
Appeal Decision

Site visit made on 24 July 2017

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 22 August 2017

Appeal Ref: APP/Z2260/W/17/3173824

Land formerly used as Club Union Convalescent Home, Reading Street, Broadstairs CT10 3AZ

- 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 Horn against the decision of Thanet District Council.
 - The application Ref F/TH/16/0924, dated 30 June 2016, was refused by notice dated 16 March 2017.
 - The development proposed is erection of 30 dwellings together with associated access and landscaping following demolition of 30 Convent Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was originally described as "erection of 34 dwelling houses together with associated vehicular access (Convent Road and Reading Street); and pedestrian access to Astor Road. Internal access roads and landscaping (following demolition of 16 & 30 Convent Road)". However it was amended during the course of the Council's assessment of the scheme and a revised description was used on the Council's decision notice and the appeal form. I have assessed the proposal on the basis of this revised description.
3. A unilateral undertaking (UU) has been submitted by the appellant which would make financial contributions towards social infrastructure and secure the provision of the affordable housing on the site. The Council has confirmed that this would address its second reason for refusal. I have taken the provisions of the UU into account in this decision.

Main Issues

4. In addition to the Council's reasons for refusal, I have had regard to all the various representations that were made by main and third parties. I therefore consider the main issues are:
 - a) The effect of the proposal on the character and appearance of the area;
 - b) Whether or not the proposed development would preserve or enhance the character or appearance of the Reading Street Conservation Area and the setting of the nearby Grade II Listed Buildings.
 - c) The effect of the proposal on the living conditions of occupants of Nos 43-49 Reading Street, in relation to enclosure and loss of privacy.

Reasons

Character and appearance

5. The appeal site is predominantly an area of private open land that lies immediately to the north of the Reading Street Conservation Area and to the east of residential development that fronts, or lies to the rear of, Convent Road. The northern boundary of the site abuts the North Foreland Golf Course. Most of the site was previously occupied by a residential care home and its associated gardens and grounds. The home was demolished about fifteen years ago, since when the area has remained undeveloped. Although details of the care home were not provided, I understand the building occupied a small area toward the site's eastern side. The appeal site also includes the plot, dwelling and driveway of No 30 Convent Road.
6. Reading Street is a narrow road with a narrow footpath on its northern side. For most of its length there is no footpath on the southern side. The buildings are mixed in character and include a pub, a shop and a church. They are mostly two-storey and appear to date from various eras. The compact nature of development gives the area the feel of a small village. Many of the buildings and their associated boundary walls are constructed of brick and flint. These materials, the gardens and a small area of public open space all contribute positively to the area's appearance. The limited amount of on-street parking is well used. Off-street parking is only available within the more spacious front gardens of the larger properties towards the eastern end of the street.
7. The eastern side of Convent Road closest to the appeal site is characterised by a mix of bungalows, detached and semi-detached houses typical of the 20th century. The dwellings are set in modest-sized plots and most have parking areas within their front gardens. Some also have single garages which are either attached or positioned towards the rear of the property.
8. An outline scheme to erect thirteen houses on the site of the former home, accessed from Reading Street was originally approved in 2005¹. This permission was renewed several times and reserved matters were approved in 2008². The full planning permission for the same scheme, granted in July 2013,³ has now lapsed.
9. The appeal scheme would occupy a larger site and would include an additional access from Convent Road, achieved by widening the driveway that serves No 30. It would therefore have two separate and distinctly different parts, each served by a cul-de-sac. Thirteen detached houses would be served by an improved access onto Reading Street. The remaining seventeen dwellings would be a mix of terraced, semi-detached, detached dwellings and flats accessed from Convent Road. A pedestrian route would link the two cul-de-sacs and there would be a pedestrian connection to Astor Road.
10. The eastern and northern parts of the appeal site would be laid out in a very similar manner to the previously approved schemes. This area would comprise a series of well-spaced, large detached houses with double garages, reasonable sized gardens and generously proportioned driveways. The properties would exhibit variations in the detail of their design and use of materials.

¹ OL/TH/02/0484

² RN/TH/08/0059, R/TH/08/0406 and OL/TH/10/0283

³ F/TH/12/0875

11. However, the street scene would be dominated by garages, sited either in the front gardens or projecting beyond the front elevations. Not all the houses would have direct street frontage, as several would be served by narrower, shared driveways. Neither of Reading Street nor Convent Road are characterised by provision of large garages within front gardens. Consequently, the layout would not create a sense of place that would respond positively to local character or could be effectively integrated into the existing development in the surrounding area.
12. The remainder of the site would be a mix of semi-detached, terraced and smaller detached properties. The layout would be completely different with smaller plots, no front gardens and very small rear gardens. The buildings would be much closer together. The density of the development would be more than twice that of the remainder of the site, a matter of considerable concern to local people. There would be car ports serving units 14, 15 and 20, but most of the parking would be around the cul-de-sac and would be communal. This part of the development would be dominated by road space and parked vehicles. Units 14 and 15 would effectively be surrounded by road and parking space. This would appear out of keeping with the surrounding area, which is not characterised by either an absence of front gardens or parking arrangements of this kind.
13. These factors demonstrate that the western part of the development would be a cramped and contrived form of layout, dominated by parked vehicles and with very limited space available for landscaping. It would not sit comfortably alongside the development of the remainder of the site, which would have a fundamentally different and more spacious layout. Furthermore, the pedestrian link through the site would appear to serve little purpose other than attempting to connect two very different forms of development. In reality there would be inadequate functional, visual or social links between the two areas, making it difficult to integrate them with each other or with the surrounding area.
14. I note that the site is allocated for a notional thirteen dwellings in the Emerging Draft local Plan. However, from the evidence before me, it is not clear how the site would be accessed or why the number of dwellings would be limited in this way. The site's development potential was previously constrained by the access 'ceiling' arising from the single access onto Reading Street. I understand this was imposed at the original outline stage by the highway authority and was based on the equivalent number of car movements from the convalescent home which previously occupied the site.
15. However, many years have passed since that original assessment, the site has been extended and an additional access has now been achieved. These changed circumstances appear to provide an opportunity for a different, more creative approach to the overall layout. Instead, the current scheme proposes amendments and an 'add-on' to the now lapsed proposal for thirteen dwellings. The proposal would therefore appear to be two separate developments, unrelated to the surrounding street scene, rather than an extension to the village with its own sense of identity.
16. I therefore conclude that it would be a poor quality design which would fail to respect or enhance the character or appearance of the area. It would fail to comply with saved Policy D1 of the Thanet Local Plan (Local Plan) which,

amongst other things, requires new development to provide a high quality layout that respects or enhances the surrounding area. In so doing it should have regard to matters such as the scale, mass and rhythm of the development and should incorporate new landscaping. The proposal would also be contrary to the National Planning Policy Framework's core principle of promoting good design and the advice set out in paragraphs 56-64.

Conservation Area and Listed Buildings

17. Most of the proposed development would not be visible from Reading Street. Nevertheless, the number and spacing of proposed dwellings on the western side of the appeal site would be at odds with the more informal layout of the properties within the Conservation Area. However, since public views of this part of the Area are only available from the rear gardens of the houses along the northern side of the Conservation Area, its effects on the setting of the Conservation Area would be limited. It would not give rise to material harm to its heritage significance, which arises from the alignment and width of Reading Street and the arrangement of buildings on either side.
18. Immediately adjacent to the site's existing access from Reading Street is a row of cottages, Nos 43-49, known as Convent Cottages. These Grade II Listed Buildings are 17th century-style cottages built of squared flints under a tiled roof with Flemish curved gable ends. The listing description states that they contribute greatly to the character of the village. Although they comprise four separate dwellings their common features mean that they are appreciated as a single building, set in a communal area of grass to the front and side and framed by an open, undeveloped area to the rear.
19. They are set back from the road and in a hollow. Each cottage has a very small private rear garden backing onto the appeal site, which is on higher ground. From what I saw on my site visit, the difference in levels appeared to be closer to the 1.6m suggested by local residents than the 0.8m suggested by the appellants. In my view the area immediately to the rear of the cottages and which was previously part of the gardens of the former home, is part of the setting of these Listed Buildings. Although this area is outside the Conservation Area, it provides the buildings with 'breathing space' so that they do not appear enclosed at the rear.
20. The proposed dwellings would be sufficiently distant from the cottages not to be prominent or visually dominant when viewed from Reading Street. However, the siting of Units 1 and 2 would undoubtedly affect the setting of the cottages due their bulk, height and proximity to them. The Council's conservation officer therefore recommended careful designing of the treatment of the rear gardens on the boundary of the Conservation Area to address the potential for harm. However, the shallowness of the cottage gardens and difference in ground in levels makes Convent Cottages different from other buildings along the north side of Reading Street, which are either closer to the road frontage or orientated differently. This makes them particularly sensitive to changes on or near the boundary with the appeal site. To my mind any additional landscaping in this area would erode the open setting of the buildings.
21. I therefore conclude that whilst the proposal would not be harmful to the setting of the Reading Street Conservation Area, it would be harmful to the setting of Convent Cottages. In this respect, it would conflict with the

Government's advice on the conservation of heritage assets, set out in paragraphs 126-134 of the Framework. Although in terms of the Framework this harm would be less than substantial, this is a matter to which I attach significant weight.

Living conditions

22. The rear of the house on Plot 2 would look directly towards the rear bedrooms within Convent Cottages. Notwithstanding the previous scheme and the proposed separation distance between the buildings, it seems to me that the limited depth of the rear gardens of the cottages and the difference in levels between their bedrooms and the appeal site would give rise to a strong perception of being overlooked. Furthermore, the addition of landscaping along the rear boundary of the conservation area would result in an unacceptable level of enclosure for the occupants. Even vegetation of a modest height and bulk would have an overbearing appearance on the both rear elevation of the cottages and their small gardens, making these homes and gardens less pleasant places to be.
23. I conclude that the proposal would be harmful to the living conditions of the occupants of Convent Cottages, arising from an increased sense of enclosure and a perceived loss of privacy. This would be contrary to the Framework's core principle of always ensuring a good standard of amenity for the existing and future occupants of land and buildings.

Other Matters

Traffic and highway safety

24. Many local people have expressed concern about the additional traffic movements that would be generated by the proposed development and its effects on Reading Street. The road is only 3.6m wide in places and parked vehicles further restrict its width, making traffic manoeuvres more difficult and tortuous. The street is not well suited to accommodating the existing flows of approximately 1500 vehicles per day. There was evidence that boundary walls have been damaged by vehicles, particularly where there is no footway. Walking along the street is not a particularly attractive or comfortable experience.
25. The proposal would incorporate improvements to the access in Reading Street and introduce a second access into the site from Convent Road. These accesses would meet the highway authority's standards with respect to visibility. The appeal scheme would not contribute to addressing any of the existing conflicts between people, buildings and vehicles. However, the amount of additional traffic that would be generated by the development would be modest. It would not result in severe impacts on the capacity or operation of the surrounding road network. Rejection of the scheme on highway grounds is therefore not justified.

Unilateral Undertaking

26. Saved Policy H14 of the Local Plan requires development of more than fourteen units to provide 30% affordable housing. The application would provide nine such units. The Council is satisfied that the number and tenure which would be secured through the UU would meet its requirements. This is a matter which weighs in the scheme's favour.

27. The Council is also satisfied that appropriate financial contributions towards play space, libraries, and education have been secured through the UU. Similarly the UU makes adequate provision for a contribution towards the Strategic Access Management and Monitoring Plan to mitigate impacts of recreational activities on the Thanet Coast and Sandwich Bay Special Protection Area. However, as I am dismissing the scheme for other reasons, it has not been necessary to consider the provisions of the UU in any further detail.

Planning balance

28. The Council accepts that it is unable to demonstrate a five year supply of deliverable housing sites in the District as required by paragraph 49 of the Framework. I have therefore determined the appeal in accordance with paragraph 14 of the Framework.

29. The proposal would provide thirty additional homes which would make a small, but valuable, contribution towards meeting the district's identified housing needs. Nine of these homes would be affordable and these would be secured through the UU. The development would therefore have social benefits which carry significant weight in the scheme's favour. In addition the proposal would create jobs during the construction period and future occupants could bring additional expenditure in the area. The scheme would therefore benefit the local economy, a matter of modest weight.

30. On the other hand, the proposal would be a poor quality design that would not add to the overall quality of the area. I consider this to be a matter that attracts substantial weight. It would adversely affect the setting of Listed Buildings, a matter of significant weight. In addition, it would result in harm to the living conditions of occupants of Convent Cottages, a matter of moderate weight. The proposal would therefore not meet the environmental dimension of sustainable development.

31. These factors lead me to conclude that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Overall the proposal would not be a sustainable development.

Conclusion

32. For the reasons set out above, I find that there are no material considerations that outweigh the conflict with the development plan and the requirement to give considerable weight and importance to the conservation of heritage assets in planning decisions. I therefore conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR