



Appeal Decision

Site visit made on 22 March 2023

by Jonathan Bore MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2023

Appeal Ref: APP/Z2260/W/21/3286227

6 - 6A Luton Avenue, Broadstairs, Kent CT10 2DH

- 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 Maybank Homes against the decision of Thanet District Council.
 - The application Ref 21/0552, dated 8 April 2021, was refused by notice dated 16 September 2021.
 - The development proposed is change of use from residential care home (Class C2a) to a house in multiple occupation (HMO).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the scheme on the living conditions of neighbouring residents and on the character and appearance of the area.

Reasons

3. This is a residential area mostly of individual homes. The proposed HMO, which would be for 17 residents, would occupy two conjoined houses which are currently used as a care home. The noise generated by a care home would normally be expected to be reasonably subdued, but the introduction of 17 independent individuals in an HMO in this quiet street would be likely to generate significantly more movement to and from the premises, as well as noise and disturbance from the house and garden, which would unacceptably affect the living conditions of the residents of neighbouring properties and the character of the area.
4. The proposed HMO would include a new parking area in the back garden reached by a narrow drive along the side of the house adjacent to 8 Luton Avenue. This has been partially constructed. The parking arrangement satisfies the highway authority, but it is unneighbourly. The drive would run immediately to the side of 8 Luton Avenue, and vehicle movements along the drive and manoeuvring within the car park would take place excessively close to both No 8 and its garden. The result would be an unacceptable increase in noise and disturbance to the residents of No 8. The drive is so close that an acoustic fence would not be sufficient and significant fencing would be intrusive in this location. Both drive and car park are unacceptable features of the scheme.
5. The drive and parking area would significantly reduce the amount of greenery in the back garden and would introduce a harsh visual element into this area.

There is no room for planting along the boundary with No. 8. The fence around the car park cuts across very close to the rear of part of the appeal premises. The scheme would erode the character and appearance of this part of the street and the living conditions of nearby residents both as a result of noise and disturbance and visual impact.

6. Each of the above reasons on its own is sufficient to dismiss the appeal. The scheme would conflict with Policy HO19 of the Thanet Local Plan which allows for HMOs where they would not give rise to an unacceptable impact on the living conditions of neighbouring residents through noise or general disturbance, and where suitable arrangements for car parking are provided. It would also conflict with Local Plan Policies QD02 and QD03 and Broadstairs and St Peter's Neighbourhood Plan Policy BSP9 which require development to respect the character of the area and not lead to unacceptable living conditions.

Other Matters

7. The district has less than 5 years' supply of deliverable housing land, and the type of accommodation provided in the HMO would contribute towards the mix and variety of available housing in the district. However, the existing care home also provides a housing resource, and the harm caused by the scheme significantly and demonstrably outweighs any benefits arising from the provision of the HMO. The rear parking arrangement in nearby Hanover Court is noted but it does not provide a good reason to allow the proposed scheme which is unacceptable for the reasons given above.

Conclusion

8. I have considered all the other matters raised but they do not alter the balance of my conclusions. For all the reasons given above, the appeal is be dismissed.

Jonathan Bore

INSPECTOR