

**D03**

**F/TH/22/0204**

PROPOSAL: Retrospective application for the change of use from office to  
1No two storey 1-bed dwelling

LOCATION: 25A Holly Road RAMSGATE Kent CT11 7JJ

WARD: Eastcliff

AGENT: Marta Batraniec

APPLICANT: Ms Shute And Seers

RECOMMENDATION: Defer & Delegate

Defer and delegate the application to officers for approval subject to the receipt of a satisfactory legal agreement to secure the contribution to the SAMMs plan within 6 months of this resolution.

1 The development hereby approved shall be carried out in accordance with the submitted drawings numbered PL06, PL07, PL08 and PL09 and received 11<sup>th</sup> February 2022.

**GROUND;**

To secure the proper development of the area.

2 Within three months of the date of this decision the first floor window in the western side elevation serving the bedroom shall be fitted with an opening restrictor as confirmed in the design and access statement received 10 February 2022 and thereafter maintained.

**GROUND;**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

3 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, unless otherwise agreed in writing by the Local Planning Authority.

**GROUND;**

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

4 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

## **GROUND;**

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

## SITE, LOCATION AND DESCRIPTION

25A Holly Road is a two storey detached building set in a backland location to the rear of 25 Holly Road, 9 and 11 Leopold Road and 6 Charles Road. The property is accessed by an alleyway on the northern side of number 25 Holly Road

## RELEVANT PLANNING HISTORY

CD/TH/21/0197 - Application for Lawful Development Certificate (Proposed) for use as an office ( Use Class E(g)). Granted 19 April 2021

Enforcement Appeals Appeal A: APP/Z2260/C/17/3168636 Appeal B: APP/Z2260/C/17/3168637 against an enforcement notice issued by the Council. The breach of planning control as alleged in the notice was, without planning permission, the material change of use of the building to residential accommodation. The requirement of the notice was to cease the unauthorised residential use of the building. The appeals were dismissed and the enforcement notice was upheld as the appellants failed to discharge the burden of proof to demonstrate at least 4 years continuous use of the property as residential accommodation so as to be immune from enforcement action.

F/TH/06/0761 - Change of use from workshop to dwelling. Refused 16 August 2006 due to overlooking and noise and disturbance towards neighbouring properties and standard of accommodation for future occupiers. Dismissed at appeal 17 April 2007.

## PROPOSED DEVELOPMENT

This is a retrospective application for the change of use from office to 1No two storey 1-bed dwelling.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2020**

- SP01 - Spatial Strategy - Housing
- SP13 - Housing Provision
- SP14 - General Housing Policy
- SP22 - Size and Type of Dwellings
- SP27 - Green Infrastructure
- SP29 - Strategic Access Management and Monitoring Plan
- SP30 - Biodiversity and Geodiversity Assets
- SP35 - Quality Development
- SP37 - Climate Change

SP44 - Accessible Locations  
CC01 - Fluvial and Tidal Flooding  
HO1 - Housing Development  
GI06 - Landscaping and Green Infrastructure  
SE05 - Air Quality  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and Adaptable Accommodation  
TP03 - Cycling  
TP06 - Car Parking

### NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site.

Two letters of objection have been received raising the following concerns:

- Inadequate access
- Rear access to neighbouring properties has been blocked by the applicant
- Proximity to neighbouring properties
- Overlooking
- Fire safety
- Noise and disturbance
- Access for emergency services
- Construction of the building is not suitable for residential accommodation
- A similar development has previously been considered and was refused

**Ramsgate Town Council** - No comment

### CONSULTATIONS

**KCC Highways** - It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

### COMMENTS

This application has been brought before members by Cllr Crittenden to consider whether the site is suitable for residential development.

### **Principle**

Policy HO1 of the Thanet Local Plan states permission for new housing development will be granted on non-allocated sites within the confines of the urban area subject to meeting other relevant Local Plan policies.

Policy HO21 of the Thanet Local Plan supports "proposals to bring vacant property into residential use will be approved where: 1) it is compatible with nearby uses; and 2) the proposal would not conflict with any other policy."

There is no policy requiring the retention of employment space in this location and, therefore, the principle of development is considered to be acceptable and the benefits of providing new housing to the district will be weighed against the impacts of the development.

### **Character and Appearance**

Paragraph 130 of the National Planning Policy Framework states that development should be sympathetic to local character and the surrounding built environment and establish and maintain a strong sense of place.

Policy QD02 of the Thanet Local Plan provides general design principles for new development and states that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects.

No changes are proposed to the layout or scale of the property as part of this application, however it appears that a number of alterations have been completed around the property since the 2006 application without Planning Permission. These alterations include the removal of windows in the north, east and south elevations, the insertion of three rooflights, the formation of a rear courtyard and the enlargement of the front projection. These alterations appear to have been in place for a number of years and, therefore, are likely to be exempt from enforcement action.

The surrounding area is predominantly residential in character and given the location of the property away from the highway and behind the neighbouring dwellings this development is not considered to result in any significant harm to the character and appearance of the area, in line with policy QD02 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

No changes to the scale of the property are proposed as part of this application and therefore this development is not considered to result in any significant loss of light or sense of enclosure to the neighbouring dwellings.

The site is enclosed by high level fencing at the front and rear and therefore the ground floor doors and windows are not considered to result in any significant opportunity for overlooking.

The rooflights in the front and rear roof slopes are set at a high level about the internal floor and therefore do not offer any significant opportunity for overlooking.

One window is located in the first floor western side elevation facing towards the rear of the properties on Holly Road. This window is currently obscure glazed but openable. The applicant has indicated that this window would be fitted with an opening restrictor and this would be conditioned to ensure that it remains in place. Subject to this condition this window is not considered to result in any significant increase in overlooking compared to the existing use.

The extant use of the property appears to be as a workshop and a certificate of lawful development has been granted indicating that a change of use to an office would be lawful. Both of these uses have the potential to generate movements to and from the site as well as associated noise. Furthermore there are currently no restrictions on the hours of use of the property. The use of the property as a dwelling is therefore not considered to result in any significant increase in noise and disturbance above that of the existing use.

The proposed dwelling would exceed the minimum floor area for a one bedroom dwelling set out in policy QD04 of the Thanet Local Plan and all habitable rooms would receive natural light and ventilation. Due to the obscure glazing and the proposed window restrictor the proposed first floor bedroom would not receive any outlook. Photos have been submitted with this application demonstrating the amount of natural light that this room receives and a site visit has also been completed to observe the standard of accommodation.

Whilst there is no outlook the level of light is considered to be good furthermore this room is proposed to be used as a bedroom and therefore the level of harm to the living conditions of the future occupants is considered to be limited.

A private amenity area is provided at the front and rear of the property and could also accommodate, refuse and cycle storage and a clothes drying area.

Subject to the conditions outlined above and given the existing use of the property this development is not considered to result in any significant harm to the living conditions of the neighbouring property occupiers, in line with policy QD03 of the Thanet Local Plan.

The proposed standard of accommodation would be weighed against the need for housing in the district.

### **Transportation**

The property does not benefit from any off street parking, however is situated in a sustainable location and on street parking in Holly Road and the surrounding streets is unrestricted. Given the existing use of the property and the scale of the residential dwelling, this development is not considered to result in any significant increase in demand for on street parking or harm to highway safety.

### **Financial Contributions**

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for

which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified.

Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

The applicant has agreed to submit a unilateral undertaking securing the required financial contribution to mitigate the additional recreational pressure on the SPA area. Therefore subject to the submission of a completed and signed unilateral agreement, the impact upon the SPA is considered to be acceptable.

### **Other Matters**

The proposed development would be conditioned to ensure that the new dwelling meets the water and energy efficiency standards set out within policies QD01 and QD04 of the Thanet Local Plan.

Concern has been raised that a similar development was refused as part of the 2006 application (Reference F/TH/06/0761). A significant period of time has passed since this previous decision and there have been changes to both local and national policy. There have also been changes to the arrangement of the property which include alterations to the layout and windows, formation of an amenity area and a front extension. It is therefore considered that whilst the proposed use is the same, there have been significant changes and limited weight should be applied to this previous decision and appeal.

Concern has been raised regarding fire safety and access for emergency services. Fire safety would be covered by building regulations and access to the site would remain the same as existing.

Concern has been raised regarding the rear access for a neighbouring property being obstructed. This would be a civil matter that falls outside of the Planning System.

### **Conclusion**

This application is not considered to result in any significant harm to the character and appearance of the area or the living conditions of the neighbouring property occupiers. As noted above, given the size of the dwelling, the amenity space provided, the arrangement of the rooms and the level of light that the bedroom receives, the lack of outlook is considered to result in limited harm to the living conditions of the future occupants.

The Council cannot currently demonstrate a five year housing land supply. In the absence of a five year housing land supply paragraph 11 of the Framework is triggered and there is a presumption in favour of sustainable development. This requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

Whilst the provision of one studio flat is considered to be a modest contribution to the districts housing supply it would still represent an additional dwelling in a sustainable location. Therefore given the limited harm to the living conditions of the future occupants, any adverse impacts of the development are not considered to significantly and demonstrably outweigh the benefits of the proposed development when assessed against the Thanet Local Plan and the National Planning Policy Framework.

It is, therefore, recommended that Members defer and delegate the application to officers for approval subject to the receipt of a satisfactory legal agreement to secure the contribution to the SAMMs plan within 6 months of this resolution.

**Case Officer**

Duncan Fitt

TITLE: F/TH/22/0204

Project 25A Holly Road RAMSGATE Kent CT11 7JJ

