



Appeal Decision

Site visit made on 27 January 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/L2250/W/19/3240192

Baptist Chapel, North Street, New Romney TN28 8DR

- 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 Paul Stacey against the decision of Folkestone and Hythe District Council.
 - The application Ref Y18/1568/FH, dated 11 December 2018, was refused by notice dated 3 June 2019.
 - The development proposed is the change of use from Baptist chapel (D1) to single residential dwelling (C3), together with insertion of rooflights.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by Mr Paul Stacey against Folkestone and Hythe District Council. An application for costs was also made by Folkestone and Hythe District Council against Mr Paul Stacey. Both applications are the subject of separate Decisions.

Preliminary Matters

3. I have adopted the description of development from the decision notice because this accurately reflects the proposal to provide rooflights as well as the change of use.
4. There is an emerging Places and Policies Local Plan Submission Draft (emerging LP). The Council state this has been sent for examination and no further detail is provided of its status. Given this, I consider the emerging plan to have limited weight.
5. A key consideration is the relationship between the appeal and a subsequently approved application Ref Y19/0679/FH (the '2019 Permission'). I deal with this as appropriate throughout the decision letter.
6. The appeal is supported by an Environmental Impact Assessment Screening Letter, completed under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). This concludes that the proposal is Schedule 2 Development as set out in the EIA Regulations but that it does not require an Environmental Impact Assessment. I agree with this conclusion.

Main Issues

7. The two main issues are the effect of the loss of a community facility, and the effect on the living conditions of neighbouring occupiers.

Reasons

Community facility

8. It is proposed that the former Baptist Church be converted into a single bedroomed dwelling. The 2019 Permission has granted permission for the change of use from the Baptist chapel to a residential dwelling. This change of use is identical to that the subject of this appeal.
9. Adopted Policy SS3 states that the loss of an existing community facility is only acceptable when it has been demonstrated that there is no longer a need for it. The evidence provided in support of the appeal does not provide a valuation of the community facility nor any evidence of marketing, contrary to the guidance set out in emerging Policy C2 which details how need for a community facility can be demonstrated. I acknowledge that the emerging policy has limited weight, but it does provide an understandable and reasonable framework for interpreting whether a proposal has complied with the principle of the adopted policy. I therefore conclude that the proposal does not demonstrate compliance with the relevant parts of Policy SS3 (Place-Shaping and Sustainable Settlements Strategy) of the Shepway Core Strategy 2013, or emerging Policy C2 (Safeguarding Community Facilities) of the emerging LP.
10. However, the 2019 Permission overrides this and the principle of the change of use has been established and is acceptable.

Living conditions

11. There are three existing windows on the south-west side elevation of the Chapel directly overlooking the garden to No 3 Clapton Cottages. The appellant has proposed to obscure glaze the lower half of the two largest windows, which would effectively mitigate this due to the height of the windows above the internal floor level. However, I am also concerned by the loss of privacy that would be caused by the rearmost ground floor window which would serve a residential kitchen as opposed to the existing meeting room in a community facility. If the proposal were otherwise acceptable, then this could be overcome by a condition to ensure that the lower half of this window were also obscure glazed to prevent direct overlooking of the garden.
12. In addition, a window is proposed on this side elevation at first floor level. This would overlook the garden to No 3 from an elevated level. In conjunction with the change of use to residential, this would afford an increase in overlooking and an undue loss of privacy to the occupiers of No 3, harming their living conditions. This could not be overcome with a condition to require obscure glazing because this is the only window to a bedroom and requiring obscure glazing would create an unacceptable internal living environment.
13. Consequently, the proposed change of use from a community facility to a house would significantly worsen the overlooking and loss of privacy to the garden to No 3 Clapton Cottages and therefore harm to the living conditions of the occupiers, failing to comply with the relevant parts of Policy BE8 (Building

alterations and extensions) of the Shepway District Local Plan Review 2006, and emerging Policy HB1 (Quality Places Through Design) of the emerging LP.

Other Matters

14. An objection has been made by the resident of Sefton Lawn, a house which directly abuts the application site to the rear. This is in relation to the loss of privacy from a new window to the first floor to the rear elevation. However, this new window is only proposed as part of the subsequent planning permission and is not part of the appeal proposal. I therefore do not find harm to their living conditions in this regard.
15. The appeal property is locally listed and is within the New Romney Conservation Area. The proposed physical works and the change of use to the property, which would be minor in nature, would not harm the character or appearance of the Conservation Area. This is common ground between the parties and I concur with that view. Accordingly, the development proposed would preserve the character and appearance of the designated area and I shall make no further reference to this matter.
16. The Council raise no concerns with the quality of the proposed accommodation. The lack of private outdoor amenity space is off set by the close proximity of public open space at Fairfield's Park to the east. The lack of car parking for the house needs to be considered in the context that parking demand for a house would be much less than for a Chapel or other community facility. These and all other matters have been found acceptable by the Council, and I see no reason to disagree.

Conclusion

17. The appeal is dismissed.

O S Woodward

INSPECTOR