The Planning Inspectorate

Appeal Decision

Site visit made on 12 June 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/Z2260/W/19/3221437
28, Augusta Road, Ramsgate CT11 8JS

- 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 Mrs Linda Cunningham against the decision of Thanet District Council.
- The application Ref F/TH/18/1358, dated 28 September 2018, was refused by notice dated 5 December 2018.
- The development proposed is the demolition of garages and erection of part 1 part 2 storey self contained dwelling with parking.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Broadstairs Conservation Area.

Procedural Matters

3. The Council have acknowledged a typographic error in their reason for refusal and their reference to Paragraph 195 of the National Planning Policy Framework (the Framework) should have referred to Paragraph 196. The appellant has had the opportunity to comment and I do not consider that this error has prejudiced the case of either party.

4. The Draft Thanet Local Plan to 2031 (2018) has been submitted but has yet to be examined and found sound. Therefore, it attracts limited weight.

Reasons

5. The appeal site is a garage block lying within development fronting Truro Road, D'Este Road, Victoria Parade and Augusta Road within the Ramsgate Conservation Area (CA). It is accessed off Truro Road.

6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a CA, special attention is paid to the desirability of preserving or enhancing the character or appearance of the area. In addition, Paragraph 193 of the Framework requires when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

7. The character and appearance of the CA is defined by streets of predominantly terraced 2 to 4 storey houses of varying design, often with prominent bay windows and balconies, fronting the road, but set back off the street by small front gardens or light wells. The terraces are occasionally interspersed by detached and semi-detached properties. Roofs vary in design and form but are predominantly slated or tiled traditional pitched roofs, some of which are concealed by parapet walls.

8. The proposal would demolish the garage block and replace it with a two storey dwelling with flat roofs. The square form of the upper storey, which would be clearly visible from D'Este Road, would appear intrusive and incongruous within the backland between the more substantial dwellings, whilst the flat roof would be out-of-keeping with roof forms in the area.

9. The design of the proposed scheme would neither reflect nor successfully contrast with the buildings in the immediate vicinity. The design does not seek to replicate the surrounding buildings, but in doing so has resulted in a design that would introduce a discordant element to the neighbourhood that is out-of-keeping with the CA. In this particular context that lack of conformity would be so significant as to amount to harm.

10. The parties are in agreement that the garage block is becoming run-down. In its current state, it detracts from the CA. However, allowing the proposed development to proceed would not be the only means of addressing this and alternative courses of action, such as refurbishment, or the implementation of the development granted permission by the Council under permission ref F/TH/18/0388 (the 2018 permission) are available.

11. The development permitted under the 2018 permission lacks the upper storey and so, were it to be implemented, would not result in the visual incongruity within the CA identified above. I note also that the Council having granted permission, have found the impact of the 2018 permission on the CA acceptable.

12. I therefore find that the development would cause material harm to the character and appearance of the Ramsgate Conservation Area contrary to Policy D1 of the Thanet Local Plan (2006), which requires new development to respect or enhance the character or appearance of the surrounding area. Similarly, the proposal would be contrary to the provisions of Paragraphs 127, 192 and 196 of the Framework which jointly aim to ensure that development is sympathetic to local character and history, including the surrounding built environment and does not unacceptably affect the historic environment.

13. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. As a consequence of its design the appeal scheme would have a harmful impact on the CA insofar as it would neither preserve nor enhance the character or appearance of the CA. The proposal would not lead to the loss of any buildings that make a positive contribution to the character or appearance of the CA. As such, whilst material, I find that the harm would be less than substantial. Paragraph 196 of the Framework directs that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.

14. The development would provide public benefits in terms of delivering an additional single dwelling to boost housing supply using previously developed land in a location close to the town centre. There would be likely minor benefits to the local economy in terms of short term employment in the construction industry and longer term support to local shops and businesses. However, benefits would be limited by the scale of the development. The site would replace a building that is becoming dilapidated and increase natural surveillance of this backland area. However, there is a permission that would address this issue and provide similar benefits without the resultant harm to the CA identified above and so taken together these benefits carry limited weight.

15. It is proposed that the design of the new dwelling would exceed modern building regulations and energy efficiency. However, I am not persuaded on the basis of the evidence before me that the dwelling would be so outstanding or innovative in terms of design and level of sustainability as to represent the circumstances where the Framework considers that great weight should be afforded to such development. Further, the Framework requires that even in such cases the development must fit in with the overall form and layout of its surroundings and so I attach only limited weight to this argument.

16. On the evidence before me I therefore conclude that the public benefit, in this case, has not been demonstrated to outweigh the less than substantial harm identified to the CA.

Other matters

17. The appellant disputes that the Council is able to demonstrate an effective five year housing land supply. Even were I to agree with the appellant's assessment of the five year housing land supply, having regard to Paragraph 11 of the revised Framework, the Conservation Area is a designated heritage asset and therefore the presumption in favour of sustainable development does not apply in this case.

18. My attention has been brought to other backland buildings in the area which exceed single storey in height. However, I have limited information regarding those developments to reach a view on the comparability between them and the proposal before me. In any case I have determined this appeal upon its own merits.

Conclusion

19. For the reasons given above the appeal is dismissed.

I Dyer

INSPECTOR