



Appeal Decision

Site visit made on 23 August 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2022

Appeal Ref: APP/Z2260/W/21/3276496

3 Wyndham Avenue, Margate CT9 2PR

- 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 J Oram against the decision of Thanet District Council.
 - The application Ref F/TH/21/0447, dated 20 March 2021, was refused by notice dated 19 May 2021.
 - The development proposed is a change of use from single dwelling to three bedsits and one one-bed flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. When I arrived at the appointed time for my site visit, neither the appellant nor an agent was present to enable me to undertake an internal inspection of the property. I subsequently informed the appellant that I considered that I had sufficient information before me to make a decision without the need to reschedule a further visit. I am satisfied that neither main party has been prejudiced by my decision.
3. A revised National Planning Policy Framework (the Framework) was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal.

Main Issues

4. The main issues are the effect of the proposed development on (a) the provision of accommodation suitable for occupation by families; (b) the living conditions of future occupants with particular regard to the size of the proposed units; and (c) the integrity of designated habitats sites.

Reasons

Family Accommodation

5. The Strategic Housing Market Assessment 2016, which has informed housing policies in the Thanet Local Plan 2020 (TLP) highlighted a need in the district for accommodation that is suitable for families. Policy SP22 of the TLP therefore seeks to prevent the net loss of such accommodation. Whilst it does allow for the conversion of a dwellinghouse, such as the one subject of this appeal, this is on the proviso that the resulting scheme includes accommodation suitable for occupation by families.

6. The proposed development would provide three bedsits and a single one-bedroom flat. None of these units would offer the sort of accommodation required by Policy SP22. Whilst the appellant suggests that there is a demand for one bedroom accommodation in Thanet, there is no substantive evidence before me to indicate that there is no longer a requirement for the provision or retention of accommodation in the area suitable for the occupation by families.
7. Accordingly, I find that the proposal would lead to the loss of a single dwellinghouse in the area, the conversion of which does not include accommodation suitable for occupation by families. In this respect the proposal is contrary to the requirements of Policy SP22 of the TLP which, amongst other things, prioritises the retention of accommodation suitable for occupation by families.

Living Conditions

8. Policies QD03 and QD04 of the TLP seek to ensure that new developments provide accommodation of sufficient size and quality to facilitate comfortable living conditions for future occupiers. Policy QD04 formally adopts the Nationally Described Space Standards (NDSS) as the internal space requirements for all new developments in the district. For one person, one bedroom accommodation the minimum requirement is 39m² with a bathroom or 37m² with a shower room. At least two of the proposed units would fail to meet this minimum.
9. I acknowledge that the layout of the units would not appear particularly contrived, with rooms being relatively square in shape. However, given the scale of the under provision of space in at least two of the units, they would, when furnished, provide cramped living conditions for future occupiers.
10. The appellant has relied upon the guidance contained within the Council's 1988 'Conversion to Flats' guidelines, with which the proposal is said to comply. I have also been referred to the Broadstairs & St. Peter's Neighbourhood Plan 2021 (NP), which contains a reference to the 1988 guidance. It is unfortunate that the 2021 NP appears to direct developers to guidance which was in effect superseded by the 2020 TLP. However, the 1988 guidance is not within a NP policy and the reference to it does not reinstate the guidance or elevate its status above that of the more recent Policies of the TLP or the NDSS. Accordingly, I am unable to attach weight to the 1988 guidance in my decision.
11. The units would ensure that occupants would have their own facilities and would not have to share with one another. However, this would generally be expected for self-contained accommodation of the sort being applied for. Therefore, this is not a factor which weighs heavily in favour of the scheme, particularly as it would not overcome the limited size of the accommodation that is being proposed for two of the units.
12. Overall, I find that the proposal would fail to provide an acceptable standard of accommodation for at least two of the units and thus would harm the living conditions of those future occupiers. The proposal would therefore be contrary to Policies QD03 and QD04 of the TLP which, amongst other things, establish minimum internal space standards for new development.

13. The proposal would also be contrary to Paragraph 130 of the Framework, which amongst other things, seeks to ensure developments, of whatever scale, create a high standard of amenity for future users.

Designated Habitats Sites

14. The appellant has not provided details of how the development would address the issue of recreational access and disturbance to the Thanet Coast and Sandwich Bay Special Protection Area and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest. The appellant suggests that the potential number of people capable of occupying the building overall would not change as a result of the proposal and therefore there would not be any recreational effect on the designated sites.
15. However, given my findings in respect of the other main issues, it is not necessary for me to ascertain the appropriateness of the scheme or the necessity for mitigation within an Appropriate Assessment. Consequently, as I am dismissing the appeal for other reasons, I have not taken this matter further.

Conclusion

16. The proposal would result in both the loss of accommodation suitable for occupation by families and the creation of new units which would harm the living conditions of future occupiers. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan.
17. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR