



Appeal Decision

Site visit made on 3 September 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2019

Appeal Ref: APP/Z2260/W/19/3230421

Land adjacent to 1 Northbourne Way, Margate, Kent CT9 3NS

- 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 Miguel Blanco against the decision of Thanet District Council.
 - The application Ref F/TH/19/0365, dated 18 March 2019, was refused by notice dated 23 May 2019.
 - The development proposed is the erection of a two storey dwelling with 2 parking spaces.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant has provided a Unilateral Undertaking which makes provision for a contribution towards mitigation of the effects of recreational disturbance on the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and the Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI).

Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the area; and (ii) the setting of the Conservation Area (CA).

Reasons

Character and appearance

4. The appeal site is located on a prominent corner with Northbourne Way and Elmstone Gardens. It is rectangular in size and I saw from my site visit that it has been cleared of vegetation apart from a short hedgerow fronting onto Elmstone Gardens.
5. The dwellings along Elmstone Gardens are a row of single storey detached bungalows, which are of a uniform design having low hipped pitched roofs. The dwellings sit back from the road allowing front garden areas and driveways. Immediately opposite the site on Northbourne Road sits another row of similarly designed bungalows, albeit with hipped roofs. The low sloping dual pitched roofs and consistent eaves lines along these streets give a strong sense of rhythm and uniformity. To the rear of the site, on Northbourne Way is a two-storey detached dwelling. Its garage forms the rear boundary of the appeal site.

6. The appeal proposal seeks to erect a two-storey detached dwelling. The dwelling would front onto Elmstone Gardens and would be set back from the pavement edge, follow the prevailing building line and would allow two parking spaces in the driveway. The dwelling would be set in from the side boundary with No 4 Elmstone Gardens and would also be set in from Northbourne Way and would have garden area on all sides.
7. The appellant stated that the dwelling has been designed as a chalet bungalow to reflect this prominent corner site and that it is designed to act as a transition between the bungalows on Elmstone Gardens and the two-storey dwellings along Northbourne Way. Whilst the part of the frontage adjacent to No 4 maintains the prevailing eaves height, the roof slope is at a different angle with the ridge height being significantly higher than the bungalows. The dwelling would also have a dormer window and a first-floor gable end with first floor windows including a chimney stack to help turn the corner. I find that these features would be out of character with the prevailing street scene. Consequently, the proposals would appear unduly dominant within the street comprised entirely of bungalows. Whilst I note that the proposal would use a similar palette of materials, I find that this does not outweigh the harm identified.
8. I saw from my site visit that the appeal site makes only a very limited contribution to the character and appearance of the area given its size and location on the corner of two roads. Furthermore, given its location near to the Northdown Park, its use for any recreational activities is limited. For these reasons I do not consider that it contributes to the quality of the local area and consequently the loss of this small piece of open space is acceptable in this instance however, this does not outweigh the harm identified.
9. For the reasons above, I conclude that the proposal would cause material harm to the character and appearance of the area and would conflict with Policy D1 of the adopted Thanet Local Plan (2006) and paragraph 127 of the National Planning Policy Framework (the Framework) which seeks, amongst other things, for development to respect or enhance the character of appearance of the surrounding area.

Setting of the Conservation Area

10. The site is located to the north of Northdown CA, a designated heritage asset. The CA encompasses the parkland and the associated buildings including some older residential developments. Its northern boundary follows the northern boundary of Northdown Park.
11. The appeal site is not immediately adjacent to the northern edge of the CA, there is an area of mature landscaping that sits between the appeal site and the CA as well as Northbourne Way. I find that these two features give the appeal site a significant degree of separation from the CA. I also find that the site has a greater association with the residential area it abuts.
12. Overall, the site is sufficiently divorced from the CA so as not to cause harm to its setting and accords with Policy D1 in this respect which seeks, amongst other things, to retain open spaces which contribute to the quality of the local environment. This, however, does not alter my findings in respect of the harm to the character and appearance. For the same reason the development would avoid conflict with the Framework's policies which seek to avoid a loss of

significance to designated heritage assets including any significance derived from their settings.

Other matters

13. As I have found that the proposal would be unacceptable in terms of its effect on character and appearance, and therefore that there is no prospect of planning permission for this scheme being granted, it has not been necessary for me to consider the effect on the SPA further.
14. Therefore, whilst I note that there are some shortcomings in the Unilateral Undertaking and that it is not agreed between the parties the absence of an agreed Unilateral Undertaking has had no bearing on the outcome of this appeal.
15. The appellant has drawn my attention to a development granted planning permission by the Council which they consider similar to the appeal proposal. I have very little detail of the circumstances which led to it being considered acceptable and, in any event, I have determined the appeal on its own merits. This other development does not, therefore, lead me to a different conclusion.

Conclusion

16. Whilst I find that the proposal would not be harmful to the setting of the CA, I have found that when the proposal is considered as a whole, harm would be caused to the character and appearance of the area.
17. For the reasons above the appeal should be dismissed.

Neil Smith

INSPECTOR