

**Change of use 4 bedroom dwelling to House in Multiple Occupancy with 4 lettable rooms (retrospective)**

**AT 30 Great Linch, Middleton, Milton Keynes**

**FOR Mr Nick Fox**

**Target:** 5th November 2012

**Ward:** Middleton

**Parish:** Broughton & Milton Keynes  
Parish Council

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## **1.0 INTRODUCTION**

*(A brief explanation of what the application is about)*

### **1.1 Appeal for non-determination**

Members should note that prior to the Panel meeting an appeal for non-determination has been submitted. Therefore the overall outcome of the application will be decided by the Planning Inspectorate. Members need to decide what the decision would have been so that the Planning Inspectorate can make an informed decision on the application.

### **1.2 The Site**

The application site is a two storey detached property with a double garage attached to one side. It is positioned in the centre of a turning head which is at the end of a short branch of the Close which contains 9 properties. The two on-plot parking spaces front the double garage, there is a small front garden and a rear garden measuring approximately 14m x 9m. The nearest available facilities are at the district centre of Kingston which is approximately 1.2km from the site. Details of the location of the site and its relationship to surrounding properties can be seen in the plans attached to this report.

### **1.3 The Proposal**

The proposal is to reduce the existing unlawful 6 bedroom HIMO to a 4 bedroom HIMO. Details of the proposal as described above can be seen in the plans appended to this report.

## **2.0 RELEVANT POLICIES**

*(The most important policy considerations relating to this application)*

### **2.1 National Policy**

### National Planning Policy Framework

- Paragraph 7: Definition of sustainable development
- Paragraph 17: Bullet point 4- High quality design
- Paragraph 63: Design standards
- Paragraph 64: Poor design

## 2.2 Local Policy

### Core Strategy

Emerging Policy CS 13: Ensuring High Quality, Well Designed Places”.

### Adopted Milton Keynes Local Plan 2001-2011

D1: Impact of Proposals on Locality

T15: Parking Provision

H10: Subdivision of dwellings and houses in multiple occupation

### Supplementary Planning Guidance

Houses in Multiple Occupation Adopted April 2012

Addendum to 'Parking Standards for Milton Keynes' 2005 April 2009.1

## 3.0 MAIN ISSUES

*(The issues which have the greatest bearing on the decision)*

- 3.1
- Impact on Parking Provision. Under the parking standards a 4 bedroom HIMO is unacceptable as the appropriate off-street parking cannot be provided.
  - Impact on Character and Appearance of Area. There is currently a low concentration of HIMOs in the area therefore the proposal is not considered to be to the detriment of the street scene.

## 4.0 RECOMMENDATION

*(The decision that officers recommend to the Committee)*

- 4.1 It is recommended that planning permission be refused for the reason set out at the end of this report.

## 5.0 CONSIDERATIONS

*(An explanation of the main issues that have lead to the officer Recommendation)*

### 5.1 History

The property is currently operating as a 6 bedroom house in multiple occupation (HIMO). This was refused under application 09/01893/FUL and dismissed at appeal reference APP/Y0435/C/10/2128082 due to the lack of on plot parking. The current proposal is for a 4 bedroom HIMO. The current HIMO is in an area below the 35% concentration limit set out in the adopted HIMO SPD 2012.

## 5.2 **Impact on Parking Provision**

Under the Adopted 2009 parking standards a 4 bedroom HMO in area B requires three on plot parking spaces. The current application proposes three on plot parking spaces; two in front of the existing detached garages and one in front of the plot. Under the parking standards garages do not constitute parking spaces.

5.3 A parking survey was undertaken on the 09/01/12 in the day and 10/01/12 in the evening. The site has two on plot parking spaces. Some parking was available on the road day and night. At night two vehicles parked in tandem on the property overhanging the highway. No other vehicles were parked on plot.

5.4 The Highways Officer considers that the proposed third parking space does not meet the current parking requirement for a space in Milton Keynes, which measures 5m by 2.5m. The proposed space is to be 5m by 2.36m at the front of the property directly adjacent to the front elevation. It is considered that the proposed space will project directly in front of the main access door of 30 Great Linch limiting accessibility to the property, it will also have to be directly adjacent to the front elevation, which results in the driver/passenger door not being able to open. Access onto the proposed space itself is considered to be difficult, due to the location of the space in comparison to the existing parking in front of the garage. Therefore it is considered that this proposed third parking space is not acceptable.

5.5 The size, position and arrangement of the third space is considered to be difficult to access and use so as to park a car clear of the highway and as such is likely to lead to highway parking. The Planning Inspector in the appeal case referred to above determined that for a 6 bedroom HMO this arrangement was unacceptable from the evidence before him and noted:

*“The use of No. 30 as a HMO with 6 rooms available for occupation results in on street parking which causes unacceptable congestion in Great Linch. Accordingly, the use is contrary to the relevant part of the Local Plan and the advice in the SPG.”*

The Council's Highways officer has advised that the additional space required could not be safely provided, and therefore the development, if permitted, would therefore be likely to lead to additional on street parking to the detriment of highway safety and convenience.

## 5.6 **Impact on The Character and Appearance of Area**

It is considered that in a 100m buffer set out under the Adopted Houses In Multiple Occupation SPD the proposed 4 bedroom HMO is the only known HMO in the area. There are no recorded flats, and 15 houses within the buffer. The SPD states that concentration should be below 35% of HMO's and flats to retain the character and appearance of the area. The percentage in the 100m buffer created from 30 Great Linch is 21%. It is therefore considered that the proposal does not lead to an unacceptable concentration of HMOs/flats and therefore under guidance of the Houses In Multiple

Occupation 2012 SPD the proposal will not have a detrimental impact on the character and appearance of the area.

## 5.7 Other Issues in the Supplementary Planning Document (SPD)

### Bin Storage and drying areas

Policy H10 of the Local Plan requires that HiMOs are provided with adequate outdoor space for bin storage. The SPD specifies that an area of 15 sqm should be provided for drying and bin storage. The SPD does not give an indication of the appropriate size for the bin store, but requires that it should provide storage for:

- 1 black sack per bedroom
- 1 pink recycling sack per bedroom
- 1 blue recycling box per 3 bedrooms
- 1 x 240 litre green bin for food & garden waste per 6 bedrooms

The SPD also requires that bin stores should be secure, unobtrusive and accessible from the road.

A rear garden with area in excess of over 126 square metres is considered to be adequate space for bin storage and clothes drying. After a site visit it can be confirmed that the facilities have been provided and maintained.

5.8 Cycle storage is required at a level of 1 space per bedroom. It is considered that the double garage would provide more than adequate storage for cycles.

5.9 Noise is another key issue when determining HIMO's. Noise can be divided into two categories. Internal noise such as banging of doors and noise from music and televisions or external noise usually associated with antisocial behaviour or parties. One objection have been received about noise, however if the application was approved a noise survey and mitigation strategy could be conditioned.

## 6.0 REASONS

*(The reasons that officers recommend that the application should be refused. The reasons must be ones that the Council can demonstrate with evidence, should the applicant appeal against the refusal.)*

1. The applicant is not able to provide adequate space within the site for the parking of vehicles clear of the highway. The development, if permitted, would therefore be likely to lead to additional on street parking to the detriment of highway safety and convenience. The application is therefore contrary to saved Policy H10 (ii) of the Milton Keynes Local Plan 2001-2011 and the Addendum to 'Parking Standards for Milton Keynes' 2005 April 2009.



30 Great Linch Middleton

Scale 1/1250

Date 24/3/2010

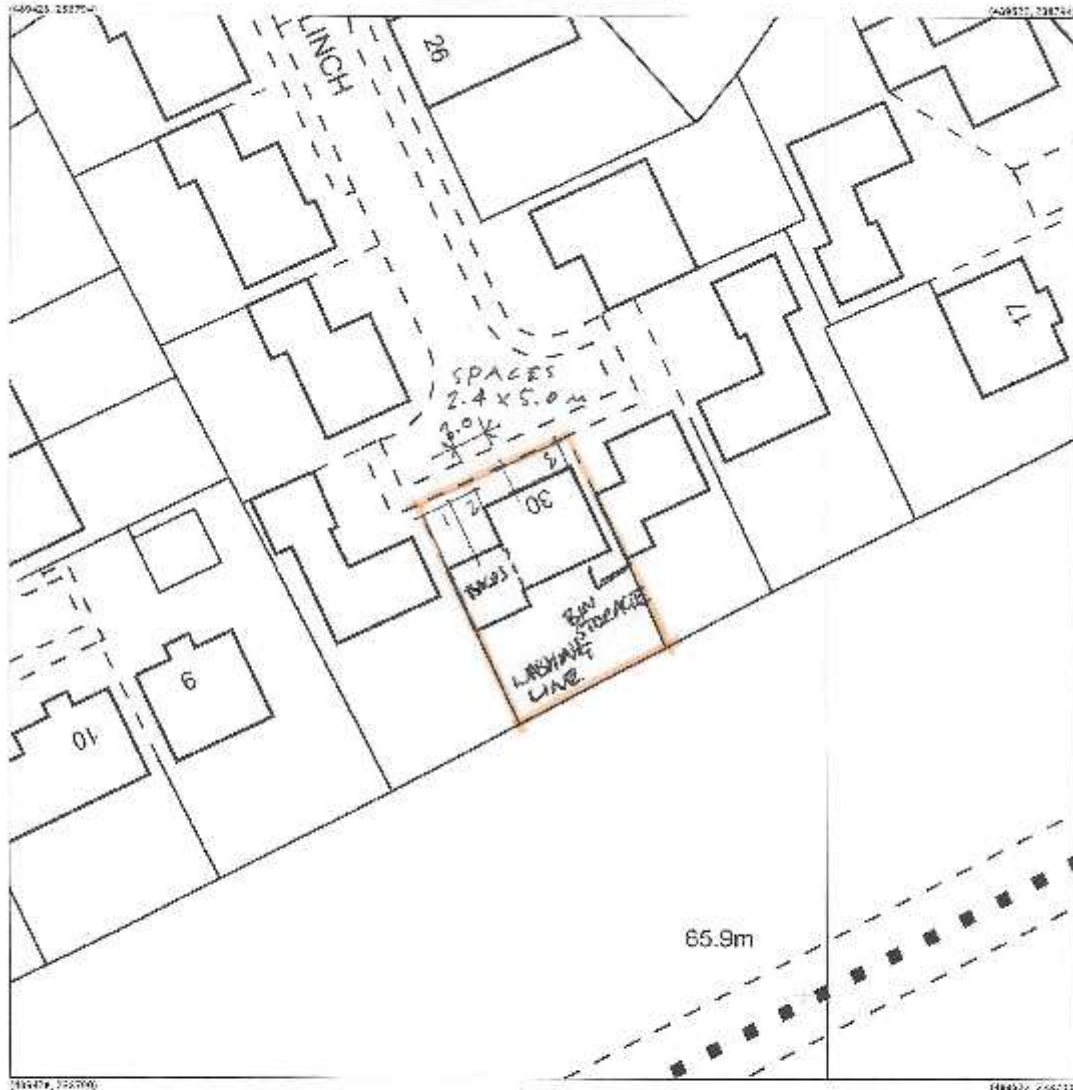
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Author

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30 GREAT LINC  
MILTON KEYNES  
MK11 9BF

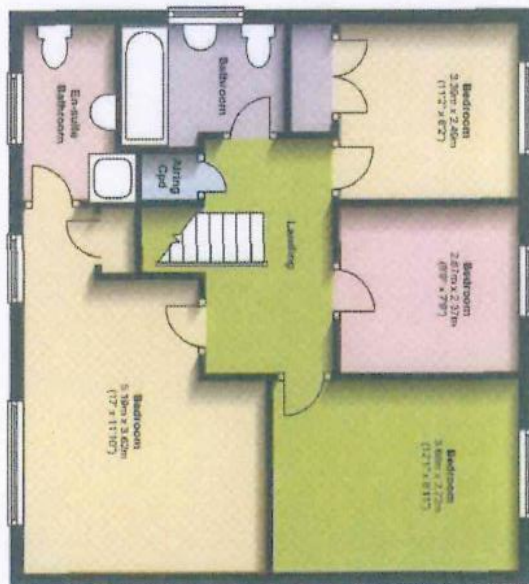
Supplied by: Stanfords  
Reference: 0454809  
Centre coordinates: 495470 238747

**30 Great Linch, Middleton, Milton Keynes, MK10 9BF**

**Ground Floor**  
Approx. 667 sq metres (1977.3 sq feet)



**First Floor**  
Approx. 50.8 sq metres (544.8 sq feet)



Total area: approx. 116.5 sq metres (1254.0 sq feet)

**A1.0 RELEVANT PLANNING HISTORY**

*(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)*

A1.1 09/01893/FUL

Change of use from dwelling to house in multiple occupancy with six lettable rooms (Retrospective)  
Refused 03.03.2010  
Appeal: APP/Y0435/C/10/2128082 refused.

10/01372/CLUE

Certificate of lawful use (existing) for occupation by 3-6 unrelated people  
Refused 13.09.2010

**A2.0 ADDITIONAL MATTERS**

*(Matters which were also considered in producing the Recommendation)*

A2.1 The application contains information about Kingston District Centre; bus routes, Redway routes and distances to shopping hubs. The Inspector considered this information at the appeal and stated:

*“I am aware of the close proximity of the Kingston District Centre and adjoining employment areas to Great Linch”:*

*“This has clearly not influenced the use of motor vehicles by the occupiers of No. 30.”*

So although the information is relevant, it is considered that it has no weight in determining this application.

Concerns have been raised about the number of potential tenants a house could hold. Although an important factor, it does not change anything in terms of the Houses In Multiple Occupation document or the parking Standards.



### **A3.0 CONSULTATIONS AND REPRESENTATIONS**

*(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)*

<b>Comments</b>	<b>Officer Response</b>
<b>A3.1 Parish - Broughton &amp; Milton Keynes</b> Objection: <ol style="list-style-type: none"><li>1. parking insufficient for multiple occupation</li><li>2. pressure on modest provision of shared spaces</li></ol>	Noted
<b>A3.2 Ward - Middleton - Cllr Bint</b> Objection: <ol style="list-style-type: none"><li>1. object on parking</li><li>2. 7 current occupants</li><li>3. poor bus coverage</li></ol>	Noted
<b>A3.3 Private Sector Housing</b> No planning issues, stated: 6 rooms, 6 tenants House meets Housing standards.	Noted
<b>A3.4 Highways Development Control</b> Objection:  Summary The planning application shows only two acceptable car parking spaces and therefore results in a shortfall of one car parking space for the proposed use.  Car Parking	

The current car parking standards document has a specific section for HMO's. This states that for a 4 bed HMO, 3 car parking spaces are required. The plans show two car parking spaces on the forecourt to the double garage and a third space on what is currently front garden. The two car parking spaces on the garage forecourt are acceptable. However the space shown on the front garden is substandard in size and will not allow egress from the car once parked. Additionally the plans do not show that manoeuvring space has been included to allow access onto and off of the proposed car parking space. As shown, access would entail the car travelling along and manoeuvring by using the existing footway which is unacceptable. Additionally a car parked in this space would result in car doors opening out onto the footway causing inconvenience to pedestrians. The parked vehicles will also obstruct access to the front door of the property on the application site causing inconvenience for daily deliveries and access by other residents. To further exacerbate the situation access to the proposed parking space is hindered by an existing street lighting column.

#### Conclusion

For the reasons explained above the car parking space shown on the front garden area at the application site is unacceptable and I object to planning permission being given for the following reason: -

1. The applicant has not included adequate provision for space within the site for the parking and manoeuvring of vehicles clear of the highway. The development if permitted would therefore be likely to

lead to additional on-street parking and to vehicles reversing onto or off the highway to the detriment of highway safety and convenience.

**A3.5 Local Residents**

The occupiers of the following properties were notified of the application and responded with the following objections:

**32 Great Linch Middleton Milton Keynes**

Strongly object.

**29 Great Linch Middleton Milton Keynes**

1. set precedent
2. 4 bed hmo could have 6/7 tenants
3. tenants do not use garage
4. parking over pathway
5. 3<sup>rd</sup> space is impractical and virtually inaccessible

1. see paragraph 5.6
2. see paragraph A2.1
3. see paragraph 5.2
4. see paragraph 5.3
5. see paragraph 5.4

**27 Great Linch Middleton Milton Keynes**

1. 4 cars at property of time of appeal
2. six vehicles parked on road until April 2012
3. more tenants than bedrooms

1. see paragraph 5.3
2. see paragraph 5.2
3. see paragraph A2.1

**31 Great Linch Middleton Milton Keynes**

1. noise using the driveway
2. not kept well
3. do not park vehicles in garage

1. see paragraph 5.9
2. see paragraph 5.6
3. see paragraph 5.2

**14 Wodside Middleton Milton Keynes**

1. not acceptable under parking standards
2. proximity to retail park irrelevant

1. see paragraph 5/2
2. see paragraph A2.1

