



Appeal Decision

Site visit made on 1 March 2023

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2023

Appeal Ref: APP/Z2260/W/22/3297637

15 Warwick Road, Cliftonville, CT9 2JU

- 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 Family Life Property Services Ltd against the decision of Thanet District Council.
 - The application Ref F/TH/22/0014, dated 6 January 2022, was refused by notice dated 23 February 2022.
 - The development proposed is conversion of existing basement unit previously used as a self contained flat for the manager of the former children's home or for young adults of the home in preparation for living independently, to now be operated as a holiday let apartment throughout the year.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - Whether internal living conditions for occupiers of the proposed holiday let apartment would be satisfactory with regard to floorspace, light and ventilation; and
 - The effect on the integrity of the Thanet Coast and Sandwich Bay Special Protection Area.

Reasons

3. The appeal property has been converted into 4 flats following the grant of planning permission in 2018. The basement area which is the subject of the appeal is empty but was previously used as a self-contained flat.
4. Policy E08 of the Thanet Local Plan of 2020 indicates that the development of self-catering tourist accommodation will be permitted subject to certain criteria. In this respect the unit would be sustainably located in the built-up area close to Northdown Road shopping area and the seafront. There would be minimal external changes so that it would be appropriate to its surroundings.
5. The unit would target "free-and-easy" mini breakers from London and surrounding counties. It would be marketed as a cosy hub from which to explore historical tourism in Thanet and inland Kent as well as the coast. The Local Plan notes that Thanet has relatively few self-catering facilities other than caravans and that it is important to provide for new tourist accommodation of all types to attract a range of staying visitors. The proposal would do just that.

6. The apartment would have a floor area of 26 sq m and natural light would be obtained from three subterranean windows. However, the Council does not allege that there would be a breach of Policies QD03 or QD04 which are concerned with living conditions and technical standards. The supporting text of the Local Plan indicates that the provision of sufficient quality tourist accommodation is a strategic priority but the term "quality" is not defined and is not enshrined in Policy E08.
7. The accommodation would be small and less than the minimum floor area specified in the Nationally Described Space Standard. However, that applies to dwellings and does not include a figure for studio flats. In practice, the proposal would provide modest but adequate facilities for those wishing to take a break in Margate. The appellant's daylight study concludes that acceptable levels of natural light would be provided for holiday accommodation. Indeed, it is reasonable to suppose that those occupying the flat temporarily would not require or expect the same level of provision as those living in it all the time. Similar considerations apply to the issue of ventilation from the internal kitchen and shower which would also be covered by Building Regulations. In addition, the area was previously used for residential purposes for many years.
8. Therefore, internal living conditions for occupiers of the proposed holiday let apartment would be satisfactory and there would be no conflict with relevant parts of Policy E08.

Integrity of the Thanet Coast and Sandwich Bay Special Protection Area

9. The holiday unit would replace a flat which was occupied as such between 1990 and 2017. However, as observed by the Council, visitors are likely to want to explore the local area. Therefore, compared to the previous use, the proposal may increase recreational disturbance to overwintering birds within the Thanet Coast and Sandwich Bay Special Protection Area (SPA). There is no objective evidence to exclude this possibility. In combination with other development in Thanet, there would therefore be a likely significant effect on the interest features of the habitats site.
10. Local Plan Policy SP29 indicates that all proposals should comply with the Strategic Access Management and Monitoring Plan. This comprises a package of measures to mitigate the effects of new development. The policy requires a financial contribution based on a tariff. Evidence of up-to-date title has been provided in support of the planning obligation dated 26 April 2022.
11. However, as pointed out by the Council, the reference given for the definition of "planning permission" is incorrect. As paragraph 2.6 provides that the deed comes into effect on the grant of the planning permission, there is therefore no certainty that this would be triggered if the appeal is allowed. Consequently, there is insufficient assurance that the necessary payment would be secured to mitigate the effects of the proposal in line with Policy SP29. As a result, following an appropriate assessment, the integrity of the SPA would be adversely affected. In these circumstances, the Conservation of Habitats and Species Regulations preclude the proposal from proceeding.

Other Matter

12. The alteration to provide a further window would have an insignificant visual impact and the character and appearance of the Norfolk Road, Warwick Road, Surrey Road Conservation Area would therefore be preserved.

Conclusion

13. Internal living conditions for occupiers of the proposed holiday let apartment would be satisfactory. However, the mechanism intended to secure mitigation of its effects on the SPA is deficient and so would be unlikely to be effective in practice. The proposal would therefore adversely affect the integrity of the SPA and this is an overriding consideration.
14. The proposed development would be contrary to the development plan and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

David Smith

INSPECTOR