
Appeal Decision

Site visit made on 29 October 2019

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2019

Appeal Ref: APP/Z2260/W/19/3235868
15 Minnis Road, Birchington, CT7 9SE

- 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 Julian Hills of Canterbury Diocesan Enterprises Ltd against the decision of Thanet District Council.
 - The application Ref F/TH/19/0581, dated 1 May 2019, was refused by notice dated 4 July 2019.
 - The development proposed is detached dwelling and replacement detached garage.
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Decision

1. This appeal is dismissed.

Costs

2. An application for costs was made by Mr Julian Hills of Canterbury Diocesan Enterprises Ltd against Thanet District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area, and the living conditions of existing occupiers with particular reference to 6 Surrey Gardens.

Procedural Matters

4. It is put to me that Policy D1 of the Thanet Local Plan (the Local Plan) should have little weight as the policy is 13 years old. However, the National Planning Policy Framework (the Framework) is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. I find that Policy D1 is generally consistent with the Framework and as such I afford it due weight.

Reasons

Character and Appearance

5. The appeal site is within an area on the southern side of of Minnis Road between Surrey Gardens and the entrance to Birchington Medical Centre which is characterised by relatively generous detached buildings and semi-detached dwellings set in their own grounds. The main front elevations of these properties form a reasonably consistent building line with a generous set back

- from the road. This set back combined with the generally low level or landscaped front boundaries result in a open character to the road.
6. The appeal site comprises part of the existing garden at 15 Minnis Road. It also includes a single storey garage which is set forward of the main front elevation. However due to the height and design of the garage this appears as a secondary subservient addition and does not read as part of the main building line in this location.
 7. The footprint of the building at 2 Surrey Gardens sits forward of the main front elevation of 15 Minnis Road. However, its orientation, layout and design relates more closely to Surrey Gardens. Therefore this individual property does not undermine the building line and set backs which form a notable part of the character of the appeal site's surroundings.
 8. The proposed dwelling would be sited noticeably further forward than the main front elevation to 15 Minnis Road. This staggered effect between the two adjoining dwellings does not reflect the broadly level building line to Minnis Road. The front garden and parking area would be noticeably closer to the road than 15 Minnis Road which would further undermine the open character of this area. This would also result in the proposed building appearing prominent in public views.
 9. I saw the fence which currently encloses the front/side garden at 15 Minnis Road is a more enclosed boundary treatment than others in this street. Whilst the proposed development would result in the removal of this fence, the effect of a new two-storey dwelling in the proposed position and siting would be more harmful to the open character of the area, and consequently the outlook from nearby dwellings, than the existing fence.
 10. I appreciate that the scale of the dwelling is similar to those nearby. The dwelling also set within a reasonably sized garden area and would not be cramped in this respect, notwithstanding my comments above relating to the position of the dwelling close to the front boundary. Whilst the plot size is smaller than others in Minnis Road its frontage width is similar, so I do not find harm in this respect per se. Nevertheless, the lack of harm in these respects is a neutral factor which does not outweigh the harm identified above.
 11. Consequently, the proposed development would result in a harmful effect on the character and appearance of the area. In this respect it would be contrary to Policy D1 of the Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework (the Framework) which together seek high quality design and development which is visually attractive and respects or enhances the character or appearance of the area, amongst other things.

Living Conditions

12. I saw that there are angled views from the existing first floor windows at 15 Minnis Road towards the rear of 6 Surrey Gardens. The proposed development would be likely to create more direct views. However, these would be at some distance, from a single window only and towards the garden area rather than internal rooms. As such there would not be a harmful loss of privacy to the occupiers of 6 Surrey Gardens as a result of the proposed development.
13. Consequently, the proposed development would not have an unacceptably harmful effect on the living conditions of existing occupiers with particular

reference to 6 Surrey Gardens. In this respect it would not be contrary to Policy D1 of the Local Plan and paragraph 127 of the Framework which together require that new development should not lead to unacceptable overlooking and should ensure a high standard of amenity for existing and future users.

Other Matters

14. I note the Council's position that due to the level of population increase predicted in Thanet the proposed development should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area has been identified. I am not provided with substantive evidence which relates to the effect on the special interest features of the Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest. I have been presented with a Unilateral Undertaking that secures mitigation in the form of a financial contribution of £424 towards mitigation measures to avoid adverse impacts on the Thanet Coast and Sandwich Bay SAC or Thanet Coast SAC and/or Thanet Coast SSSI. I have not been provided with evidence that justifies the amount of the contributions or detail of the mitigation that would take place. However given my overall conclusion on this appeal, it is not necessary to pursue this matter further in this case. Nevertheless, the contributions would need to be reasonable in scale to make the development acceptable in planning terms only. As such, in any case, the contributions discussed above would provide mitigation only and would not be a notable benefit.
15. I recognise the benefits of the provision of a new family dwelling, close to shops, services, employment and public transport and with access to superfast broadband. Although I am not persuaded that access to superfast broadband would necessarily have a direct link with the set up of a homebased business. Also, that future occupiers would provide income and would be part of the local community. Nevertheless, these benefits are limited in scale due to the size of the development (one dwelling) and are generally not unique to this particular scheme. I am not provided with a mechanism that would secure the provision of bat and bird boxes at this site. Nor am I provided with evidence to demonstrate that the current residential curtilage is unmanageably large.
16. The Council are unable to demonstrate a 5 year housing land supply. However, in any event the identified permanent and publicly visible harm to the character and appearance of the area, contrary to the development plan would significantly and demonstrably outweigh the benefits of the proposed development as discussed above. Consequently, the appeal scheme is not sustainable development in the terms of the Framework, for which there is a presumption in favour of.
17. I note that the application received no objection from the Parish Council, albeit that there were other objections. I have taken these comments into account in my assessment of the proposed development.

Conclusion

18. For the reasons above, this appeal should be dismissed.

H Miles

INSPECTOR