



Appeal Decision

Site visit made on 1 December 2020

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2020

Appeal Ref: APP/A2280/W/20/3248959

6 Westcourt Street, Brompton, Gillingham ME7 5RD

- 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 P Harlow against the decision of Medway Council .
 - The application Ref MC/20/0096, dated 14 January 2020, was refused by notice dated 10 March 2020.
 - The development proposed is the conversion of existing dwelling into 2 flats. Reapplication of refusal of MC/19/2770.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide acceptable living conditions for the future occupiers of the flats.

Reasons

3. The appeal property comprises a two storey terraced house with a basement, located on the south side of Westcourt Street close to its junction with High Street. At the time of my site visit it was in use as a single dwelling, although the two basement rooms were being used for storage purposes and not bedrooms as shown on the existing plans. The property lies within the Brompton Lines Conservation Area.
4. A previous proposal to convert the property into two flats was dismissed on appeal in June 2020¹, the Inspector finding that there would be harm to the living conditions for future occupiers of the proposed ground floor/basement flat. Changes in relation to the current proposal at basement level include that area now being proposed to be used for a bedroom and storage area only, with the remainder of the accommodation at ground floor level. At first floor level, it is now proposed to have a kitchen/dining area to the front, a bathroom leading directly off that, a smaller living area to the rear and a bedroom in the rear projection beyond.
5. In terms of the principle of a conversion to flats, the Council raises no objections in terms of the location or the overall size of the property, and I see no reason to disagree.

¹ Appeal Reference APP/A2280/W/20/3244754

6. With regard to the ground floor/ basement flat, it would comprise two bedrooms with bedroom 1 being at basement level. There is currently no natural light to this room and it is proposed to create a light well in the rear elevation to provide that. However, as the previous Inspector observed, it would be situated between a two storey rear projection and rear common boundary fence and below ground level. Apart from suffering from shading therefore it would be unlikely to receive a satisfactory degree of natural light and outlook would be poor. Notwithstanding that the proposed room is a bedroom and that it might comply with Building Regulation approval, it would still form an integral and important part of the accommodation and I agree with my previous colleague that it would still provide an unsatisfactory living environment for the occupiers of that room.
7. I note the Council's concern about the potential for the front basement room to be used for bedroom use as opposed to storage. However, I consider that less likely given the very poor existing natural light from the shallow slit window in the front, the small and irregular shape of the space as a result of the proposed subdivision to provide a wardrobe serving the main bedroom, and the fact that there would already be two bedrooms serving what would still be a limited size of flat in terms of overall living space.
8. Turning to the first floor flat, I agree with the Council that the proposed layout does appear somewhat contrived in that the existing large bathroom would be sub divided to provide a very small shower room/bathroom with access directly off and adjacent to the main kitchen and living area. That in itself would provide an unsatisfactory arrangement. The living area would be a large space which could easily function as a combined living area/dining area for a one bedroom flat. That being the case, the proposed small living room to the rear of the shower room could easily be converted to an additional bedroom, which the Council would find difficulty in preventing and advises that such a use would be below the national standard. Whilst I acknowledge the appellant's view that such an argument could be applied in many situations, on the basis of the evidence before me and particularly the contrived nature of the proposed layout, I consider the likelihood of it being used for purposes other than a living room and for a more intensive form of occupation, would be high. In that scenario, and together with the shower room arrangement, it would provide unsatisfactory living conditions for the future occupiers.

Other Matters

9. Bearing in mind the Conservation Area location, I have paid special attention to the desirability of preserving or enhancing the character or appearance of that area. The Council raises no objections in that respect and having regard to the minor nature of external alterations, which would be at the rear of the premises in any case, I see no reason to disagree.
10. The site lies within 6km of the North Kent Marshes Special Protection Areas and Ramsar sites. These are protected as European Sites of Nature Conservation Importance and are subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). In that respect the Council advises that A Strategic Access Management and Monitoring Strategy (SAMM) agreement has been completed and the required tariff paid. However, since I am dismissing the appeal for other reasons, it has not been necessary for me to consider whether such measures would be satisfactory or not in

terms of having any significant effect on the conservation objectives of the sites.

Conclusion

11. For the reasons set out above, the proposed conversion of the building to provide 2 flats, would not provide satisfactory living conditions for future occupiers. It would therefore be contrary to Policy BNE2 of the Medway Local Plan 2003 in that it would not secure the amenities of future occupants, and paragraph 127 of the National Planning Policy Framework which requires development to provide a high standard of amenity for existing and future users.
12. Accordingly, the appeal is dismissed.

Kim Bennett

INSPECTOR