



Appeal Decision

Site visit made on 15 June 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2022

Appeal Ref: APP/Z2260/W/21/3277753

Land rear of 27 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 Mrs S Monaghan against the decision of Thanet District Council.
 - The application Ref F/TH/21/0040, dated 12 January 2021, was refused by notice dated 17 March 2021.
 - The development proposed is demolition of existing single storey building and construction of two storey mews building.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Westgate on Sea Conservation Area;
 - Whether living conditions for future occupiers would be satisfactory with particular reference to the size of the accommodation, light and outlook; and
 - The effect on the integrity of the Thanet Coast and Sandwich Bay Special Protection Area.

Reasons

Character and appearance of the conservation area

3. Westgate on Sea Conservation Area is extensive and includes a planned, private seaside resort which opened in 1871. It has a generally urban character ranging from spacious villas near the seafront to the dense terraces around the station. Overall the architecture and street layout give the area a strong coherence as a Victorian suburb.
4. The appeal site itself fronts onto a narrow accessway between properties in Station Road and Ethelbert Terrace. It contains a nondescript single storey building with a flat roof. To the rear of Station Road are a number of two-storey buildings which provide a mews-like character to the lane. Nevertheless, because of their discrete location, the site and the existing structures along the alley do not make a major contribution to the significance of this heritage asset.

5. Planning permission was given in 2018 for an identical building to be used as a workshop/office. The design and appearance of the proposal would fully reflect that of the existing outbuildings to the east thereby reinforcing the enclosed nature of the rear thoroughfare. Whilst of greater scale, replacing the current building would also be a visual improvement. Given the number of similar structures facing the access, the proposal would be wholly consistent in physical terms with the pattern and rhythm of development nearby.
6. The appellant refers to Jacksons Stables but it appears that the other buildings to the rear of Station Road are solely used for commercial purposes. However, activities in the vicinity include retail, service and residential uses and so an additional dwelling would be compatible with the mixed character of the conservation area. The appearance of the proposed dwelling would not be overly domestic. There is therefore no historic environment objection on the grounds that the use would be residential rather than within Class B1 as previously permitted.
7. Great weight should be given to the conservation of heritage assets which should be conserved in a manner appropriate to their significance. In this case, replacing the existing structure would marginally enhance the character and appearance of the conservation area. As the proposal would respond sympathetically to its surroundings it would accord with Policy HE02 of the Thanet Local Plan which is concerned with development in conservation areas. It would also adhere to the general design principles in Policy QD02.

Living conditions for future occupiers

8. The internal floor area of the proposed dwelling would be about 52 sq m. The *Technical housing standards – nationally described space standard* (DCLG, 2015) confirms that a bedroom of over 11.5 sq m provides two bedspaces. On that basis the standard requires a minimum gross internal floor area for the dwelling of 58 sq m. The proposal would be deficient in this respect and Local Plan Policy QD04 expects all new development to meet the national internal space standards as set out in Table 13.
9. The layout of the accommodation would be reasonable but future occupiers would be likely to have restricted storage space. A small yard would be laid out to the rear which would provide some scope for clothes drying, bicycle and bin storage and sitting out. Whilst south facing it would be enclosed and modest in size and so its utility as an outdoor amenity area would be limited. The upstairs bedroom would be lit solely by an obscure glazed rooflight. Although there is no technical evidence to indicate that artificial light would be required most of the time, the amount of incoming natural light would not be high. Outlook would also be restricted.
10. When taken together, these deficiencies would not achieve the high standard of amenity for future users that is sought by the National Planning Policy Framework. The proposed living conditions would not be satisfactory and therefore there would be conflict with Local Plan Policy QD03, as well as with Policy QD04.
11. Although noting some drawbacks, the Inspector for the appeal at 33C Station Road (Ref: APP/Z2260/W/19/3239444), found that the bedsitter at first floor level would result in adequate living conditions for occupiers of the unit in relation to its size, layout and outlook. That building is very near to the appeal

site but the configuration of the unit is not the same. In particular, the Inspector found that the two south facing windows provided adequate natural lighting and that the room had a good shape with a high ceiling providing a relatively spacious area. The detailed circumstances of that case, including the type of accommodation proposed, can therefore be distinguished from this one.

12. That decision also referred to housing need in Thanet and to the sustainable location of the site close to a station and everyday services. These matters will be considered in due course.

Integrity of the Thanet Coast and Sandwich Bay Special Protection Area

13. Because of its proximity, the proposal would have a likely significant effect on the Thanet Coast and Sandwich Bay Special Protection Area (SPA). In combination with other development in Thanet, an extra dwelling would be liable to lead to recreational disturbance having a detrimental impact on overwintering birds. Policy SP29 of the Local Plan indicates that all proposals for new residential development should comply with the Strategic Access Management and Monitoring Plan to mitigate the effects. The policy requires a financial contribution based on a tariff.
14. The appellant is willing to pay the contribution and has provided a draft unilateral undertaking to that effect. However, this is unsigned and no evidence of title has been provided. The Planning Inspectorate's *Procedural Guide: Planning Appeals - England* explains at Annexe N that the appellant should make sure that an obligation is executed and a certified copy received within 7 weeks of the start date of the appeal. Furthermore that decisions will not normally be delayed for this purpose. It also confirms that assurance of title will be required.
15. The upshot is that there is no mechanism in place to secure the necessary payment to mitigate the effects on the SPA in line with Policy SP29. As a result, following an appropriate assessment, the proposal would adversely affect the integrity of the SPA and would be contrary to Local Plan Policy SP28 which seeks to protect European designated sites. Moreover, in these circumstances, the Conservation of Habitats and Species Regulations preclude the proposal from proceeding.

Other Matters

16. The Council cannot currently demonstrate a five year housing land supply. Its Annual Monitoring Report of 2021 identifies supply equivalent to 3.63 years although completions have been increasing and Housing Delivery Test results have improved. In any event, paragraph 182 of the Framework confirms that the presumption in favour of sustainable development, set out in paragraph 11, does not apply in cases such as this, where it has been concluded that the plan or project would adversely affect the integrity of a habitats site.
17. According to paragraph 69 of the Framework, the development of windfall sites should be supported and great weight given to the benefits of using suitable sites within existing settlements for homes. In Thanet windfalls currently account for 64% of all completions and the appeal site would be well situated close to the facilities in Westgate, public transport and the sea.

Conclusion

18. There are no objections regarding the effect on the conservation area. The proposal would increase the supply of housing in a District where existing supply is deficient and where windfall sites are significant. The proposed location of the additional unit is one favoured by the Government but internal living conditions would be unsatisfactory. Moreover, the submitted undertaking has not been completed and so the proposal would adversely affect the integrity of the SPA. This is an overriding consideration.
19. Overall the proposed development would be contrary to the development plan and there are no other material considerations which outweigh this finding. Therefore the appeal should not succeed.

David Smith

INSPECTOR