



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/18/3204607

The Lord Nelson, 11 Nelson Place, Broadstairs CT10 1HQ

- 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 M Jeffries, Sequest Properties Ltd against the decision of Thanet District Council.
 - The application Ref F/TH/18/0281, dated 26 February 2018, was refused by notice dated 14 May 2018.
 - The development proposed is the erection of part 3 storey, part 4 storey building comprising 5 No 2 bed self-contained flats together with 1 No 2-bed dwelling house to rear elevation following demolition of existing buildings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Part E of the Appeal Form states that the description of development changed from the one on the original application form. I have therefore used the amended description in the above heading.

Main Issues

3. The main issues are:
 - whether the development would preserve or enhance the character or appearance of the Broadstairs Conservation Area; and
 - the effect of the development on the living conditions of nearby occupiers.

Reasons

Conservation Area

4. The appeal site comprises a vacant building which was formerly a public house. It is sited on a corner plot on the junction of Nelson Place and Devonshire Terrace. Tunis Row runs to the rear of the site. The building is currently fenced off and in a degree of disrepair. It comprises a three-storey main building with a single storey side projection.

5. The proposed development would involve the demolition of the existing building and its replacement with a three and four-storey building which would provide five 2-bed flats and a 2-bed dwelling located to the rear.
6. The site is located within the Broadstairs Conservation Area which covers a large area from the sea front into the town. The character of the Conservation Area is mixed with a number of commercial premises and residential properties present as well as historic and feature buildings. There are a range of scales and styles of building included within the Conservation Area.
7. In the vicinity of the appeal site, Nelson Place is characterised by traditional and attractive rows of terraces. In addition, there are the occasional stand-alone buildings such as the single-storey commercial property on the opposite side of the road, No 8, and the nearby Church. The appeal building forms a reasonably traditional public house building which, whilst not wholly consistent with the prevailing form of architecture, has some common and traditional features. At present the site is fenced off and the roof is missing from the building and in its current condition its contribution to the character of the Conservation Area is reduced, nevertheless it adds a degree of interest to the built form.
8. Although not wholly representative of the prevailing character of the area, the existing building forms a feature in the street scene which would have distinguished the public house from the residential properties. The proposed replacement building would replicate some of the traditional elements of the building, however would introduce a number of more modern features. Whilst adding a contemporary contrast, these modern additions would appear disjointed and result in a mixed appearance which would be at odds with the existing visual character.
9. There are a few examples of Juliet balconies on the front elevations of the properties further along Nelson Place and also balconies are present on a few properties within Rectory Road. However, these are not numerous. In addition, these appear to be confined to the first floor of the properties whereas the proposed development would introduce a second floor balcony. Whilst the inclusion of balconies to the front of the development would not be wholly out of keeping with the surroundings, the use of modern glazing to these would not reflect the character of the area.
10. The proposed development would replace the single storey side element with a three-storey building. Whilst remaining subservient in height to the main building, it would nevertheless add a degree of bulk, extending the full width of the site. I acknowledge that the terraced properties on the opposite side of Devonshire Terrace are full height up to the side boundary. However, whilst the proportions of the main element of the building would reflect the surrounding properties, I find that the secondary element would appear much wider and out of proportion with the scale and form of the surrounding terraced properties, which have a narrow and tall appearance.
11. I note the previous appeal decision¹ which gave permission for the change of use of the building to residential accommodation involving partial demolition. However, this did not propose the complete demolition of the building rather

¹ APP/Z2260/W/15/3016558

the removal of some subservient elements of the building. As such, I do not find this to be wholly comparable with the scheme before me.

12. Consequently, for the above reasons I conclude that the proposed development would fail to preserve or enhance the character or appearance of the Broadstairs Conservation Area. Whilst the harm to the Conservation Area would be less than substantial the benefits identified by the Appellant, namely the contribution to the supply of housing and that the development utilises a previously developed site in an accessible location, taken collectively are not sufficient to outweigh this harm. The development therefore fails to comply with Policy D1 of the Thanet Local Plan (2006) (Local Plan) which seeks to ensure that new development respects or enhances the character and appearance of the surrounding area, amongst other things. It would also be contrary to Section 16 of the National Planning Policy Framework (2019) (the Framework).

Living Conditions

13. The proposed development includes two balconies at first floor level and one larger balcony to the second floor level on the front elevation. Opposite the appeal site are residential properties. No 2 Rectory Road is located on the junction with Nelson Place and its garden runs along the opposite side of the road to the appeal site.
14. The inclusion of the balconies to the first floor would be set at an oblique angle to the garden of No 2 and, coupled with the distance between the properties, would be unlikely to allow significant views into the garden. The second floor balcony would be closer to No 2 and as a result of its height, would allow some angled views over the existing boundary fencing and vegetation. No 2 appears to have the majority of its garden area to the side, adjacent to Nelson Place. Consequently, as a result of the positioning and height of the second floor balcony, there would be a loss of privacy and the potential for overlooking to much of the garden area. This would adversely affect the living conditions of the occupiers of this property.
15. The proposed development would therefore fail to comply with Policy D1 of the Local Plan insofar as it requires new development to avoid unacceptable loss of amenity through overlooking, amongst other things. It would fail to comply with paragraph 127 f) of the Framework also.

Conclusion

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

R Norman

INSPECTOR