



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: 6th July 2017

Appeal Ref: APP/Z2260/W/17/3172248

22 Grosvenor Road, Broadstairs CT10 2BT

- 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 Michael Beaumont against the decision of Thanet District Council.
 - The application Ref F/TH/16/1749, dated 22 December 2016, was refused by notice dated 15 February 2017.
 - The development proposed is change of use from office to dwelling, alteration to roof and two storey front extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on i) the character and appearance of the area and ii) the living conditions of future occupiers, with particular regard to the provision of outdoor space.

Reasons

3. The existing building at 22 Grosvenor Road (No 22) is a modest single storey standalone structure, situated in a predominantly residential area. Houses nearby are mainly terraced, although there are examples of detached properties in Grosvenor Road. No 22 is set back from the road with a parking area at the front and has a shallow mono-pitched roof. The front elevation includes a window and a pair of full height, side hung doors. The building is currently divided into two rooms, providing an office and a store. There is no dispute between the Council and appellant that site lies in a generally accessible location in Broadstairs and, as such, that the principle of residential development is acceptable.
4. It is proposed to add a first floor level over the existing building and a two storey extension to the front in order to facilitate the change of use of the building to a detached, two bedroom house. An off-street parking space and area for bin storage would be provided at the front. A small yard area at the rear of the building would be retained for private outdoor space.

Character and appearance

5. Despite being something of an anomaly in the street scene, the existing office building is visually unassuming in the street scene. It is positioned adjacent to a church with assorted rear garden fences, outbuildings and garages associated

with properties in Osborne Road to the other side. The lack of dwellings fronting the road in this area, and the small-scale, unobtrusive and low-rise form of built development here, gives a relatively open character to this part of Grosvenor Road with notable separation between the front of the Grosvenor Road properties and the rear elevations of Osborne Road. While the quality of the existing office building or the garage and outbuildings buildings is not particularly high, this arrangement gives a spacious feel to the road, which forms a key part of its existing character.

6. The proposed two-storey detached house would be substantially larger than the existing office and nearby garages, which would result in a prominent presence in the relatively open street scene. The house would cover a substantial portion of the plot, essentially filling the full width of the site. While the house would be set back from the road, relative to other houses nearby, it would nonetheless appear somewhat isolated from other residential development. Furthermore, as a result of its height, scale and siting, the house would partially obscure the church in views along the road, and would appear unduly dominant and discordant in relation to it. While the church is not listed, its features including flint elevations and stone mullion windows add significant interest to the local street scene.
7. For these reasons, the location, design and overall scale of the house would be out of keeping with the nearby low-rise and low-key built form and the adjacent church, which would fail to respect the surrounding pattern of development and result in an incongruous appearance in the street scene. This would be inconsistent with saved Policy D1 of the Thanet Local Plan 2006 (LP), which sets out general design principles including that development should respect or enhance the character or appearance of the surrounding area particularly in scale, massing and rhythm, and use materials appropriate to the locality. In this latter regard, the proposed use of Marley eternity cladding to the upper elevations would be likely to exacerbate the incongruous nature of the development in a locality where I saw that traditional materials predominate and such cladding does not form part of the general established character.
8. In light of the above, I conclude that the proposed development would significantly harm the character and appearance of the area. It would conflict with saved Policy D1 of the LP, the relevant criteria of which are set out above. This policy pre-dates the National Planning Policy Framework (the Framework) however, it is generally consistent with the aims of the Framework in relation to design and I therefore afford it substantial weight in this appeal.

Living conditions

9. I note the appellant's view that the nature and location of the house would make it attractive to a single person or couple commuting by public transport. This may be so however, the proposed house would have two bedrooms and therefore would potentially be occupied by a small family. As such, saved Policy SR5 of the LP expects the incorporation of adequate garden space to provide a safe 'doorstep' play area for young children. For the purposes of Policy SR5, dwellings having two bedrooms are assumed to be capable of accommodating at least one adult and one child and are therefore regarded as family dwellings. While I note the accessible location of the site, and the appellant's view about likely occupation by commuting adults, there is no

significant evidence before me to indicate that the house would be particularly unlikely to ever be occupied as a family dwelling.

10. The modest outdoor area at the front of the house would be essentially given over to parking and space for bins. While the area yard would be immediately adjacent to, closely visible from, and safely accessible from the house, it would be very small and would be severely restrictive in terms of its practical use due to the limited depth of only around 1m between the rear elevation and the brick wall on the rear boundary. Accordingly, I consider that the outdoor garden space proposed would be insufficient to meet the needs of future family occupiers and I am not persuaded that the particular circumstances indicate that the house would not be otherwise capable or likely to be occupied as a small family dwelling.
11. In light of the above, I conclude that the proposed development would significantly harm the living conditions of future occupiers, with particular regard to the provision of outdoor space. It would conflict with saved Policy SR5 of the LP, the relevant requirements of which are set out above. While this policy pre-dates the Framework it is generally consistent with the requirements of paragraph 17, which among other things requires a good standard of amenity for all future occupants.

Other Matters

12. The Council accepts that it cannot currently demonstrate a five year housing land supply (HLS) as is required by paragraph 49 of the Framework. On 10 May 2017 the Supreme Court issued a judgement¹ concerning the interpretation of paragraph 49 and its relationship with paragraph 14 of the Framework. The judgement makes clear that in the event of there being no HLS 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. I have considered the various benefits that the proposal might bring, including that it would make better use of brownfield land by providing an additional dwelling in an accessible location. However, the associated social and economic benefits would be very modest in relation to one dwelling. I have found that the development would be significantly harmful to the character and appearance of the area and the living conditions of future occupiers. Even if relevant policies for the supply of housing should not be considered up-to-date, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the development's very modest benefits.
14. The appellant is of the view that the office building could be converted to a dwelling under the permitted development prior approval procedure. However, there is no significant evidence before me that the provisions of Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) would extend to a development comparable to the case before me, including because the appeal proposal includes significant extensions and alterations to the building. Accordingly, I am unable to give more than very

¹ [2017] UKSC 37 on appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin)

limited weight to any likely fallback position under the GPDO, which does not alter my findings above.

Conclusion

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

Catherine Jack

INSPECTOR