
Appeal Decision

Site visit made on 24 September 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/Z2260/W/19/3229003

Chapel Place Lane, land rear of 8 Cannon Road, Ramsgate, Kent CT11 9BQ

- 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 Keith Makinson against the decision of Thanet District Council.
 - The application Ref F/TH/19/0325, dated 8 March 2019, was refused by the Council by notice dated 24 April 2019.
 - The development proposed is erection of 1No single storey dwelling together with 1No single storey potter's studio together with the erection of the brick wall and gates.
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Decision

1. I dismiss the appeal.

Main Issues

2. These are;
 - The effect of the proposal on the character and appearance of the Ramsgate Conservation Area.
 - The effect of the proposal on the Thanet Coast and Sandwich Bay Special Protection Area.

Reasons

3. Subsequent to the Council's refusal, permission has been granted for a studio alone, and at the time of the site inspection, works had commenced on this development (Ref; F/TH/19/0650, dated 28 June 2019). Details of this permitted work have been supplied and this is a material consideration that will be taken into account. The development being carried out would not prevent the later development of the proposed dwelling that forms part of the appeal proposals as they were always proposed to be separate detached buildings and the permitted studio occupies the same area of the site as the appeal studio.

Character and Appearance

4. Thanet Local Plan Policy D1 sets out design principles, which include a need for high quality design which respects or enhances the character or appearance of the surrounding area and is compatible with neighbouring buildings and spaces, among other requirements.

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
6. Paragraph 193 of the 2019 National Planning Policy Framework states that 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. The more important the asset, the greater the weight should be.
7. As stated with regard to the permitted studio, the appeal proposal is for 2 detached buildings, the studio would be placed to the north-west corner of the red-line plot, while the larger dwelling would extend from the opposite rear corner to the front boundary, becoming wider in the last part of its length nearest the road boundary and due to the use of a pitched roof, taller as a result. There is reference to a mezzanine floor in this higher part.
8. The boundary wall was largely missing at the time of the site inspection, whether as part of the works for which a new secure site fencing had been erected, or a pre-existing state described by the appellant as an eyesore. That is immaterial as the drawing for the extant, and seemingly implemented, permission shows a boundary wall and gate, as does the appeal proposal. The Council Officer's reference to domestic paraphernalia should be seen in the light of the wall shielding much of the use of the open space from view.
9. High walls and gates are a feature of the run of properties along this part of Chapel Place Lane and the north-west side in particular, but with limited evident built form, and that which was visible appeared to consist of ancillary building such as garages or similar. The studio that has been permitted and the very similar appeal studio, would be set back from the wall and road boundary, and would be sufficiently low and unassuming as to be seen, if at all, as a further ancillary curtilage structure.
10. The proposed dwelling however would be at its highest at the road boundary, evident as a prominent gable end rising above the height of the wall and plainly seen in views along the lane, disrupting the openness of the boundary above the wall and giving the impression of substantial built form at what appears to be back-land or garden land associated with the frontage development on Cannon Road, whatever the actual arrangement of ownership and use. The development would upset the grain of development perceived as part of the conservation area and hence would harm the designated area's character and appearance.
11. The level of harm would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
12. The proposal would provide housing in a sustainable and accessible urban area, and there would be some economic benefit in the construction and use of the dwelling additional to that occasioned by the studio alone. Although the pre-existing condition of the wall and land was not able to be assessed, weight attaches to the clearance of an eyesore, although limited by the fact that this should be attended to in a conservation area without the need for a planning permission to bring about its clearance. As a result, the appellant's decision to

implement the studio permission rather than leave the alleged eyesore for the appeal inspection is of no matter.

13. In the balance required by paragraph 196, it is concluded that the harm is not outweighed by public benefits sufficient to allow the appeal and that the proposed dwelling would be contrary to Development Plan and national policies, as well as statute in section 72(1), and this failing alone is sufficient to dismiss the appeal and for planning permission not to be granted.

Special Protection Area

14. The Council have set out the requirements of the Habitats Regulations with regard to the Thanet Coast and Sandwich Bay Special Protection Area and the Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest, on the advice of Natural England. As the Competent Authority the Secretary of State or the appointed Inspector would need to carry out a Habitats Regulation Assessment before permission may be granted, and be satisfied as to any mitigation through a contribution secured by Obligation, as appears to be the possibility here. However, in view of the conclusion to dismiss the appeal for other reasons, no further consideration of a Habitats Regulation Assessment is be required.

Conclusions

15. The proposal is contrary to local and national policies, as well as statute on designated heritage assets, as it would cause harm to the character and appearance of the Ramsgate Conservation Area and there are insufficient public benefits to outweigh that harm. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR