



Appeal Decision

Site visit made on 19 June, 2017

by C. Jack, BSc (Hons) MA MA(TP) MRTPI

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

Decision date: 3rd July, 2017

Appeal Ref: APP/Z2260/W/17/3172092

11 Westonville Avenue, Westbrook, Margate, CT9 5DY

The appeal is made under section 78 of the Town and Country Planning Act 1990 against refusal to grant planning permission.

The appeal is made by Mrs Laura Dudley against the decision of Thanet District Council.

The application Ref: F/TH/16/1595 dated 1 November, 2016 was refused by notice dated 24 January, 2017.

The development proposed is to demolish existing detached garage and build new detached garage with studio flat above.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The submitted plans show the proposed flat to have one bedroom, a separate open-plan living/kitchen/dining room, and a bathroom rather than being a studio flat as is described on the application form. Notwithstanding the description above, I have determined the appeal on the basis of the development shown on the submitted plans.

Main Issue

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

Reasons

4. 11 Westonville Avenue (No 11) is a semi-detached house situated in a pleasant partially tree-lined street of mixed residential properties which runs perpendicular to the seafront. There is a detached garage to the side of No 11 with off-street parking in front it.
5. It is proposed to demolish the existing garage and replace it with a taller and wider building to provide a double garage on the ground floor with a one bedroom flat at first floor level. Access to the flat would be taken from a front door adjacent to the double garage door. The appellant advises that the flat would be used by visiting members of the family, particularly in summer months given the seaside location, and the garage would be used for storage of classic cars and motorbikes. The appellant has been advised that the extent of work required to the building means it would be more cost effective to demolish and rebuild.
6. The existing garage has a somewhat rundown appearance, particularly in respect of the timber weatherboarding and garage doors which appear rotten in

places. However, the building is subservient in scale to No 11 and relatively unobtrusive, with details such as the decorative ridge tiles that add interest in the street scene. The new building would remain in essentially the same position as the existing in relation to the road and the front of No 11. However, it would be a little wider on each side and significantly taller than the existing building, with an altered roof pitch.

7. While the new building would remain smaller than No 11, the increased scale would make it less subservient and more obtrusive in the street scene. While I note the appellant's firm view that the building would be used in connection with No 11, it would have the general appearance of a modest detached house. While there are a variety of houses in the road, detached properties generally have a significantly wider plot than the new building would occupy. The appellant considers the existing garage to look like a little house, and to a point I agree given the window at first floor level in the front elevation. However, the increased scale and the introduction of further windows, balconies and a front door would significantly accentuate the increased domestic character and appearance of the new building.
8. The structure would have all the facilities necessary for independent residential occupation, such that it would, in principle, be potentially severable as a planning unit from No 11. While this may not be the appellant's current intention, there is no significant evidence before me that this would be particularly unlikely to happen, nor any mechanism before me to prevent it from happening. Nevertheless, the small scale of the proposed building, which would have the broad appearance of a dwelling, would be generally out of keeping with the prevailing scale and character of houses in the locality. Furthermore, it would appear relatively cramped in its plot as a result of its proximity to both No 11 and the common boundary with the adjacent bungalow and thereby out of keeping with the general pattern of development nearby.
9. In light of the above, I conclude that the proposed development would harm the character and appearance of the area. It would therefore conflict with saved Policy D1 of the Thanet Local Plan 2006, which among other things seeks to ensure that new development would respect or enhance the character or appearance of the area, particularly in scale, massing and rhythm. This policy pre-dates the National Planning Policy Framework but it is generally consistent with the aims of section 7 of the Framework in relation to requiring good design. I have therefore afforded it substantial weight for the purposes of this appeal.

Other Matters

10. I saw during my visit that No 16a Westonville Avenue appeared to be a small independent dwelling. However, that building is well set back from the road partially tucked to the rear of No 16. I also noted the other examples referred to in Westcliff Gardens and Barnes Avenue, both of which are streets in the general vicinity of Westonville Avenue. However, no significant evidence is before me in relation to the planning circumstances of those cases, or how they relate chronologically to current local and national planning policy. Accordingly, I am only able to give these examples a little weight in favour of this appeal, which I have anyway determined on its own merits.
11. Similarly, while the general site context to the appeal decision, Ref: APP/Z2260/A/01/1075388 referred to by the Council may be largely

unchanged and elements of the decision may remain pertinent, it pre-dates the current policy framework. That decision therefore only attracts a little weight against this appeal.

12. The Council advises that at the time of its decision it was unable to demonstrate a five year housing land supply (5YHLS), as is required by paragraph 49 of the Framework, and that it determined the application in the context of paragraph 14. There is also no significant evidence before me that the Council can currently demonstrate a five year supply. On 10 May 2017 the Supreme Court handed down its judgement on the *Suffolk Coastal District Council v Hopkins Homes Ltd and SSLG, Richborough Estates Partnership LLP and SSLG v Cheshire East Borough Council* case, which concerns the interpretation of paragraph 49 and its relationship with paragraph 14. The judgement makes clear that in the event of there being no 5YHLS the fourth bullet point in paragraph 14 would be engaged. The balance would then be tilted in favour of the granting of permission, except where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
13. The proposal would bring about some limited social and economic benefits, whether as supplementary accommodation for use in connection with No 11 or as a separate dwelling. In addition, as a separate dwelling the proposal would make a very modest contribution to housing supply, in a generally accessible location. I have found that the development would be significantly harmful to the character and appearance of the area and I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the development's very modest benefits.

Conclusion

14. For these reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR