
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: 24 May 2017

Appeal Ref: APP/Z2260/W/17/3168465
Mizuri, Norman Road, Broadstairs CT10 3BZ

- 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 David Watts against the decision of Thanet District Council.
 - The application Ref F/TH/16/1232, dated 7 September 2016, was refused by notice dated 20 January 2017.
 - The development proposed is the erection of two storey dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two storey dwelling at Mizuri, Norman Road, Broadstairs CT10 3BZ in accordance with the terms of the application, Ref F/TH/16/1232, dated 7 September 2016, subject to the conditions contained within the schedule at the end of this decision.

Preliminary Matter

2. I note that the draft Thanet 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. The section of Norman Road from the junction with Beacon Road comprises semi-detached houses, including Mizuri, fronting the junction, with the road bending round Mizuri. To the rear of Mizuri is a concrete access to a substantial dilapidated garage block with access to the park beyond and opposite is a garage block on which I understand planning permission has been granted for a pair of semi-detached dwellings. Beyond Mizuri the road straightens and comprises terraced housing set behind modest front gardens.
 5. The proposal would result in a two storey detached dwelling at the end of the long rear garden at Mizuri, facing directly down the straight section of Norman Road. Consequently, the proposed development would be prominent in views
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along the road. However, the design of the proposed development would result in an attractive house that reflects the character and appearance of surrounding development, replacing the existing unattractive close boarded fence that encloses the existing garden, with some shrubs visible over.

6. The proposed dwelling would be constructed close to the rear of the pavement, without a front garden. Although that is uncharacteristic of most development in the locality, the pavement at this point is unusually wide such that the lack of a front garden does not affect the characteristic spaciousness of the area. Although the location of the proposed house means that, given the geography of Norman Road, it is somewhat separated from other dwellings, it would be viewed in the context of surrounding residential development.
7. Whilst the garden of the existing dwelling would be considerably reduced, this is a particularly long rear garden with prominent fence alongside Norman Road. The depth of the proposed dwelling is limited with a wide front elevation that differs from surrounding development. However, this wide front elevation is not dissimilar to the approved dwellings on the garage block opposite and the terraces in the street are long, albeit the individual dwellings are narrow. Consequently, the width of the proposed dwelling would reflect that of surrounding development. Whilst the lowered rear roof line is an unusual design feature, it would not be prominent other than in views from the park where it would reduce the expanse of blank side wall and provide visual interest to the proposed building in that view.
8. For these reasons, I conclude that the proposed development would respect the character and appearance of the surrounding area. As such, it would comply with Policy D1 of the Thanet Local Plan (LP) that requires development to be of high quality and inclusive design, layout and materials that respects or enhances the character or appearance of the surrounding area.

Other matters

9. The proposed development would be close to the boundary with the neighbouring property, Syringa. The eaves height would be reduced on the rear elevation and set a short distance from the boundary, such that the effect of overshadowing of that neighbouring property would be minimised and it would not materially affect the amount of daylight and sunlight to that property. Whilst visible, the reduced eaves height ensures that it would not dominate the garden of that property such that the effect on the outlook of occupiers would be acceptable. For these reasons, I do not consider that the proposed development would unacceptably harm the living conditions of neighbouring occupiers.
10. Access would be provided over the pavement. Whilst this is an unusually wide pavement, such an arrangement is not uncommon and it would not lead to an adverse effect on highway or pedestrian safety. I note that a previous application for a dwelling in this location was refused by the Council. I have been provided with limited details of this and have considered the scheme before me on its individual merits. There is no evidence that the proposed dwelling would affect the sale of neighbouring properties in the future.
11. Policy H1 of the LP states that residential development will only be permitted on previously developed land within existing built up confines. As such, the proposed development would conflict with Policy H1 of the LP and, therefore,

would be in conflict with the development plan as a whole. The more recent Framework excludes residential gardens within built-up areas from the definition of previously developed land and confirms that policies can resist their development in certain circumstances. However, the blanket approach within Policy H1 is not supported by the Framework.

12. I understand that Policy H01 of the draft Local Plan suggests that residential development would be acceptable within residential gardens, provided that it would not be harmful in terms of the effect of development on the character and amenity of the surrounding area and neighbouring occupiers. This reflects the Framework, which also seeks to boost significantly the supply of housing and the Council confirm that there is a need for housing within Thanet. Given this context and that Policy H1 of the LP is not consistent with the Framework, I consider that only limited weight can be attached to Policy H1 of the LP. I conclude that the contribution of this single dwelling to the supply of land would outweigh the conflict with the LP.

Conditions

13. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition is necessary for samples of materials to be submitted and approved prior to development commencing to ensure that they would maintain the character and appearance of the area. Conditions are necessary to ensure adequate visibility splays and parking are provided to meet the needs of the occupiers of the proposed dwellings and in order to protect highway and pedestrian safety. A condition is necessary relating to the boundary treatment to protect the living conditions of neighbouring occupiers and ensure secure outside amenity space of the proposed dwelling.
14. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity. I have not included a condition removing permitted development rights as I do not consider it to be necessary. Such rights should be removed only in instances of specific and precise justification. I find no exceptional circumstances in this case such as to warrant the wholesale removal of these rights.

Conclusion

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

AJ Steen

INSPECTOR

Schedule of 6 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: DB/DW/16/9/2 and DB/DW/16/9/3.
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing.

The relevant works shall be carried out in accordance with the approved sample details.

- 4) Prior to the first occupation of the development hereby permitted details of visibility splays provided with no obstructions over 0.9m above carriageway level shall be submitted to and approved in writing by the Local Planning Authority. The approved splays shall thereafter be implemented in full and maintained.
- 5) The car parking space to be provided shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.
- 6) Prior to the first occupation of the development hereby permitted, boundary treatment no less than 1.8m in height shall be erected along the south-west boundary of the site, in accordance with the approved plan.