



Appeal Decision

Site visit made on 10 June 2019

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 23 July 2019

Appeal Ref: APP/Z2260/D/19/3225953

1 Sandhurst Road, Cliftonville, Kent CT9 3HR

- 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 Gerrard O'Carroll against the decision of Thanet District Council.
 - The application Ref FH/TH/18/1585, dated 12 November 2018, was refused by notice dated 14 February 2019.
 - The development proposed is a 2 storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the site and surrounding area.

Reasons

3. The appeal site is a detached dwelling prominently sited on a corner plot, at the junction of Sandhurst Road with Knockholt Road, in a predominantly residential area. The land is undulating so that there is a general fall in levels along Sandhurst Road towards the appeal site, and levels continue to fall beyond Knockholt Road towards the sea. However, the land level also rises along Knockholt Road as one travels away from its junction with Botany Road, so that the appeal site appears to be in a dip in the road, allowing wide views of it in the approaches along Knockholt Road. Although the neighbouring houses on Sandhurst Road have a high degree of similarity, there is a variety of building designs and styles in the wider area.
4. The appeal site fronts onto Sandhurst Road, which is characterised by relatively tightly spaced two-storey detached and semi-detached houses. Opposite the appeal site on Knockholt Road is a group of bungalows on land that slopes away from the road, and a small area of open space. The side elevation of 1 Sandhurst Road is set well back from the footway of Knockholt Road, which reflects the setback position of properties fronting onto the road. These elements combine to give the area around the junction a distinctive spacious character.
5. The appeal proposal would result in the two storey side elevation of No 1 being significantly closer to the boundary of the site with the footway. Due to the height and depth of the extension, and its proximity to the boundary, it would

introduce a dominant feature in this prominent location. Although a gap to the boundary would be retained, the sense of spaciousness would be significantly reduced in this open area at the junction of Sandhurst Road and Knockholt Road. The extension would result in the dwelling appearing overly large and dominant on the plot, which would enclose views along Knockholt Road. As a result, the proposal would detract from the distinctive spacious character of the area.

6. The appellant has drawn my attention to various extensions to properties in the surrounding area, which I saw on my site visit. I appreciate that the extension to 157 Botany Road has brought its side elevation closer to the road frontage on Knockholt Road, but due to the general slope of the land and the lower height of the extension it is not comparable to the appeal proposal. The extension to 60 Knockholt Road has kept a significant gap to the boundary and also reflects the set back of the side elevation of the property on the opposite side of Lamberhurst Way in relation to the footway. 98 Knockholt Way has also retained a substantial gap to the boundary to retain the spaciousness of this junction. The extension to 1 Knockholt Road has resulted in an extension very close to its side boundary, but as it is not a corner plot it is not in a prominent position. I do not find the example on Hadlow Drive to be comparable as the character of that residential development is less spacious than the area around the appeal site. I therefore do not find that the examples indicate that this appeal should be allowed.
7. I appreciate that the set back of dwellings from the road varies, and that dwellings on corner plots are often closer to the road than those that are set behind front gardens or drives. However, I have considered the appeal on its own merits on the basis of the characteristics of the site and surrounding area and found that it would be harmful. I recognise that the appellant considers that the proposal would improve the appearance of the site, as the area to the side of the dwelling is currently the subject of vandalism and littering, but this does not override the harm I have identified.
8. For the reasons given above, I therefore find that the proposal would be harmful to the character and appearance of the site and surrounding area, and would therefore conflict with Policy D1 of the Thanet Local Plan 2006 (the Local Plan), insofar as it seeks to ensure that new development respects or enhances the character or appearance of the surrounding area.

Other Matters

9. I recognise that the extension has been proposed to meet the needs of a disabled member of the family. While I have sympathy with their circumstances, I have seen no evidence that there are no alternative means of providing the required accommodation that would be less harmful to the character and appearance of the area. I am therefore not persuaded that their personal circumstances override the harm I have identified.
10. The proposal includes a new boundary wall along the side boundary of the property. This would be similar to other boundary treatments in the area and would not have a significant impact on the spacious character of the site. I therefore find no harm in respect of this element of the proposal and I note that the Council has not raised any concerns in this regard either.

Planning Balance and Conclusion

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations, which include the National Planning Policy Framework, indicate otherwise.
12. It is not suggested that the development plan is out of date, I have found that the proposed development would be harmful to the character and appearance of the area and would, therefore, conflict with Policy D1 of the Local Plan. No material considerations have been identified that would warrant making a decision other than in accordance with policies in the development plan.
13. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The Act sets out the relevant protected characteristics which includes disability. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the Act. I have also had regard to the rights conveyed within the Human Rights Act, in particular Article 8 of the European Convention on Human Rights which concern a right to respect for private and family life.
14. There would be a serious interference with respect to this right and there would be an adverse impact on an individual with a protected characteristic. The negative impacts of dismissing the appeal will arise from the continuation of current living arrangements which are not ideal for the family member, or the investigation of alternative means of providing appropriate accommodation. However, having due regard to this, and to the need to eliminate discrimination and promote equality of opportunity, in my view the adverse impacts of dismissing the scheme on those with protected characteristics would be justified and the decision would be necessary and appropriate, having regard to the harmful effect of the proposed development on the character and appearance of the site and the surrounding area.
15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

N Thomas

INSPECTOR