



Appeal Decision

Site Visit made on 2 June 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 JUNE 2021

Appeal Ref: APP/Z2260/W/21/3266550

334 Margate Road, Ramsgate CT12 6QS

- 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 S Mayhew against the decision of Thanet District Council.
 - The application Ref F/TH/20/0437, dated 25 March 2020, was refused by notice dated 17 September 2020.
 - The development proposed is "change of use of first and second floors to 5 bedroom HMO together with the erection of a first floor rear extension".
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Decision

1. The appeal is allowed and planning permission is granted for the proposed change of use of first and second floors to 5 bedroom HMO together with the erection of a first floor rear extension at 334 Margate Road, Ramsgate CT12 6QS in accordance with the terms of the application, Ref F/TH/20/0437, dated 30 March 2020, subject to the attached Schedule of Conditions.

Preliminary Matters

2. The description of proposed development was amended while the application was being considered by the Council. I have therefore used the amended description of proposed development from the Council's decision notice in the banner heading of this decision. The appellant referred to this amended description in their appeal form, confirming this is the development they are seeking planning permission for.
3. The Council's reason for refusal relates to part (2) of Policy HO19 of their Local Plan¹. This part of the Policy states that planning permission will only be granted for Houses in Multiple Occupation (HMOs) where it would not result in an intensification or concentration of such uses which is detrimental to the amenity and character of the neighbourhood. The supporting text explains that any level over 5% of housing used for HMOs within a 50m radius or 1 HMO in any group frontage of 20 dwellings constitutes a concentration of HMOs.
4. There are two flats within the same terrace (Nos. 322 – 342) of the appeal site which are currently in HMO use. Applying the Policy's criteria set out above, the appeal site is located in an area with an existing concentration of HMOs. The proposed development would therefore result in an intensification of HMOs in this location.

¹ The Thanet Local Plan (2020)

Main Issues

5. Considering the above, the main issues in this appeal are the effect the proposed development on: (i) the living conditions of neighbouring residents; and (ii) the character and appearance of the area.

Reasons

Living Conditions of Neighbouring Residents

6. The appeal site is part of a three-storey terrace comprising commercial units at ground floor level and residential flats above, within a small suburban cluster of commercial uses fronting onto Margate Road surrounded by residential properties. Access to the appeal site is provided by a ground floor level door on the rear elevation, which opens into a long, enclosed walkway alongside the property's rear yard. Beyond the rear yard are several garages and an unmade access track leading to rows of terraced garages, bordered by neighbouring residential gardens. Generally, from what I saw during my site visit, this area at the rear of the appeal site is used as an informal access, parking and refuse storage area.
7. It is proposed to carry out alterations to the existing three-bedroom flat at the appeal site to create a five-bedroom HMO to be occupied by up to five people. Licensed HMOs already exist in the terrace at Nos. 332A (next door to the appeal site) and 340A. I have not been provided with any evidence of the existing concentration of HMOs resulting in any harm to the living conditions of neighbouring residents.
8. Residents of the proposed HMO would have no formal interaction with the front of the terrace, as all access would be from the rear. The appellant has proposed that the number of residents would be limited to no more than five people. Considering the commercial nature of the ground floor units which require regular deliveries of goods and collection of refuse from the rear, which is also used as an informal parking area and accessed by users of the garages, it is difficult to envisage how the proposed change of use would result in any harm to the living conditions of residents of nearby houses. No such harm has been demonstrated by the Council.
9. The neighbouring flats either side of the appeal site may experience an increase in noise associated with the proposed development on account of the likely increase in adult residents and movements associated with people living in the flat other than as a single household. The increase in noise resulting from up to five residents would, however, be marginal and experienced in the context of an active commercial frontage along this part of Margate Road. On the basis that the number of residents would be limited to five, I do not find any harm likely to be caused to the living conditions of neighbouring residents by the proposed development. The proposed development would accord with Policy HO19 of the Council's Local Plan.

Character and Appearance

10. The Council have claimed the impacts of high concentrations of HMOs can result in an accumulation of rubbish, an excess of to-let boards and greater activity in the area. I noted existing accumulations of rubbish at the rear of the appeal site during my site visit, but this appeared to be of a commercial nature, rather than anything associated with the existing concentration of

HMOs. I also noted the active nature of the appeal site's mixed immediate surroundings, which included van repairs being undertaken at the rear and commercial goods displayed on open forecourts to the front. I did not note any to-let boards associated with the existing concentration of HMOs, although I did see a number of boards advertising garages to rent in the area to the rear of the appeal site. In this context, I consider it extremely unlikely that the proposed development would result in the claimed adverse impacts of a high concentration of HMOs in this location or any noticeable difference in the character or appearance of the area on account of the existing mix of uses.

11. The Council's appeal statement adds to the reason for refusal set out in the decision notice, claiming the proposed development would result in an 'overconcentration' of HMOs in the area, which would imbalance the community and not maintain a mixed and settled community. I have not been provided with any evidence to demonstrate that the existing community is currently 'mixed and settled' or that the proposed conversion of the existing three-bedroom flat to a five-person HMO in this location would cause any imbalance to the detriment of the character or amenity of the area. In this location, the likely increase in adults accessing the appeal property from the rear would be hardly noticeable due to the ongoing activities in this area described above. The proposed development would not therefore harm the character or appearance of the area.
12. The proposed development would result in an intensification of an existing concentration of HMOs, but it would not have a detrimental effect on the amenity or character of the neighbourhood. The proposed development therefore accords with Policy HO19 of the Council's Local Plan.

Conditions

13. It is necessary to attach a condition requiring the commencement of development within the relevant timeframe and a condition identifying the approved plans for clarity and enforcement purposes. The Council have suggested conditions restricting the number of residents to five and requiring the provision of the proposed refuse storage facilities prior to the first occupation of the HMO. Such conditions are necessary to ensure the number of people residing within the HMO is appropriate for the surrounding area and that refuse is stored in a tidy manner.

Conclusion

14. For the reasons given I conclude that the appeal should succeed, subject to the attached Schedule of Conditions.

L Douglas

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 002, 003, 004, 005, 006 Rev A dated July 2020, 007 and 008.
- 3) The development hereby permitted shall not be occupied until the refuse storage facilities shown on approved plan 004 shall have been provided and shall be retained thereafter.
- 4) No more than five persons shall occupy the property as principal or main residence at any one time.