



Appeal Decision

Site visit made on 4 December 2020

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th January 2021

Appeal Ref: APP/Z2260/W/19/3228390

65A Eaton Road, Margate, Kent CT9 1XB

- 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 Graham Woodruff against the decision of Thanet District Council.
 - The application Ref F/TH/18/1207, dated 19 August 2018, was refused by notice dated 4 February 2019.
 - The development proposed is change of use from 1 No. maisonette to 2 No. self-contained flats and part excavation to enable access to lower ground floor flat.
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Preliminary matters

1. The above description is that used by the Council. I have taken into account the full description on the application form.
2. Between submitting the appeal and the site visit, the Council adopted the Thanet District Local Plan (LP) on 9 July 2020. Policies of the LP supersede those of the Thanet Local Plan of 2006. The parties were given 2 weeks to comment but none were received. I have considered the appeal on the basis of the new replacement LP.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the living conditions of future occupants in terms of the quality of living accommodation and availability of natural light; and
 - The effect of the proposed development on the integrity of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI).

Reasons

5. The appeal site comprises the ground and lower ground floors of a 5 storey building which are currently arranged as a single maisonette. Two new 2 person flats would be created by inserting a stair leading down from a new door at street level, removing the existing stair within the maisonette and replacing it with a bathroom.
6. The only bedroom of the ground floor flat would have a floor area of just under 9 square metres (sqm) which would fall well short of the minimum floor area of 11.5 sqm set out in the Government's Technical Housing Standards for a room with 2 beds. It is a bedroom currently, but is not the largest bedroom. Whilst not a statutory minimum in

conversions of this type, the lack of any other space for storage of items that most people would need to find space for such as clothes and shoes means that the accommodation overall would be sub-standard and would not comply with the high quality design aims of policies QD03 or QD04 of the LP. The LP specifically refers to the National Described Space Standard and the need to provide adequately for the changing needs of future occupants thereby improving the quality of life.

7. Whilst the new rear double opening doors to the proposed lower ground floor flat may admit more natural light than the existing window, the living room/dining kitchen would have a relatively deep plan and the doors would be significantly lower than the prevailing ground level. It is likely that future residents would need to use some artificial light for much of the time. The situation would be compounded by the conversion of the existing extension at the back to a bathroom. A glazed external door which admits additional daylight through to the existing living area would be removed and replaced with a window further back. The internal door is more likely to be closed. Importantly, the only window to the front bedroom is well below the level of the footway with a very small lightwell, significantly reducing the amount of natural light in this room. Cumulatively these issues indicate that the proposed lower self-contained flat would be unacceptably gloomy and would also not comply with LP policies.
8. Turning to the effect on the integrity of the SPA and SSSI, the creation of an additional unit may not increase the overall floor area of habitable accommodation by very much but there may be an increase in the number of people resident in the units and importantly the number of domestic animals such as cats and dogs.
9. The appellant considers the development would be 'de minimus' and that there would be no significant effect on the SPA or SSSI and that mitigation would not be required. The SPA and SSSI are used by a large number of birds which are being affected by recreational disturbance. The Council considers that the effects to the SPA and SSSI can be managed through monitoring and warden supervision and have in place an adopted Strategic Access Management and Monitoring Plan (SAMP) which requires financial contributions, from schemes which may affect the SPA and SSSI, towards these activities. This is to accord with the Conservation of Habitats and Species Regulations 2017 (as amended). Without any contribution, the proposal to increase the number of residential units would conflict with the habitats protection aims of LP policy SP29 and paragraphs 175-177 of the National Planning Policy Framework.
10. For all the above reasons, the appeal should be dismissed.

Paul Jackson

INSPECTOR