
Appeal Decision

Site visit made on 5 February 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2020

Appeal Ref: APP/Z2260/W/19/3239444

33C Station Road, Westgate-on-Sea CT8 8RB

- 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 Tony Deepprose against the decision of Thanet District Council.
 - The application Ref F/TH/19/0370, dated 21 March 2019, was refused by notice dated 29 May 2019.
 - The development proposed is change of use from storage to bedsitter.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The use has commenced, and the application seeks retrospective permission.

Main Issues

3. The main issues are (a) the adequacy of living conditions for occupiers of the proposal in respect of its size, layout and outlook and (b) the impact of the proposal on the integrity of protected areas of environmental sensitivity.

Reasons

Living conditions

4. The appeal relates to the first floor above a shop fronting Ethelbert Square with access via a staircase rising from the alley to the rear of the shop. The bedsitter comprises a single open plan room with a kitchen area opposite the staircase and a bathroom with a shower alongside this. There are two south facing windows which at the time of my visit provided adequate natural lighting to the unit. At some 5m there are facing first and second floor windows in a three storey building on the corner with Station Road. These are a little higher than the windows to the appeal site with the potential to give rise to overlooking; however, it would be within an occupier's control to mitigate this through curtains or blinds. The proximity of the facing building would not unduly restrict outlook from the bedsitter as there are views to the side of it.
5. The bedsitter has a floor area of about 33 square metres. This exceeds the minimum specification in the Council's current adopted guidance on conversion to flats but is less than that specified in the Nationally Prescribed Space Standards and in the Council's emerging draft plan. The Council contend that the internal space is unduly small and reference particularly the position of a single bed over the staircase access.

6. My impression of the room from my visit is that it has a good shape with a high ceiling and provides a relatively spacious area with sufficient space for everyday furniture and fittings. The present arrangement for the bed is unusual but does not detract from the open nature of the main living area. It is functional and does not preclude an occupier choosing an alternative arrangement. It is not the role of the planning system to proscribe the position of furniture within a living area.
7. The Council has a poor Housing Delivery Test result of only 35% for 2019. This is a material consideration and indicates that a presumption of sustainable development should apply. The Council states that this figure may be revised in association with an Inspector's recommendations into proposed modifications into an emerging local plan that would provide a five year housing land supply including a 20% buffer on the housing requirement. Notwithstanding this, and that the appeal relates to just a single dwelling, housing need in Thanet weighs in favour of the proposal. The site is in a sustainable location close to a station and to everyday services. The provision of an additional housing unit would be in accordance with the National Planning Policy Framework (the Framework) to significantly boost the supply of homes.
8. My findings on the first main issue is that accordance of the floor area with current guidance and housing need in Thanet outweigh minor shortfalls in relation to emerging standards and restrictions on outlook from the two windows. The proposal would result in adequate living conditions for occupiers of the unit in relation to its size, layout and outlook. It would thereby be in accordance with Policy D1 of the Thanet Local Plan (TLP) (2006) and the provisions of Paragraph 127 of the Framework which requires a high standard of amenity for existing and future users. Conflict with policy QD04 of the emerging Draft Local Plan would be outweighed by local housing need. The proposal would accord with the provisions of the Framework taken as a whole.

Protected areas

9. The site is close to the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and the Hacklinge Marshes Site of Special Scientific Interest. The proposal has the potential to add to recreational disturbance which has led to a decline in bird numbers in the SPA. The appellant has indicated willingness to submit a unilateral undertaking to make a financial contribution to mitigate this impact in accordance with the Council's Strategic Access and Monitoring Plan (SAMP) to accord with the Habitat Regulations and the recommendations from Natural England as a statutory consultee. However, no such undertaking is before me. This cannot be made the subject of a planning condition. In the absence of an acceptable form of mitigation to relieve recreational pressures, the proposal would be contrary to Paragraphs 176 and 177 of the Framework which override the presumption in favour of sustainable development.

Conclusion

10. For the reasons given and having regard to all other matters raised, including those raised by interested parties, the appeal is dismissed.

Rory MacLeod

INSPECTOR