The Planning Inspectorate

Appeal Decision

Site visit made on 29 October 2019

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2019

Appeal Ref: APP/Z2260/W/19/3233586
19 Dane Hill Row, Margate, CT9 1QW

- 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 Sullivan and Finian of Dreamland Residential Investments Limited against the decision of Thanet District Council.
- The application Ref F/TH/19/0257, dated 15 February 2019, was refused by notice dated 25 April 2019.
- The development proposed is conversion of dwelling into 2 self-contained flats.

Decision

1. This appeal is dismissed.

Procedural Matters

2. When I conducted my site visit, I noted that the works appeared to have taken place. For the avoidance of doubt, I have determined the appeal on the basis of the plans before me, and the fact that development has occurred has had no bearing on my decision.

Main Issues

3. The main issues are the quality of the living conditions of the occupiers of the basement flat with particular reference to the size of, and light and outlook from, the unit.

Reasons

Living Conditions

4. The window to the bedroom in the basement flat is below ground level and faces a lightwell which is limited in depth (stated by the Council to be 0.6m, and this figure has not been disputed). At the time of my site visit the window was obscure glazed which provided no outlook from this room, However, even if it were clear glazed, the outlook from this room would be highly restricted to a solid wall in very close proximity.

5. Light to the basement bedroom window is restricted by the single storey side elevation to 21 Dane Hill Row on one side and the two storey rear projection at 19 Dane Hill Row on the other. As well as the fact that the window is at basement level, served by a lightwell of limited depth. As such I am not satisfied that this window receives adequate levels of light.

6. It is put to me that the basement bedroom window served a habitable room when the property was a single dwelling. However, a poor level of light and outlook to a room in the previous situation does not justify the poor living conditions shown as part of the appeal scheme. Particularly as the window under consideration is the only window to the only bedroom, and leaves just a single alternative window to serve the whole residential unit.

7. The appellant states that the basement unit has an internal floor area of 31.5sqm. I am referred to the nationally described space standards. These set a standard that 1 person, 1 bedroom, 1 storey dwellings with a shower should have a minimum gross internal floor area of 37sqm. It is not in dispute that the proposed unit would be contrary to the Council's flat conversion guidelines. The basement flat includes a separate living room and bedroom, separated by a solid wall. As such I have considered this appeal on the basis that the proposed development is a one bedroom flat, not a bedsitting room.

8. Notwithstanding the above, I am satisfied that the bedroom provides a suitably sized single room with adequate circulation and storage, and although limited in width the bathroom included all the facilities necessary. I also saw that the Kitchen/Living/Dining room contained adequate space for furniture and appliances for everyday living. As such the unit is of a size that does not result in unacceptably harmful living conditions for occupiers of the basement flat in this regard.

9. Whilst I do not find harm in relation to the size of the basement unit, the lack of harm in this regard is a neutral factor which therefore does not outweigh my finding in respect of the unacceptability of the light and outlook to the basement flat.

10. Consequently the proposed development would result in unacceptable living conditions for the occupiers of the basement flat with particular reference to light and outlook. As such, in this respect, it would be contrary to policy D1 of the Thanet Local Plan 2006 and paragraph 127 of the National Planning Policy Framework which together seek high quality design and a high standard of amenity for future users.

Other Matters

11. I note the Council's position that due to the level of population increase predicted in Thanet the proposed development should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area has been identified. I am not provided with substantive evidence which relates to the effect on the special interest features of the Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest. However, given my overall conclusion on this appeal, it is not necessary to pursue this matter further in this case.

12. I note that there is no dispute between the main parties in relation to the quality of the upper floor accommodation, highways nor access to outdoor space. However, the lack of harm in these regards is a neutral factor which does not weigh in favour of the proposed development. It is put to me that the property occupied as a single dwelling was too large. However, I am not presented with any detailed evidence that a terraced dwelling over three floors would provide unacceptably large accommodation nor the harm that would result.

Conclusion

13. For the reasons set out above, this appeal is dismissed.

H Miles

INSPECTOR