, Private Sector Housing** - Initial comment - From an HMO licensing point of view, we work to the principle of allowing five persons per one shared kitchen, one shared bathroom and a separate WC. The proposed floor plans show that there is only one shared kitchen available therefore, we would propose a maximum permitted occupation of five persons, five households.

I have some concerns regarding the proposed layout in terms of fire safety. The floor plans show an open plan living room with no separation between the hallway/staircase leading from the ground floor to the first floor, creating an inner room scenario. I would suggest that adequate separation is provided to provide a safe means of escape in the event of a fire. This is something that can be discussed directly with the applicant, if appropriate.

There are no licensed HMOs within 100m of the property. I have no information as to whether there are any smaller HMOs with shared accommodation (up to 4 persons) in the vicinity. As such smaller HMOs are not licensable, we have no records as to their whereabouts.

### COMMENTS

This application is reported to the Planning Committee at the request of Cllr Austin to enable Members to consider the impact of the over development of the site in an already highly populated area of Ramsgate, and by Cllr Wing to enable Members to consider the impact of the development on the Conservation Area, overdevelopment and impact on neighbours.

The main considerations in assessing the proposal are the impact on the character and appearance of the area, impact on the living conditions of neighbouring residential occupiers and highway safety.

The proposed development is to change the use of the property from a 5 bedroomed dwelling to a 6 bedroom HMO. There are no physical changes to the external appearance of the property and the timber bin enclosure within the front garden has been removed from the scheme. The application has been amended since its initial submission and the number of bedrooms reduced from 7 to 6 bedrooms. The main planning issues relating to this development are the principle of the use of the building as a HMO, impact on the character and appearance of the Conservation Area, living conditions of future occupier and impact on neighbouring residential occupiers, and impact upon highway safety.

### **Principle**

The site is located within the urban confines within the Ramsgate Conservation Area.

Policy HO19 of the Thanet Local Plan allows for the provision of Houses in Multiple Occupation (HMO's) through conversion of existing buildings where the development:

- 1) does not give rise to an unacceptable impact on the living conditions of neighbouring residents through noise or general disturbance;
- 2) does not result in an intensification or concentration of such uses which is detrimental to the amenity and character of the neighbourhood (having regard to the criteria set out in para 11.34 by way of guidance)
- 3) provides suitable arrangements for car parking, or adequate on-street parking is available within the vicinity of the site and
- 4) provides suitable arrangements for the storage and collection of waste

With regards to paragraph 2 of the HMO policy the Council's Housing Licensing Officer is not aware of any licensed HMOs within 100m of the property and the use of the property as an HMO in this instance does not amount to an intensification of HMOs in the vicinity.

The principle of development is therefore considered acceptable subject to the requirements of paragraphs 1-4 above and all other material considerations which are considered below.

### **Character and Appearance**

The property is a three storey terraced property with basement, located within the Ramsgate Conservation Area. The property is not heritage listed, however the adjacent building, No 36, is a Grade II listed building. The Design Summary submitted with the application indicates how the property has a flying freehold that extends into the neighbouring building at first and second floor level.

The alterations are limited to the erection of internal walls and reorganisation of the internal space to provide bedrooms and bathroom facilities. There are no alterations proposed to the principal elevation of the building and as such there would be a neutral impact on the listed building and its appearance within the conservation area and the streetscene would remain the same as existing.

Initially it was proposed to erect a timber enclosure to contain the refuse bins to the front of the site, however following feedback it was considered that a large bin store structure would have a far greater visual impact within the street than freestanding recycling bins. Refuse bins and seagull proof refuse sacks appear to have been present within the front garden, and the untidiness of the garden has been commented upon through the public consultation process. The proposed scheme shows 4 bins within the garden and whilst this would be an increase on the current number of refuse receptacles it is not unusual to see a number of refuse bins within front gardens in the vicinity, particularly for larger properties. Furthermore, bins of adequate size for the property are likely to negate the need for seagull proof bags. Black metal railings currently exist to the front boundary of the site, which are being retained and will provide some screening of the bins from the street.

It is not possible, or appropriate, to control the general upkeep of private gardens through the planning process, however it is reasonable to assume the formalisation of refuse collection is likely to achieve an overall improvement in the appearance of the property within the street.

The rear elevation is mostly screened by surrounding properties and there are no alterations proposed to this elevation.

As there are no external alterations proposed to the property to facilitate the change of use, there would be no significant visual harm to the setting of the adjoining listed building, or impact on the character and appearance of the conservation area, and the development therefore accords with the requirements of policies HE02 and QD02 of the Thanet Local Plan and the National Planning Policy Framework.

## **Living Conditions**

Concerns have been raised that the development would amount to overdevelopment of the site, with the living space and bathroom facilities being inadequate. The number of bedrooms has been reduced since its initial submission and the internal spaces altered to comply with fire regulations.

The individual bedrooms are a reasonable size with each room benefitting from natural light and ventilation. Most rooms have a private shower and WC, or have access to a communal shower room or bathroom and WC facilities. A kitchen, living room and dining room is provided on the ground floor, towards the rear of the property, with direct access into the rear garden. A store room is available within the basement for the storage of cycles with access from the ground floor hallway. The Council's Housing Licensing Officer has been consulted and confirms that the amended layout which shows a 6 bed occupancy, would meet the requirements of the HMO Amenity Guidelines.

Concern has been raised that the change of use from a single family dwelling to a HMO would intensify the use of the property leading to noise and disturbance. In this regard Paragraph 11.29 (Local Plan Policy HO19) recognises that shared living accommodation, such as that offered through HMOs, is typically more intense than single family occupation, and can give rise to noise, nuisance, more callers, a higher parking requirement and visual deterioration of buildings and gardens. Whilst there may be a small intensification of use of the property through the HMO use, the property currently has a total of 5 large bedrooms with a number of en-suites and bathrooms and, therefore, the addition of one further bedroom is unlikely to result in a significantly greater level of noise nuisance and general disturbance from comings and goings, compared to that of the existing use of the property.

With regards to paragraph 4 of the HMO policy there is space within the property and rear garden for the storage of waste, however for ease of access and collection this has been shown within the front garden, where there is likely to be a total of 4 refuse bins. Properties along this part of the terrace would not have the benefit of refuse collections from the rear of the property, and there is evidence that seagull proof bin bags and red/blue recycling receptacles used in this location. The waste storage and collection facilities for this property would therefore be likely to continue as existing with the benefit of improved facilities, and therefore the HMO use is able to demonstrate adequate waste storage facilities.

There is space within the large rear garden for clothes drying and additional storage for occupiers of the HMO. There are no additional external window or door openings proposed and the proposed development would not result in overlooking or loss of privacy above the potential mutual overlooking that may already exist between residential gardens and from the windows facing onto the front garden and public highway.

Given the above it is considered that the living conditions for future occupiers of the HMO and surrounding residential occupiers would not be significantly harmed as a result of the proposed use. The use, with its reduced number of bedrooms, is considered to be compatible with the adjacent residential properties, and the proposal therefore accords with the requirements of Thanet Local Plan policies QD03 and the NPPF and Policy HO19 which requires proposals to be compatible with the living conditions of neighbouring residents.

### **Planning Obligations**

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified.

Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to



contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

Whilst the proposed HMO increases the number of bedrooms in the property from 5 to 6, the HMO would be restricted to a maximum of 6 residents at any one time. Furthermore the use of the existing rooms could be altered to bedrooms without the need for planning permission if the property was to remain as a single dwelling. It is therefore considered that given the size and number of bedrooms within the existing property, and the restriction of 6 residents within the C4 HMO use (rather than the 7 residents who would have been occupying the site through the previous sui generis use), that there would not be an increase in the number of people accommodated within the dwelling above the number that would typically accommodate a single dwelling. A contribution to mitigate against increased recreational pressure upon the special protection area normally required by Local Plan Policy SP29 has therefore not been requested in this instance.

### **Highway Safety**

Concern has been raised that the change of use would lead to additional on-street parking and risks to pedestrians, particularly being close to the junction and nearby school. Paragraph 3 of Policy HO19 requires the development to provide suitable arrangements for car parking, or ensure adequate on-street parking is available within the vicinity of the site. There is no off-street parking associated with the existing dwelling and off-street parking provision is not proposed for the change of use. The proposed use would retain a similar number of bedrooms to the existing dwelling and therefore there would not be a significant increase in demand for parking. Furthermore, the property is located in a very sustainable location within walking distance of the town centre of Ramsgate and within a short walking distance to public transport connections. In addition the site is within easy walking distance of the Leopold multi-storey car park and smaller car parks in Meeting Street, Cavendish Street and Queens Road.

Concerns relating to existing inconsiderate parking problems within Effingham Street are a civil matter and not considered through this planning application. The change of use is unlikely to lead to a significant increase in on street parking demand above that of the existing dwelling for which no off-street parking is provided, and the proposal therefore accords with the requirements of policy TP06.

Within the basement there is a 14 metre square storage area for the secure storage of bicycles. Whilst there are concerns that it would be difficult to reach the basement to store bicycles, and that the ceiling height is low, the basement store would nevertheless provide a secure store, capable of accommodating a number of bicycles that meets the requirements of the cycling policy TP03. In addition there is further space within the rear garden that could be used to store bicycles if required.

Given the above it is considered there would be no significant increase in demand for parking or harm to highway safety and the development therefore accords with the requirements of Local Plan policies HO19, TP03 and TP06.

### **Other Matters**

Concern has been raised that the public site notice has not been displayed and that members of the public have not been consulted. It is confirmed that owners/occupiers immediately adjacent to the site have been consulted by letter, a public site notice has been displayed close to the site and the application has been advertised in the Thanet Extra newspaper. Occupiers of the application site have not been separately notified of the application as Certificate A has been signed on the application form declaring that the applicant is the sole owner of the site. Consultation of the application has been properly carried out in accordance with the Council's notification procedure.

Concerns raised that a property might be devalued as a result of the development cannot be taken into account through the planning process.

Additional vehicle movements associated with the internal alterations are regarded as temporary in nature and noise nuisance complaints associated with future occupiers of the property are dealt with by Environmental Health and would be a civil matter, and is therefore not a material consideration in the determination of this planning application.

The internal alterations to facilitate the conversion of the property, including sound insulation and fire safety would be covered through Building Control Regulations.

Concerns regarding inconsiderate parking are civil matters and cannot be considered through the planning process.

## **Conclusion**

The use of the property as a House in Multiple Occupation would not result in any physical alterations to the external appearance of the property and there would be a neutral impact on the setting of the adjoining listed building and the character and appearance of the Ramsgate Conservation Area, with waste satisfactorily stored within the site.

The living accommodation would provide a reasonable standard of living for future occupiers of the HMO and the use would not significantly impact upon the living conditions of neighbouring residential occupiers, or highway safety. The proposal would therefore comply with Policies HO19, QD02 and QD03 of the Thanet Local Plan, and the requirements of the NPPF.

It is therefore recommended that Members approve the application subject to safeguarding conditions.

## **Case Officer**

Rosemary Bullivant

TITLE:

F/TH/23/1234

Project

38 Effingham Street RAMSGATE Kent CT11 9AT

