
Appeal Decision

Site visit made on 5 August 2019

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 August 2019

Appeal Ref: APP/Z2260/W/18/3217276

Land adjacent to Stella Maris Convent, North Foreland Road, Broadstairs, Kent CT10 3NR

- 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 H Stroud against the decision of Thanet District Council.
 - The application Ref F/TH/18/0882, dated 21 June 2018, was refused by notice dated 18 September 2018.
 - The development proposed is the erection of 4 detached two storey dwellings with associated access and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - The effects of the proposal on the Green Wedge and the weight to be given to any harm
 - The effects of the proposal on the significance of the listed wall
 - The effects of the proposal on the living conditions of neighbours.

Reasons

Green Wedge

3. The appeal site is a roughly rectangular parcel of land with a frontage onto North Foreland Road. Land to the south accommodates the relatively recent residential development of North Foreland Heights and land to the north accommodates a convent. Land to the west is open and in mainly agricultural use.
4. The appeal site forms part of a much larger area designated as a Green Wedge in the Thanet Local Plan 2006 (LP). Policy CC5 of the LP states that within the Green Wedges new development will not be permitted unless it is demonstrated that: 1) it is not detrimental or contrary to the aims of the policy; or 2) it is essential for the proposed development to be located within the Green Wedges. The policy adds that new development that is permitted should make a positive contribution to the area in terms of siting, design, scale and use of materials. The stated aims of the Policy are set out in the

supporting text and these relate to i) prevent outward growth and coalescence of urban areas, ii) prevent the consolidation of development on the boundaries between the built-up areas of the towns and the open countryside, and the extension of isolated groups of dwellings/buildings, iii) protect the rural and unspoilt character of the countryside, iv) to prohibit all but essential development and other development which does not detract from the character and appearance of the area. Elsewhere within the supporting text for Policy CC5, the LP refers Green Wedges as being "...of largely open countryside which adjoin, penetrate or separate the urban areas."

5. The appeal site is open (apart from the remnants of a wall within part of the site) and this is perceived from the adjoining properties and is also apparent from the open land within the rest of the Green wedge to the west, which includes a public footpath, although there is a good degree of vegetation on its boundary. Its open form and the absence of any built development means that it brings the qualities of the Green Wedge to the area and this must include its perception by people within the adjacent houses and convent, as well as its appearance within the larger area, when seen from the west. I accept the point made by the appellant, that the site is set between houses to the south and the convent to the north but it seems to me that it is part of the characteristic of Green Wedges that its land and character penetrates into the built-up areas, as referred to above.
6. In relation to the stated aims of Policy CC5, I consider that the proposal would i) represent further outward growth of the urban area, ii) would represent consolidation of development on the boundary of the Green Wedge, iii) would not conserve rural character and iv) is not essential development or development which does not detract from its character. In relation to the second criteria of Policy CC5, the proposal is not for essential development. In relation to the form of the proposed development itself, I agree with the Council that its disposition within the site would result in a development which would be dominated by the built-form due to its expanse across the site. This would be felt within the site, from the frontage where some views from the road would be possible and from the west where longer views would reveal the considerable width of the house on plot 4.
7. The Council is currently unable to demonstrate a suitable supply of housing sites, notwithstanding that it is making efforts through the examination process to identify a suitable strategy within its Draft Local Plan; this may include a reduced delivery in its early years. The appellant indicates that reduced weight should be afforded to Policy CC5 (and others) but also acknowledges that a Green Wedge policy can be consistent with the NPPF. In my judgement, I agree that reduced weight should be given to Policy CC5 but some consideration of the effects of the proposal on the character of the area and the surroundings is necessary and I note that the appellant considers that the harm to the objectives of the policy needs to be considered alongside any benefits.

The listed wall

8. The boundary of the appeal site with North Foreland Road is marked by a high wall of knapped flint. The wall is said to date from the early to mid 19th Century and runs for some length along North Foreland Road. It would appear that the proposal is not accompanied by any application for Listed Building

Consent for the proposed works. Nevertheless, the planning proposal includes the formation of an access and removal of a section of the wall. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."* The section to be removed would be at its northern end, adjacent to the entrance of the convent.

9. Although the proposal would only involve a relatively small section of the wall, I consider that its loss would result in harm both by simple virtue of the loss of historic fabric but also by the loss of part of a feature which, as it served as a kitchen garden and boundary wall for the former college, served a purpose. Its continued presence is a reminder of this part of local history. I can see that some alterations to the wall have been made elsewhere and it is notable that the appellant refers to the "significant harm" inflicted by the access at Foreland Heights. I consider that the proposal would result in harm which, with reference to the NPPF, would be 'less than substantial', and this should be weighed against any public benefits.

The effects on the living conditions of neighbours

10. The Council specifically refer to the effects of the proposed house on plot 4 on the existing residents to the south. In doing so they identify a bedroom windows which would face in that direction, and also to a roof terrace, noting that no privacy screen is proposed.
11. The window in question would serve a bedroom which is also served by front and rear facing windows. In this context the appellant states that the window could be removed without compromising the overall design. I agree that this could be achieved by the imposition of a suitable condition, if the appeal were to succeed. In addition, a suitable screen could be required by a condition so that any harmful overlooking is prevented. Therefore, I consider that any harmful effects on neighbours could be resolved.

Balance and Conclusions

12. I have indicated that reduced weight should be given to the Council's Green Wedge policy in the light of its inability to demonstrate a suitable supply of housing sites. Nevertheless, the effects of the proposal on the character of the area need to be taken into account and the appellant acknowledges that the harm to the objectives of the policy should be weighed in the balance. I have taken account of the nature of the site and the surrounding land uses and built development. Whilst there is built form to the north and south, the appeal site represents a part of the Green Wedge that penetrates into the built-up area, as identified in the policy supporting text. Indeed, in my view it would be rather artificial and unrealistic to expect or require that such a boundary should be made up of consistent and straight lines. In this context, the appeal site performs an important function and helps to achieve the aims of the Green Wedge, as set out above. Whilst I acknowledge that the proposal would bring about 4 new homes, I consider that the harmful effects would significantly and demonstrably outweigh that benefit.

13. In relation to the listed wall, again I acknowledge that the provision of 4 homes is a benefit but I consider that great weight should be given to the conservation of this listed structure. In this respect, I consider that the harmful effects are not outweighed by any benefits that the proposal may bring.
14. As a result of my findings, the appeal is dismissed.

S T Wood

INSPECTOR