

Appeal Decision

Site visit made on 25 October 2016

by David Smith BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 November 2016

Appeal Ref: APP/Z2260/W/16/3157044

Land adjacent to 34 St Mildred's Avenue, Ramsgate, Kent, CT11 0HS

- 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 A Darby against the decision of Thanet District Council.
 - The application Ref F/TH/15/0431, dated 19 May 2015, was refused by notice dated 24 March 2016.
 - The development proposed is erection of 1 no dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 1 no dwelling at land adjacent to 34 St Mildred's Avenue, Ramsgate, Kent, CT11 0HS in accordance with the terms of the application, Ref F/TH/15/0431, dated 19 May 2015, subject to the conditions in the attached schedule.

Background and Main Issue

2. Outline planning permission has been granted for a detached house behind 34 St Mildred's Avenue a number of times since 1984. The most recent of these in 2013 would have taken account of the policies in the Thanet Local Plan of 2006 including the designation of Royal Esplanade as an Area of High Townscape Value (AHTV). This is a significant material consideration. However, all matters in the 2013 permission were reserved and the accompanying plans were therefore only indicative. It follows that comparisons with them are not instructive. Rather the proposal should be assessed on its own merits but in the context that a dwelling to the rear of No 34 has been accepted before.
3. The previous site survey of the plot was inaccurate but this has been rectified. Attention has been drawn to various alleged discrepancies but I was able to see the surrounding features for myself including the relationship with adjoining properties. The submitted plans therefore provide a reasonable basis on which to consider the proposal.
4. The main issue in the appeal is the effect on the character and appearance of the surrounding area.

Reasons

5. The proposed dwelling would be positioned at the end of a row of detached houses along the eastern side of St Mildred's Avenue. The road is residential in character and generally has good sized plots with significant gaps between the buildings. Whilst the width of the frontage and the distance to No 32 would be less than in some other instances the overall pattern of development would be maintained. The proposal would be 2.45m from the boundary with No 32 and
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the separation distance to the main rear wall of No 34 would be over 11m. As a result and whilst taking into account the garage at No 34, a cramped and congested appearance would not occur.

6. A wide variety of roof forms prevail in St Mildred's Avenue and some of the properties have large expanses of roof. As a result the proposed design of a front catslide with dormers and gable ends with half hips would not look out of place. There is no justification for insisting on a fully hipped roof. The main ridge would be further back than that of its immediate neighbour but this would reflect the mix of roof types that exist. Indeed, because of its smaller stature and position down the slope from No 32, the proposal would form a suitable transition between that house and No 34 which fronts onto Royal Esplanade.
7. The proposal would be set at a slight angle to the road in order to align with No 34 so that its siting would relate satisfactorily to its surroundings. Whilst they may not be integral, other garages are found in St Mildred's Avenue and a door of this kind is not an unexpected feature in a residential setting. All in all, notwithstanding the absence of a chimney and a turret, the proposed dwelling would fit comfortably into the street scene along St Mildred's Avenue.
8. The appeal site is within the Royal Esplanade/Prince Edward's Promenade AHTV. Here Policy D7 of the Thanet Local Plan indicates that conservation or enhancement of the local character will be the primary planning aim. Any development should be complementary to the special character of the area.
9. Royal Esplanade is very wide with a central island dividing the carriageways and there is a swathe of open space to the south that overlooks the sea. Development along the northern side of the road mainly comprises large houses. In this context the rear garden of No 34 performs a secondary role and does not make a major contribution to the special character of the area. This is borne out by the Council's decision to grant outline permission in 2013 following the designation of the AHTV.
10. The proposed dwelling would be visible from within the AHTV looking up St Mildred's Avenue. It would perpetuate the line of development in that road and would not, therefore, spoil the low density appearance of the AHTV. The proposal can be distinguished from the appeal decision at 24 Royal Esplanade as that scheme was for a dwelling in the side garden in a prominent corner position (Ref: APP/Z2260/A/12/2178973). There may be other gardens in similar positions in the AHTV with the potential to be sub-divided. However, my decision is concerned with this particular proposal including the planning history and should not be taken as constituting any kind of precedent.
11. Therefore the proposal would respect the character and appearance of the surrounding area. As such, it would comply with Local Plan Policy D1 in this regard. It would also accord with Policy D7 which is concerned with the AHTV.

Other Matters

12. According to the Council the proposal would be some 5m from the two-storey side wall of No 32 but would project about 4m beyond the adjoining rear wall. In general terms the juxtaposition of two houses alongside one another in this fashion is a normal feature of residential areas although there would be a marked change for the occupiers of No 32. Policy D1 seeks to avoid an unacceptable loss of amenity in such circumstances.

13. The proposal would adjoin what is described as the main outdoor space for No 32 but the impact on this area would be satisfactory in terms of privacy, outlook and enclosure given the separation distance and the width of the garden at No 32. Some loss of light and sunlight would be likely to be experienced but not to a degree that the external environment would be materially eroded. The side bathroom window would be obscure glazed. The rear upper floor windows would allow views towards parts of the rear garden and that of 50 Royal Esplanade but privacy would not be reduced to a level where living conditions would be compromised.
14. Some excavation is shown at the rear of the site and the appellant refers to the level of the sunken garden. The Council estimates that the floor level of the proposal would be about 0.5m below that of No 32. I have assessed it on this basis but, in any event, details of levels should be agreed in advance. Any future additions proposed would be considered on an individual basis and there is no certainty that these would necessarily follow. Overall the relationship between the proposal and No 32 and other nearby properties would be acceptable and there would be no conflict with relevant provisions in Policy D1.
15. The appeal site is not within a conservation area but the Committee report of 2013 refers to the donor property as being opposite one to the north. At that time it was also concluded that there would be no detrimental impact on the conservation area and the Council does not take a different stance in respect of the proposal. In the light of this and my earlier findings the character and appearance of the nearby conservation area would be preserved.
16. The appellant highlights a number of procedural aspects concerning the handling of the application and an earlier one. However, these matters have had no bearing on the determination of this appeal and it is not for me to adjudicate on whether the application fee should be reimbursed.

Conditions

17. Having regard to the conditions put forward by the Council details of external materials should be provided in the interests of the appearance of the area. To safeguard living conditions levels should also be agreed and obscure glazing secured for the flank windows. Splays are required to ensure adequate pedestrian visibility. There is no evidence that an archaeological watching brief is justified. A condition specifying the approved plans is required for certainty. Where necessary I have adjusted the suggested wording in the interests of clarity and details of external materials and levels are of such fundamental importance that these should be approved prior to commencement.

Conclusion

18. The proposal would not harm the character and appearance of the surrounding area and would accord with the development plan. As there are no material considerations that indicate otherwise the appeal should succeed.

David Smith

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 drawing nos AD/15/01A and 02B.
- 3) Notwithstanding condition 2) no development shall take place until details of the finished levels of the ground floor of the permitted dwelling in relation to existing ground levels including the road level of St Mildred's Avenue have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) Notwithstanding condition 2) no development shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved sample details.
- 5) The dwelling hereby permitted shall not be occupied until the first floor flank windows have been fitted with obscured glazing which shall thereafter be retained.
- 6) The dwelling hereby permitted shall not be occupied until visibility splays of 2m by 2m have been provided. Thereafter no obstruction to vision exceeding 0.6m in height shall be placed within the splay area.