

Appeal Decision

Site visit made on 9 May 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 22 May 2017

Appeal Ref: APP/Z2260/W/16/3164230

Land rear of no. 10 Freemans Road, Minster CT12 4DJ

- 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 Stephen William-Jones against the decision of Thanet District Council.
 - The application Ref F/TH/16/0842, dated 16 June 2016, was refused by notice dated 10 August 2016.
 - The development proposed is a dwelling with associated driveway, parking and amenity areas.
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Decision

1. The appeal is allowed and planning permission is granted for a dwelling with associated driveway, parking and amenity areas at land to the rear of no. 10 Freemans Road, Minster CT12 4DJ in accordance with the terms of the application, Ref F/TH/16/0842, dated 16 June 2016, subject to the conditions contained within a schedule at the end of this decision.

Procedural Matters

2. I note that, following determination of the planning application, the draft Local Plan has been published but I am not aware of the exact stage it has reached and the extent of outstanding objections or whether the policies concerned will be considered as consistent with the National Planning Policy Framework (the Framework). Consequently, in accordance with paragraph 216 of the Framework, I give it very limited weight.

Main Issue

3. The main issue is the effect of the proposed dwelling on the character and appearance of the surrounding area.

Reasons

4. Freeman's Road predominantly comprises a mix of detached and semi-detached bungalows and two storey houses fronting the road. 10 Freeman's Road is an unusually shaped plot with a two storey dwelling close to the front boundary with the garden extending to the rear, behind the neighbouring two semi-detached bungalows in the centre of a square block of development. That surrounding development reflects that of Freeman's Road, although there is also a terrace of two storey houses on Prospect Road that back onto the site.
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5. It is proposed to construct a bungalow that would reflect a number of surrounding properties in terms of design. However, it is located behind other development, with access onto Freeman's Road across the existing side garden of no. 10. The bungalow would not be easily visible from the road, with glimpsed views between properties and along the proposed access drive. Whilst an unusual location for development given the lack of other development of this type within rear gardens in the immediate vicinity, it would have little effect on the character and appearance of the street scene.
6. The proposed dwelling would be visible from a number of surrounding dwellings. However, it is single storey in height and, as such, its visibility would be limited and it would be viewed in the context of surrounding houses and gardens. Whilst there would be some loss of landscaping to make way for the proposed development, significant space would remain for landscaping that would reflect the character of the surroundings, comprising residential gardens.
7. For these reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area. As such, the proposed development would not conflict with Policy D1 of the Thanet Local Plan (LP) and the Framework that seek a high standard of quality and design, including respecting and enhancing the local character of existing areas.
8. The Council suggest that the proposed development would be contrary to Policy H1 of the LP that only makes provision for new residential development on previously developed land. However, they conclude that the lack of a five year supply of deliverable housing sites means that this policy is out of date such that the proposed development should be considered against the presumption in favour of sustainable development set out in paragraph 14 of the Framework. I see no reason to disagree with this.
9. Sustainable development has three dimensions that must be considered together, being economic, social and environmental. There would be significant social and economic benefits arising from the provision of a single dwelling that would contribute to the need for dwellings and residents would support local services and facilities. I have concluded that the proposed development would not harm the character and appearance of the surrounding area and no other environmental harm has been identified. As such, there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the development. This leads me to conclude that the appeal should be allowed, notwithstanding the conflict with the development plan.

Conditions

10. I have imposed a condition specifying the relevant drawings as this provides certainty. Conditions relating to foul and surface water drainage are necessary in order to reduce the impact of the development on pollution, flooding and to manage run-off flow rates. A condition is necessary to ensure adequate parking and turning is provided on site and a condition is necessary to ensure any gates are set away from the road to protect highway safety. A condition is necessary to require details of visibility at the access prior to development commencing and for it to be provided and maintained in order to protect pedestrian safety.
11. Details of screen walls or fences are necessary to protect the character and appearance of the area. A condition is necessary to restrict roof alterations as

windows in the roof could cause overlooking of neighbouring properties, in order to protect occupiers' living conditions. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity.

Conclusion

12. For the above reasons and taking into account all other matters raised I conclude that the appeal should succeed.

AJ Steen

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: PR01, PR02, PR03, PR04, PR05 and PR06.
- 3) No dwelling hereby permitted shall be occupied until works for foul and surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems, shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 4) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
- 5) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. PR02 for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 6) Prior to the first occupation of the dwelling hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway.
- 7) No development shall take place until details have been submitted to and approved in writing by the local planning authority relating to visibility splays of 2 metres by 2 metres behind the footway on both sides of the dwelling access. The visibility splays in accordance with the approved details prior to the occupation of the dwelling and shall thereafter be maintained with no obstructions over 0.6m above footway level.
- 8) The dwelling hereby approved shall be occupied until full details of the screen walls and fences to be erected in association with the dwelling have been submitted to and approved in writing by the Local Planning

Authority. The screen walls and fences shall be erected in accordance with the approved details prior to the occupation of the dwelling.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no alterations shall be made to the roof of the dwelling hereby permitted.