



Appeal Decision

Site visit made on 24 July 2017

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10th August 2017

Appeal Ref: APP/J2210/W/17/3174303

19 High Street, Herne Bay CT6 5LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Ahad against the decision of Canterbury City Council.
 - The application Ref CA/16/02929/FUL, dated 19 December 2016, was refused by notice dated 17 February 2017.
 - The development proposed is conversion of lower ground floor floorspace to form a one-bedroomed flat; extension of residential floorspace at upper ground floor (first floor) level to form a one-bedroomed flat; extension of upper ground floor (first floor) by raising of roof height.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr M Ahad against Canterbury City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council adopted the Canterbury District Local Plan (Local Plan) on 13 July 2017, after this appeal was lodged. It is my duty to determine the application having regard to the policies in this recently adopted plan. I therefore sought clarification as to which policies are relevant and provided both parties with an opportunity to comment on the implications for the appeal proposal. I have had regard to their additional representations in reaching my decision.
4. The Council's second reason for refusing the application related to the need for a contribution towards Strategic Access Monitoring and Management to mitigate the effects of additional residential development on the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar Sites. However, this has been addressed by the submission of a signed copy of a unilateral undertaking. The Council has confirmed that this has satisfied its concerns in relation to this matter. I have taken the planning obligation into account in reaching my decision.

Main Issue

5. The main issue is whether or not the development would provide satisfactory living conditions for future occupants, in relation to the layout and outlook from the proposed flats.

Reasons

6. No 19 is a terraced property the front of which is operating as a hot-food takeaway. The building has a two storey projection with a pitched roof. At the rear is a small enclosed garden. The proposal is to raise the roof in order to enable the rear part of the building to be converted to two self-contained flats, access to which would be via a path from Dolphin Street into the garden.
7. The bedroom of the flat on the lower ground floor would only have natural light from a window with obscure glazing. The remainder of the living/kitchen area would be reasonably spacious and would be served by two windows. However, as a bedroom can be used for a variety of activities, including studying, it is a habitable room. One that is only served by a window with obscure glazing would have no outlook at all and would feel very enclosed. In my view the bedroom would not provide a good standard of accommodation for future occupants. It is materially different from a shower room, which could be adequately served by mechanical ventilation.
8. Windows in the upper flat have been positioned to prevent unacceptable overlooking of adjoining properties. The inverted dormers and oriel window would ensure that the living area has adequate outlook without affecting the privacy of neighbours. However, the single, small rooflight serving the bedroom would be positioned too high to provide any outlook, other than of the sky. Whilst this would prevent overlooking, it would result in the bedroom feeling enclosed. In my view this arrangement would fail to provide satisfactory living conditions for future occupants. The outer door of the upper flat would open directly into the living area. This is not ideal. It would provide occupants with reduced privacy and make the flat more difficult to heat in cold weather. However, considered in isolation, this shortcoming in the layout would be insufficient to justify rejection of the scheme as a whole.
9. Nevertheless, as the bedroom in the lower flat would have no outlook and the one in the upper flat would have a very restricted outlook, neither unit would provide a good standard of accommodation for future occupiers. This would be the case notwithstanding the changes, including increasing the floor area, which have been made to address the Council's rejection of a previous proposal, Ref: CA/16/00542.
10. I conclude that the proposal would not provide satisfactory living conditions for future occupants. It would therefore fail to comply with Policy DBE3 of the Local Plan, which requires development to be of a high quality design having regard to the amenity of future occupiers. It would also conflict with the core planning principle of the National Planning Policy Framework which states that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Other Matter

11. The appeal site is within the area where development would be likely to impact on the Thanet Coast and Sandwich Bay SPA and Ramsar sites. Policies SP1, SP6, LB5 and LB9 of the Local Plan set out the Council's approach to mitigate the effects of development. A unilateral undertaking providing a contribution towards the Thanet Coast Strategic Access Monitoring and Management Plans (SAMMs) was submitted with the appeal.

12. I am satisfied that this obligation would mitigate the effects on the protected sites and meet the statutory tests set out in the Framework and Regulation 123 of the Community Infrastructure Regulations. The proposal would therefore not be harmful to the SPA/Ramsar sites.

Conclusions

13. The Government is seeking to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development. The proposal would provide two units of accommodation in a convenient location with good access to local services and facilities. Both flats would meet the National Space Standards which are referred to in Policy DBE4 of the Local Plan and the unilateral undertaking would ensure that there would be no harm to sites protected under the Habitats Regulations.
14. However, these positive aspects of the scheme do not outweigh the harm I have identified arising from the lack of outlook and sense of enclosure that would be experienced within the bedrooms of both flats.
15. For this reason and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR