
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/18/3204725

Land rear of 163, Westwood Road, Broadstairs CT10 2NR

- 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 Brian Stageman against the decision of Thanet District Council.
 - The application Ref F/TH/17/1111, dated 29 June 2017, was refused by notice dated 25 April 2018.
 - The development proposed is described as to install new dwelling build on the land to the rear of 163 Westwood Road.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling build at land to the rear of 163, Westwood Road, Broadstairs CT10 2NR in accordance with the terms of the application, Ref F/TH/17/1111, dated 29 June 2017, subject to the following conditions in the attached Schedule.

Main Issue

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

Reasons

3. The appeal site is located to the rear of 163 Westwood Road. The land to the rear comprises a large area of grassed land accessed via the existing driveway and properties. To the rear of the site is the building and car park for a health club.
4. The proposed development would introduce a two-storey dwelling into the rear corner of the grassed land and it would comprise a chalet style bungalow with dormer features. The dwelling would be accessed via the private driveway with a pedestrian walkway.
5. This part of Westwood Road is characterised by a number of residential properties set at varying distances from the road. No 163 and 165 sit back from the road frontage dwellings and No 157 also has a similar arrangement. The proposed development would introduce further in-depth development.
6. To the rear of the appeal site is a large health club development and a large Tesco building is also visible from the site which encloses the appeal site to a degree. In addition, No 157, and beyond this a car sales building, are set back

in a similar position to the proposed dwelling, albeit as a result of the bend in the road. However, the proposed development would not encroach considerably further back than these properties.

7. Access to the proposed dwelling would be via the existing shared driveway, leading to a pedestrian path around the perimeter of the larger site. I acknowledge that this would be somewhat convoluted and would require future occupiers to walk a reasonably long distance. However, this in itself would not be harmful to the extent that it would result in the development being unacceptable.
8. The proposed dwelling would be a chalet bungalow style with dormer windows in the roof, which are shown on the plans to be in line with the ground floor windows. Although the design is relatively simple with little fenestration or detailing, there are a mix of dwelling designs in the surrounding area. The use of good quality materials would enhance the simple design and therefore I find that the proposed dwelling would not be out of keeping or unsightly within the context of its surroundings.
9. Consequently, I find that as a result of the varied designs, the positioning of existing buildings and the location of large commercial units nearby the proposed development would not be unduly harmful to the character and appearance of the area. It would therefore comply with Policy D1 of the Thanet Local Plan (2006). This requires development to be high quality, respect the character or appearance of the area and use materials appropriate to the locality, amongst other things. The development would also comply with Section 12 of the National Planning Policy Framework (2019).

Other Matters

10. An objection has been received from a neighbouring resident raising concerns over the impact on their garden, parking during the construction phase, access for emergency services and the use of their gate.
11. The use of the gate would be a civil matter between the Appellant and the neighbour and emergency services could use the proposed pedestrian access. Whilst there may be some disruption during the construction period this is likely to be limited for one dwelling and arrangements can be made for small vehicles to access the site.
12. In relation to the impact on the neighbouring garden the proposed dwelling is relatively modest in height and with appropriate boundary treatment in addition to the proposed fenestration the proposed development would not result in harm to the living conditions of the adjoining neighbours.

Conditions

13. In addition to the standard time limit condition I have imposed a condition listing the approved plans as this provides certainty. The Council have requested a number of conditions which I have considered against the advice in the Planning Practice Guidance and amended or omitted where necessary.
14. I have imposed conditions for the external materials and boundary treatments in the interests of the visual character of the area. A condition for parking provision is necessary in the interests of highway safety. A condition for details of the foul and surface water drainage is necessary in the interests of the

satisfactory drainage of the site and I have imposed a condition for biodiversity enhancements in the interests of providing suitable measures for wildlife.

15. I have not imposed a condition restricting the permitted development rights for the development as this should only be done in exceptional circumstances. The Council have not identified any such circumstances to justify the inclusion of this condition.

Conclusion

16. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

Schedule of 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: Drawing Numbers A/01/03 and A/01/06
- 3) No development shall take place on any external surfaces of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) The area shown on the approved plan for vehicle parking and manoeuvring areas shall be provided prior to the first occupation of the development hereby permitted and thereafter kept available for such use at all times.
- 5) No development other than works required for site clearance shall take place until details of the means of foul and surface water disposal have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) Prior to the first occupation of the development hereby permitted, details of the positions, heights, design, materials and type of boundary treatments shall be submitted to and approved in writing by the local planning authority. The agreed boundary treatments shall be completed prior to the occupation of the dwelling.
- 7) Prior to the completion of the development hereby permitted details of biodiversity enhancements shall be submitted to and approved in writing by the local planning authority. These shall include details of bat and bird nesting boxes and provision of native planting where possible. The approved details shall be implemented and thereafter retained.