
Appeal Decision

Site visit made on 17 September 2019

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2019

Appeal Ref: APP/Z2260/W/19/3229930

28 Waverley Road, Margate CT9 5QB

- 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 Barry Emptage against the decision of Thanet District Council.
 - The application Ref F/TH/18/1591, dated 14 November 2018, was refused by notice dated 4 March 2019.
 - The development proposed is described as 'New build development adjacent to 28 Waverley Road'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The draft Thanet Local Plan has been published and submitted but has yet to be examined and found sound. Therefore, it only attracts limited weight in my determination of the appeal as a further material consideration.

Main Issues

3. The main issues are the effect of the development on:
 - The character and appearance of the surrounding area; and
 - The Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI).

Reasons

Character and appearance

4. Waverley Road is characterised by semi-detached and short terraces of houses interspersed by detached houses and bungalows. The street is dominated by the distinct rhythm of groups of houses most of which have prominent front bays with gables facing the street. Both these features and frontages to the street are generally of a consistent width which gives the street scene a pleasant ordered appearance.
5. 28 Waverley Road (No. 28) is an end of terrace house and typical of the two-storey bay fronted design which forms an intrinsic part of the street scene. The unattached neighbouring house (No. 26) which has a roof ridge running

parallel to the street is of a contrasting appearance but sits comfortably within a group of similar individually designed houses and bungalows on this side of Waverley Road.

6. The appeal scheme would introduce a two-storey house between the side gable of No. 28 and the boundary. Whilst the plans show that the new building will not be attached to No. 28, there would be a minimal gap between the two resulting in the new house reading as an extension to the terrace. The site is markedly narrower than the frontage of the existing houses in the terrace and this would result in the front elevation of the new house having a different proportion to the existing rhythm of the terrace.
7. The submitted plans are inconsistent in terms of the eaves and ridge height of the new house. However, in both scenarios the new house, by virtue of its comparative narrowness and the incompatible width and style of its bay projection, would have a jarring visual impact and would not be a successful addition to the terrace of which it would effectively form part.
8. I have attached great importance to the role which the regular rhythm of the groups of houses in the street plays in the character and appearance of the street scene. The discordant proportions of the house and the incongruous appearance of its front elevation would not respect this ordered appearance and, in consequence, would be harmful to the street scene.
9. I conclude that the appeal scheme would have a harmful effect on the character and appearance of the surrounding area. The development would therefore be contrary to Policy D1 of the Thanet Local Plan 2006 which only permits development which respects the character or appearance of the surrounding area including with regard to rhythm. For similar reasons the proposed house would not accord with the Framework in respect of achieving well designed places.

Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI)

10. The Conservation of Habitats and Species Regulations 2017 requires that where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, an appropriate assessment must be made in view of that site's conservation objectives. The Council states that the site is approximately 5.8km from the SPA and the SSSI. The SPA is a European Site.
11. Circular 06/2005 sets out that the decision on whether or not an appropriate assessment is necessary should be made on a precautionary basis. In this case the site's distance to the SPA means that there is a reasonable likelihood that it would be accessed for recreational purposes by future occupants of the development. Although this may be minimal of itself, a significant effect could occur when considered in combination with any other new residential development in the surrounding area. Adopting the precautionary approach, I consider that there is a potential for recreational disturbance to the SPA through additional activity associated with this residential development, which would affect the integrity of this European site.
12. I am only required to carry out an Appropriate Assessment where the circumstances that could lead to a grant of planning permission are present. In

this case while I have established that the development could have a likely significant effect (either alone or in combination) on the European site I am intending to dismiss the appeal on other grounds, therefore, there is no prospect of planning permission being granted. On this basis it is not necessary for me to undertake an Appropriate Assessment or give any further consideration to Habitats Regulation Assessment.

13. The SSSI is not a European Site, therefore it does not fall to be considered under the appropriate assessment regime. Notwithstanding that it is a nationally designated site, I have very limited evidence to suggest that there will be any impacts on the SSSI arising from the development. On this basis the reference to the SSSI by the Council has had limited weight on my determination of this appeal.

Other Matters

14. The appellant considers that the dwelling would be suitable for first-time buyers and would meet a need for 3-bed houses. However, there is no mechanism before me to ensure that the occupation of the house would be limited in this way. Furthermore, there is limited substantive evidence to determine the needs of first-time buyers in the area or to demonstrate a current demand for 3-bed houses in particular. On that basis, these arguments attract limited weight as benefits of the development.
15. The Council states it does not have a 5-year housing land supply. As such, paragraph 11 (d) of the National Planning Policy Framework (the Framework) is engaged. Accordingly, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Notwithstanding my assessment of the appellant's arguments regarding the size and likely occupation of the houses, I acknowledge that the provision of an additional dwelling represents a public benefit.
16. Nevertheless, I consider the harm to the character and appearance of the site and the surrounding area significantly and demonstrably outweighs the benefits of the appeal scheme when assessed against the policies of the Framework taken as a whole, notwithstanding the Council's position in respect of housing land supply.
17. My attention has been drawn to what the appellant regards as similar cases in the area including development at 10a Birds Avenue (No. 10a) and 174 Canterbury Road. The houses in Birds Avenue are of a similar design to those in Waverley Road but in the case of the development at No. 10a the site has a significantly different relationship to adjacent buildings and is not of a comparable size and shape to the appeal scheme. Canterbury Road is a busy through road accommodating a range of uses and is of a significantly different character to Waverley Road. I have more limited information regarding the other examples which have been cited and on this basis I find that none of the references are directly comparable to the appeal scheme and they do not outweigh the conclusions that I have reached regarding the effect of the development on the character and appearance of the area.

Conclusion

18. For the reasons set out above, the appeal is dismissed.

Sarah Dyer

Inspector