



Appeal Decision

Site visit made on 24 September 2020

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2020.

Appeal Ref: APP/Z2260/W/20/3252985

1 Stanley Road, Margate CT9 2DL

- 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 Joe Crosbie (on behalf of CW Homes Ltd) against the decision of Thanet District Council.
 - The application Ref F/TH/19/1769, dated 23 December 2019, was refused by notice dated 30 April 2020.
 - The development proposed is for the conversion of the existing five-bedroom dwelling to one five-bedroom dwelling and one two-bedroom fully wheelchair accessible dwelling, with a 4m x 5m rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing five-bedroom dwelling to one five-bedroom dwelling and one two-bedroom fully wheelchair accessible dwelling, with a 4m x 5m rear extension at 1 Stanley Road, Margate CT9 2DL in accordance with the terms of the application, Ref: F/TH/19/1769, dated 23 December 2019, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the application was determined, the Council has adopted the Thanet Local Plan July 2020 (LP). This replaces the previous Local Plan and the policies cited in the Council's refusal notice no longer apply. The main parties have been consulted on the matter and I am satisfied that no prejudice would arise by the consideration of the appeal proposal against the policies of the now adopted LP.
3. An application for costs was made by Mr Joe Crosbie against Thanet District Council. This application is the subject of a separate Decision.
4. The appeal submission is accompanied by a completed unilateral undertaking which provides for a commuted sum towards protected habitats. I shall deal with this matter below.

Main Issue

5. The main issues are the effect of the development on (a) the balance of the community having regard to the level of family housing; and (b) on protected areas of environmental sensitivity.

Reasons

Balanced community

6. The appeal site relates to an end-terrace property located on the south ribbon of Stanley Road, with its side boundary abutting the rear gardens of dwellings on Sweyn Road. It is situated in the the Edgar Road and Sweyn Road Conservation Area. The neighbourhood is a high-density, urban setting near to Margate town centre with its associated shops, services and facilities.
7. Policy CV2 of the Cliftonville Development Plan Document (DPD) advocates that planning permission for the subdivision of properties, currently or last lawfully used as single-family accommodation, or by a single household, will not be permitted. The justification for this is the excessive proportion of small flatted and rented accommodation within the policy area. The key issue for Cliftonville is to re-establish a balanced community; the over-dominance of small flats occupied by one or two people, often only living in the area for a short period of time, contributes to an imbalance. Given this imbalance it is appropriate and necessary to ensure that existing accommodation, suitable for occupation by families, is retained.
8. The policy wording states that single family or single household accommodation may relate to a property with two or more bedrooms, but no maximum number is specified. The dwelling the subject of this appeal currently contains 5 bedrooms, and 5 bedrooms are to be retained as part of the proposals. In my opinion, the resultant scale and layout of the main house would be suitable for occupation by families. Therefore, whilst I recognise that the development would technically result in the subdivision of the dwelling, the overall thrust of the policy would be met. Moreover, I note that the introduction of the new 2-bed unit would not conflict with policy CV1 of the DPD that seeks to prevent single bedroom accommodation.
9. With regard to the subdivision of the rear garden area, the space afforded to both the main house and new unit would be easily accessible and adequate in terms of their size relative to the dwelling they are to serve.
10. I therefore conclude that the proposal would not cause demonstrable harm to the balance of the community having regard to the level of family housing. There is no conflict with policy SP22 of the LP, which requires the provision of accommodation suitable for occupation by families. I have found conflict with policy CV2 of the DPD, which seeks to prevent the subdivision of properties, but the level of harm would be limited. The scheme would also be consistent with the advice in the National Planning Policy Framework (the Framework) which seeks to support strong, vibrant and healthy communities.

Special Protection Areas

11. The site is not far from the Thanet Coast and Sandwich Bay Special Protection Area (SPA), which is vulnerable to potential in-combination impacts from new housing through increased recreational activities. The SPA is used by large numbers of migratory birds and qualifies under the Birds Directive through supporting populations of over-wintering birds of European importance. The proposal therefore needs to be subject to a Habitat Regulations Assessment.

12. In relation to screening, the proposal would not be directly connected with or necessary to site management for nature conservation. Nevertheless, in combination with other plans and projects, including other residential development, it would be likely to have a considerable impact on internationally important interest features within the SPA. As likely significant effects cannot be excluded then the competent authority must undertake an Appropriate Assessment to assess the implications of the effects of the proposal on the integrity of the SPA and its conservation objectives.
13. The Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMM) (2016) to mitigate the impacts of increased recreational pressures on the SPA from new residential development. This includes a tariff scheme in relation to the size and form of housing proposed. The appellant has submitted a Unilateral Undertaking agreeing to make a payment of £320 as a contribution towards mitigation measures. The accompanying plan clearly identifies the appeal site and the Undertaking is dated, signed and witnessed. The Council has been consulted on the matter and raises no objections. I am therefore satisfied that the Undertaking would meet the requirements for planning obligations set out in Regulation 122(2) of the Community Infrastructure Levy Regulations (2010).

Other Matters

14. I note the third-party objections to the proposal in relation to parking and access to the site. However, these issues have been addressed in the planning officer's report. I saw on my visit that works to the property are ongoing, but the Council has not raised concern in this respect. Planning conditions could be used mitigate other potential impacts, for instance relating to the protection of living conditions. It has also been suggested that the granting of planning permission for the proposed development would be a precedent for other development nearby. However, each case must be considered on its own merits.
15. Therefore whilst I can understand the apprehension of local residents, their concerns are not supported by any substantive evidence that would justify the dismissal of the appeal on these grounds.
16. The Council is satisfied that the proposal would not harm the wider character and appearance of the Edgar Road and Sweyn Road Conservation Area within which the site is located. I have no reason to disagree and am satisfied that the significance of the heritage asset would be unharmed.

Conditions

17. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. I have altered the wording of some of the conditions suggested by the Council in the interests of clarity and necessity. In addition to the standard implementation condition, the approved plans are listed for certainty. To ensure a satisfactory appearance I impose a condition requiring the use of matching materials.
18. Conditions relating to secure cycle, rear amenity and refuse areas will ensure provision of such facilities as part of the development. A condition limiting the cill height of the side windows of the rear extension to 1.7m above finished floor level is imposed to ensure the protection of the living conditions of the occupants of neighbouring properties.

19. Given the size of the proposals and the proximity and scale of the surrounding houses, the potential to enlarge the dwellings further is limited. Moreover the Council has not indicated that such proposals are particularly likely to come forward, or that significant harm would necessarily ensue. As the PPG advises that conditions limiting permitted development rights should only be used in exceptional circumstances, I do not consider the Council's suggested condition to withdraw rights under classes A, B and C to be justified.

Conclusion

20. For the reasons given above I conclude that the appeal should be allowed.

C Hall

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: APL-01B, APL-100, APL-101, APL-102, APL-103, APL-201, APL-202, APL-301, APL-302
- 3) The external finishes of the development hereby permitted shall match in material and colour those of the existing dwelling.
- 4) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. APL-101 for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 5) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. APL-101 for refuse storage and the space shall be kept available for that use thereafter.
- 6) No dwelling shall be occupied until the rear amenity space has been laid out within the site in accordance with drawing no. APL-101 and the space shall be kept available for that use thereafter.
- 7) The windows to be provided in the side elevation of the rear extension hereby approved shall be provided and maintained with a cill height of not less than 1.7 metres above the finished internal floor level.