



Appeal Decision

Site visit made on 22 August 2018

by H Miles BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2018

Appeal Ref: APP/V2255/W/18/3202615

2 Arthur Street, Sittingbourne ME10 1BA

- 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 John Whiteley against the decision of Swale Borough Council.
 - The application Ref 18/501182/FULL, dated 2 March 2018, was refused by notice dated 27 April 2018.
 - The development proposed is the conversion of existing dwelling to create 4 no. apartments and insertion of three dormer windows. Demolition of existing outbuilding an erection of a 1no. detached single storey apartment.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the consideration of this appeal the revised National Planning Policy Framework (the revised Framework) has been published. I have invited both main parties to submit comments on the relevance of the revised Framework to this case. I have taken any comments received into consideration and I have assessed this appeal in light of the revised Framework.

Main Issues

3. The main issues are the quality of living conditions for future occupiers in terms of the internal space, and the effect of the proposed development on the character and appearance of the area.

Reasons

Living Conditions

4. There is a dispute between the main parties about whether all of the proposed units would comply with the minimum space standards listed in the 'The Conversion of Buildings into Flats and Houses in Multiple Occupation' supplementary planning guidance (the SPG). The total floor areas and bedroom sizes are annotated on the submitted drawings. Bedrooms are shown to comply, against a standard of 7sqm.
 5. However, the SPG sets a minimum standard of 24sqm for the habitable floor area (not the total floor area) and states that the "habitable floor area...does not include the floor area of any bathroom, staircase, passageway, landing or access lobby...". The size of the kitchen/ living rooms and bathrooms are not
-

<https://www.gov.uk/planning-inspectorate>

Appeal Decision APP/V2255/W/18/3202615

annotated nor is the habitable floor area specified. The Council officer's report appears to calculate the habitable floor area using the methodology set out in the SPG and finds that Units 1, 3 and 5 would be undersized (by 1.56sqm, 2.28sqm and 2.6sqm respectively). On the basis of the evidence before me, I therefore find that these units would not achieve the habitable floor area required by the SPG.

6. Furthermore, the layout of the rooms within these units and positioning of doors and windows would not appear to allow for any notable storage space, with Unit 3 being the only unit which would have built-in storage in the form of a small high level cupboard. The proposed layout of the shower rooms is also very constrained with what seems likely to be an impractical layout of the toilet, shower and sink. In Unit 4 the bedroom set within the converted loft space would, due to head height, also have a limited usable width so would be severely restricted in terms of positioning of furniture and circulation space. Notwithstanding any dispute regarding the overall size, these aspects of the proposed units would result in poorly functioning and impractical spaces, which would not provide an appropriate quality of accommodation for future occupiers.
7. For the reasons given above, the proposed units would be cramped and have poor layouts which would not provide appropriate living conditions for future occupiers. Consequently, in that regard, the scheme would conflict with the policies I consider to be most relevant to this main issue: Policy DM14 (General development criteria) of the Swale Borough Local Plan – Bearing Fruits 2031(2017) (the Local Plan) and with the SPG.

Character and Appearance

8. The host property sits at the end of a residential terrace on the corner of Hawthorn Road and Arthur Street. Due to the location of windows and doors, the elevation fronting Hawthorn Road reads as the principal elevation, and this, amongst other things, results in its appearance being different from the other properties in this terrace. Its corner location contributes to the property being prominent within the streetscene.
9. Arthur Street is characterised by traditional terraced housing, with rear elevations visible from Gibson Street. No dormers are visible in the streetscene. Hawthorn Road has a more mixed character with further terraced dwellings, more generously spaced semi-detached and detached dwellings and larger flatted developments. There are a limited number of dormers visible along Hawthorn Road.
10. The three proposed dormer windows occupy a large part of the roofslope, and do not align with the windows below. This would result in a congested appearance to this prominent roofslope, and the fenestration on the roof would appear cluttered and awkward relative to the windows below. Consequently, this highly visible roof would become dominated by dormer windows, which are not a characteristic of the nearby streetscene. Moreover, notwithstanding that their small pane appearance would reflect the window styles below and that the cladding surrounding these windows would be limited, the proposed dormer windows would be out of keeping with their context. Therefore, the proposals would be harmful in this respect.

Appeal Decision APP/V2255/W/18/3202615

11. Therefore, the proposed development would have a harmful effect on the character and appearance of the area. Consequently, in that regard, the scheme would conflict with the policies I consider to be most relevant to this main issue: Policies CP4 (Requiring good design) and DM16 (Alterations and extensions) of the Local Plan, as well as with paragraph 5.5 of the Designing and Extension A Guide for Householders Supplementary Planning Guidance which sets out design criteria for dormer windows.
12. I note the other policies drawn to my attention, including the Framework, however I find that the policies above are most relevant to the main issue here.

Other Matters

13. I note the LPA's position that due to the site's position within 6km of the Medway Estuary and Marshes Special Protection Areas and Swale Special Protection Area the proposal has potential to affect these sites' features of interest. However given my conclusions in respect of the main issues, it is not necessary to pursue this matter further in this case.
14. I have considered the fact the proposed dwellings would contribute to the local housing stock against the need for housing in Swale and more widely, and the appellant's submissions that the site is in a sustainable location and would be a small 'windfall' site. However due the limited scale of the development proposed these issues are not sufficient to outweigh the harm to the character and appearance of the area, nor the quality of living conditions for future occupiers identified above.
15. Matters including the principal of residential development in this location and the proposed parking arrangements are not in dispute between the main parties. There have been no objections from statutory consultees (noting that objections were received from local residents). However, the absence of harm and / or objections are neutral points that do not alter my overall decision.
16. Concerns have been raised about the way the application was dealt with by the Council, including advice given at pre-application stage. However, such issues are not matters for my consideration in a s78 appeal.

Conclusion

17. For the reasons above, this appeal is dismissed

H Miles

INSPECTOR