



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/19/3221602 71 Bursill Crescent, Ramsgate CT12 6HA

- 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 Adam Mitchell against the decision of Thanet District Council.
 - The application Ref F/TH/18/1157, dated 13 August 2018, was refused by notice dated 9 October 2018.
 - The development proposed is the erection of one, two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised version of the National Planning Policy Framework was published in July 2018. Whilst there have been further revisions since to the Framework, contained in the new version published in February 2019 (the Framework), no changes have been made to the content directly relevant to the subject matter of this appeal. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the Framework into account in my assessment of the appeal's merits.
3. 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.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the appeal site and its surroundings.

Reasons

5. The appeal site is a corner plot at the western junction of Bursill Crescent with Bush Avenue. The local area is characterised by pairs of semi-detached dwellings fronting the road, set back off the road by moderately sized private front gardens serving each individual dwelling, separated by paired driveways, often with a single storey garage or extension to the side. Generally rear gardens are generously proportioned and houses occupy substantially less than half of the total plot area. The corner plots at the junctions with Bush Avenue are larger, with more substantial side gardens which provide a sense of openness around the junctions.
6. The sub-division of No 71 results in the garden being divided into two private gardens enclosed by fences, and a shared area dominated by car parking

fronting Bursill Crescent. The two private gardens would have a somewhat awkward, incongruous layout when compared to the surrounding pattern of development in the immediate area, with the retained area for No 71 projecting perpendicularly from the house to front onto Bush Avenue. The ratio of built footprint to amenity area would be noticeably greater than those of surrounding plots. This would introduce a discordant feature in the overall pattern of buildings and private space in the area. This discord would be emphasised by the shared nature of the frontage to Bursill Crescent with the presence of the car parking and domestic paraphernalia for an additional residential unit within the site.

7. Further, the development would result in a short terrace of houses, and, although the new dwelling would be set back from the frontages of Nos 69 and 71, giving a degree of subservience, the space on the frontage of Bursill Crescent accommodating the parking and domestic paraphernalia of two households and subdivision of the garden would be noticeable from the street, evidencing the existence of a separate dwelling.
8. The overall impression that would result from the subdivision would be of two cramped dwellings introduced into the more generously proportioned pattern of development and the formation of a short terrace of houses. Given the importance that I have placed on rhythm of the street frontages created by the pattern of semi-detached dwellings with intervening spaces and the sense of openness created at junctions by the corner plots to the character and appearance of the area, the break in this rhythm and the reduction in openness would be out of character and incongruous with the form of existing development when viewed from the street. Further, the sub-division of the garden would noticeably alter the character of the private areas in the vicinity when viewed from nearby properties. In this particular context that lack of conformity would be so significant as to amount to harm, regardless of whether suitable internal and external private amenity space were provided.
9. The Council granted permission for a two storey side extension – ref FH/TH/16/0069 – (the 2016 permission) of the same form, scale and design, with the exception of fenestration, as the proposed dwellinghouse. Whilst this included a side fence separating the front space from the retained garden, the 2016 permission would not have created an additional separate dwellinghouse and therefore would not have introduced the car parking and domestic paraphernalia of a second household to the front space, nor subdivided the rear/side garden. Thus, had the 2016 permission been implemented, it would not have the same harmful impact upon the street scene as identified above.
10. I therefore conclude that the development would result in significant harm to the character and appearance of the appeal site and its surroundings, contrary to Policy D1 of the Thanet Local Plan -2006- (the Local Plan) in that the proposal fails to respect and enhance local character of existing areas and buildings. For similar reasons, the proposal would be contrary to the aims of Paragraphs 127 and 130 of the Framework in as much as the proposal is not sympathetic to local character, including the surrounding built environment and fails to take the opportunities available for improving the character and quality of the area.

Other Matters

11. The main parties are in agreement that the most up-to-date evidence indicates that the Council cannot demonstrate a five year housing land supply. A presumption in favour of sustainable development therefore applies, in accordance with Paragraph 11 of the National Planning Policy Framework.
12. The development would provide benefits in terms of delivering an additional home to boost housing supply albeit that irrespective of any shortfall in supply, a single home would only have a limited benefit. There would be 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. The site is in an existing built-up area, although I have little evidence before me of its accessibility to shops and services to provide for the day to day needs of future occupiers.
13. It is proposed that the development would include measures to minimise power and water consumption. However, I am not persuaded on the basis of the evidence before me that the dwelling would necessarily be outstanding or innovative in terms of its design and levels of sustainability, and consequently would not represent the circumstances where the Framework considers that great weight should be afforded to such development. Together these benefits carry limited weight.
14. However, the proposed development would result in significant harm to the character and appearance of the appeal site and its surroundings, and this matter attracts substantial weight.
15. In conclusion the identified harm would significantly and demonstrably outweigh the limited benefits provided by the scheme when considered against development plan policies and the NPPF when read as a whole.
16. It has been suggested that a 2m high fence could be erected at the proposed boundary between the two private garden areas without any additional planning permission, but I have no evidence before me to suggest that such a fence would, in fact, be erected. In any event, such a fence would not sub-divide the plot to form a separate dwelling. Therefore, I give this matter little weight.
17. My attention has been drawn to a seemingly similar development at 26 Bursill Crescent. Whilst I have limited information regarding the history of that development, I note that it retained separate street frontage for each property and a sizeable side garden. Further, the site is located on the inside of a bend within the crescent, rather than at a junction on a through road and I do not consider that this site is so contextually similar as to provide a relevant comparison to the appeal proposal.
18. The appellant has expressed frustration with the way in which the Local Planning Authority handled the application. However, this is a matter between the parties involved and is not something that would affect the outcome of this appeal.

Conclusion

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

I Dyer

INSPECTOR