
Appeal Decision

Site visit made on 25 June 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/Z2260/W/18/3206665
124 - 126 King Street, Ramsgate CT11 8PA

- 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 Allyjaun against the decision of Thanet District Council.
 - The application Ref F/TH/18/0269, dated 22 February 2018, was refused by notice dated 20 April 2018.
 - The development proposed is the construction of 4 No one bedroom flats in two storey detached block with associated refuse and cycle storage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are:
 - whether the development would preserve or enhance the character or appearance of the Ramsgate Conservation Area with particular regard to the relationship with existing buildings and the loss of the trees; and
 - the effect of the development on the living conditions of future occupiers.

Reasons

Conservation Area

4. The appeal site is located on King Street, fronting onto the road. It is set between existing frontage buildings and there is also a building set to the rear. At present it comprises tall, close-boarded fencing. Part of the site is currently used informally as garden space for the occupiers of Barton Court, however the Appellant advises that they are not the landowners and have no legal right to use the land.

5. The site falls within the Ramsgate Conservation Area which incorporates a mix of areas including the sea front and commercial areas. The immediate surroundings are mixed in character and uses with two and three storey properties lining each side of the road, many which include shop premises at ground floor.
6. The proposed development would introduce a two-storey building which would contain four, one bedroomed flats. The proposed building would sit in line with the adjacent road frontage buildings. The Council have not raised concerns over the design of the proposal, and I have no reasons before me which would lead me to disagree with this view.
7. The appeal site forms a gap within an otherwise built up frontage and is noticeable within the street scene. The immediate surroundings are characterised by buildings which abut the pavement and therefore the positioning of the proposed building would respect this existing arrangement.
8. However, a residential building, Barton Court, is set back from the road and is located directly to the rear of the appeal site. Whilst this leaves a space between the existing frontage buildings, the introduction of the proposed development close to this existing building would appear cramped and out of character with the surroundings.
9. Within the site there are three trees including a large and mature Norway Maple tree which is subject to a Tree Preservation Order. The proposed development would involve the removal of these trees. The Norway Maple in particular appears to be in good condition and makes a positive contribution to the visual character of the street scene. It is visible from a number of views, including from a reasonably long distance away. The tree is therefore worthy of retention and its loss would be detrimental to the visual character of the area.
10. Consequently, the proposed development would not preserve or enhance the character or appearance of the Ramsgate Conservation Area. It would therefore fail to comply with Policy D1 of the Thanet Local Plan (2006) (Local Plan) which seeks to ensure that new development respects and enhances the character of existing areas, especially conservation areas, and retains mature trees, amongst other things. It would also be contrary to paragraphs 127 and 192 of the National Planning Policy Framework (2019) which seeks to achieve high quality development and ensure new development makes a positive contribution to local character and distinctiveness. Although the harm to the Conservation Area would be less than substantial, the benefits of the removal of fly tipping from the site frontage and the proximity of the site to facilities and services would not outweigh this harm.

Living Conditions

11. The proposed development would be located adjacent to Barton Court which is a three-storey residential building set back from King Street and Sussex Street.
12. Although the proposed development would infill a road frontage site, the existing positioning of Barton Court would result in a development which would sit directly in front of the existing building. Although the doors to these properties are facing Sussex Street, Barton Court has a number of primary windows facing the appeal site and the proposed development would be sited in proximity to these. Accordingly, this would result in a substandard outlook

for the occupiers of Barton Court which would be significantly harmful to their living conditions.

13. For the above reasons I find that the proposal would result in harm to the living conditions of neighbouring occupiers and would therefore fail to comply with Policy D1 of the Local Plan which requires new development to be compatible with neighbouring buildings and not lead to an unacceptable loss of amenity, amongst other things.

Other Matters

14. Local objections have been received concerning, in addition to the above matters, impacts during construction, wildlife impacts and a dispute over the land ownership. However, given my findings on the main issues it is not necessary for me to conclude on these matters.
15. I note the Appellant's comments in relation to the time taken for the Council to determine the application and the issue with the call-in and tree preservation order processes. However, these are not matters for me to conclude upon and would need to be raised directly with the Council.

Conclusion

16. For the above reasons, and having regard to all matters raised including the copies of the email correspondence, I conclude that the appeal should be dismissed

R Norman

INSPECTOR