



Appeal Decision

Site visit made on 11 October 2023

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/Z2260/W/22/3308102

The Wheatsheaf, 17 High Street, St Lawrence, Ramsgate, CT11 0QH

- 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 Estia Property Solutions Ltd against the decision of Thanet District Council.
 - The application Ref F/TH/21/1835, dated 25 November 2021, was refused by notice dated 25 July 2022.
 - The development proposed is change of use of a public house to a one bedroom flat (C3), a 4 bedroom HMO (C4) and a 5 bedroom HMO (C4).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of a public house to a one bedroom flat (C3), a 4 bedroom HMO (C4) and a 5 bedroom HMO (C4) at The Wheatsheaf, 17 High Street, St Lawrence, Ramsgate, CT11 0QH in accordance with the terms of the application, Ref F/TH/21/1835, dated 25 November 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. As part of the appeal the appellant has provided a revised basement plan showing a different kitchen layout and a plan showing how refuse and cycle storage within the courtyard could be redesigned. The Council has not commented directly on these and I shall therefore base my decision on the plans that were part of the application it determined.
3. Planning permission was granted by the Council in May 2023 for a change of use of The Wheatsheaf to three self-contained flats.

Main Issue

4. The proposed flat at first floor level would provide a good standard of accommodation with spacious and well-lit rooms. The main issue is therefore whether the internal living conditions of the proposed HMOs would be satisfactory for future occupiers.

Reasons

5. Unit 1 would be a 4 bedroom HMO and would be on the ground floor and in the basement. Unit 2 (5 bedroom HMO) would extend across the ground and first floors. The main internal changes to the layout would be on the ground floor where the former bar area would be sub-divided to create the HMO bedrooms. The National Planning Policy Framework expects that places are created with a high standard of amenity for future users.

6. Ground floor windows serving bedrooms, a dining area, a corridor/kitchen and a communal area would face onto the rear courtyard. These would provide a reasonable outlook. Any privacy issues could be resolved by the use of obscure glazing for the bedrooms. Given that the other spaces served by the windows are communal there would be less impact from people looking in from outside. In any case, the matter could be dealt with by condition which would also ensure the retention of the more traditional windows.
7. The kitchen for Unit 1 would be in the basement with no direct natural light and artificial ventilation. However, the intention is that this would be laid out in galley style so that there would be limited opportunity for residents to linger whilst eating their meals. It would therefore be a functional area for preparing and cooking food rather than habitable. This could be secured by condition. Whilst not ideal this arrangement would not render the entire unit unsatisfactory. Indeed, the large basement area with shower rooms and storage space would be beneficial to future occupiers.
8. Similar considerations apply to the internal kitchen for Unit 2 on the ground floor although this would receive some light through the corridor window if the door were left open. The small dining area would be lit by a window and the cycle storage area could be designed so that this would not be blocked. A condition could secure this. The communal area for this HMO on the first floor would be pleasant with a rear door and window and access to a roof terrace.
9. The communal area for Unit 1 would be accessed directly from the street and would also function as the route through to the bedrooms and the stairs to the basement. However, it would have fenestration on two elevations and would be of reasonable size. Although it has limitations there is no obvious reason why it would not be used by future residents as a lounge and/or dining area.
10. The appellant's updated daylight and sunlight assessment concludes that the proposed new dwellings would enjoy acceptable levels of internal daylight and sunlight, in excess of BRE requirements for "*hard to light*" dwellings. These findings have not been contradicted. There is no criticism of the overall size of the HMOs or the individual bedrooms and no policy requirement for communal areas or for them to be of a particular standard.
11. Overall, the HMOs would be of an appropriate size and layout with sufficient usable space to facilitate comfortable living conditions. They would therefore conform with Policy QD03 of the Thanet Local Plan and the internal living conditions of the proposed HMOs would be satisfactory for future occupiers.

Other Matters

12. The Wheatsheaf is a non-designated heritage asset. The effect of the proposed development on its significance should therefore be taken into account according to paragraph 203 of the Framework. It is a distinctive and historic 'black and white' building on a prominent corner. However, the majority of the proposed works would be internal and no external changes would be made to the main High Street and Newington Road elevations. As such, its value would be retained and the historic environment conserved.
13. Local Plan Policy CM02 seeks to protect against the loss of existing community facilities. However, there are numerous public houses within reasonable proximity of the appeal site. Therefore, there is alternative local provision of

similar uses and the proposal would not undermine the ability of the community to meet its day to day needs. As such, one of the criteria of Policy CM02 would be met and so there would be no conflict with it.

14. Moreover, the public house has been closed for some time, is not viable, has been marketed without success and there has been no interest from other community uses. Furthermore, the Council has already accepted its loss by virtue of granting permission for three flats earlier this year.
15. There would be no unacceptable impact on highway safety given the previous use of the building and the availability nearby of services and facilities and public transport links. The proposal would make an effective use of an existing building in an urban location and would not constitute over-development. None of the other objections raised in representations at application stage count against the proposal. In particular, the proposed HMOs would not create an undue concentration and would comply with the provisions of Local Plan Policy HO19 which is concerned with that type of accommodation.
16. The additional residential units would be within 7.2 km of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). In combination with other development in Thanet, they would be liable to lead to a detrimental impact on migratory birds through increased recreational disturbance. As such, there would be a likely significant effect on the SPA.
17. Policy SP29 of the Local Plan indicates that all proposals for new residential development should comply with the Strategic Access Management and Monitoring Plan. This includes a suite of strategic measures to mitigate the effects of new development. The policy requires a financial contribution based on a tariff. The planning obligation dated 23 May 2023 would secure the appropriate SPA sum. In this way harmful effects would be prevented. As a result, following an appropriate assessment, the proposal would not adversely affect the integrity of the SPA.

Conditions

18. The plans should be specified in the interests of certainty. Thanet is within a water stress area and a limit on the water consumption rate is justified by Local Plan Policy QD04. Given the proximity of many of the rooms to a busy road and roundabout, details of acoustic design and ventilation are necessary to ensure satisfactory internal living conditions. For functional reasons and to promote sustainable transport, details of refuse facilities and cycle parking should be confirmed.
19. A condition is also required to ensure that the kitchen layout would be unlikely to lend itself to habitable accommodation. To secure privacy within the units and to minimise external alterations, details of the windows facing the courtyard, including obscure glazing where necessary, should be agreed.
20. Some of the details referred to by these conditions are required before conversion starts as there is no other obvious time period to link their submission to. Where necessary the wording of the conditions suggested by both parties has been adjusted for simplicity and clarity.
21. As the development would not result in a dwellinghouse the removal of permitted development rights under Part 1 of Schedule 2 of the Town and

Country Planning (General Permitted Development) (England) Order 2015 would have no effect and is superfluous.

Conclusion

22. The proposed conversion would comply with the development plan. There are no material considerations to indicate that a decision should be taken other than in accordance with it. Therefore, for the reasons given, the proposal is acceptable and the appeal should succeed.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos MLS_CT110QH_02, MLS_CT110QH_07 PL01, MLS_CT110QH_08 PL01, MLS_CT110QH_09 PL01, MLS_CT110QH_10 PL01, MLS_CT110QH_12 PL01, MLS_CT110QH_13 PL01, MLS_CT110QH_15 PL01 and MLS_CT110QH_16 PL01.
- 3) The flat and bedrooms hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.
- 4) No development shall take place until an acoustic design scheme to demonstrate the internal noise levels within the flat and bedrooms hereby permitted has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out prior to occupation of the flat and bedrooms and retained thereafter.
- 5) No development shall take place until a scheme to minimise the effects of air pollution (to include fitting artificial ventilation to all road facing openings) has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out prior to occupation of the flat and bedrooms hereby permitted and retained thereafter.
- 6) Notwithstanding Condition 2), no development shall take place until details of refuse and cycle storage have been submitted to and approved in writing by the local planning authority. The approved details shall be carried out prior to occupation of the flat and bedrooms hereby permitted and retained thereafter.
- 7) Notwithstanding Condition 2), no development shall take place until details of the layout of the basement kitchen have been submitted to and approved in writing by the local planning authority. The approved layout shall be carried out prior to occupation of Unit 1 hereby permitted and retained thereafter.
- 8) Notwithstanding Condition 2), no development shall take place until details of glazing (including obscure glazing and elevations) of the windows to bedroom 1 and bedroom 3 and the communal area of Unit 1 and to the dining room and the kitchen area/corridor of Unit 2 have been submitted to and approved in writing by the local planning authority. The approved details shall be carried out prior to occupation of Units 1 and 2 hereby permitted and retained thereafter.