
Appeal Decision

Site visit made on 5 February 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 April 2020

Appeal Ref: APP/Z2260/W/19/3238502

1 Seven Stones Drive, Broadstairs, Kent CT10 1TW

- 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 St. Crispins Ltd against the decision of Thanet District Council.
 - The application Ref F/TH/19/0657, dated 14 May 2019, was refused by notice dated 31 July 2019.
 - The development proposed is demolition of existing bungalow and erection of 2 no. detached houses.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of the existing bungalow and erection of 2 no. detached houses at 1 Seven Stones Drive, Broadstairs, Kent CT10 1TW in accordance with the terms of the application, Ref F/TH/19/0657, dated 14 May 2019 subject to conditions set out in the attached schedule.

Main Issues

2. The main issues are the effect of the development on (a) the character and appearance of the area and (b) on protected areas of environmental sensitivity.

Reasons

Character and appearance

3. The site comprises a single storey detached bungalow with a hipped pitched roof and front gable projection. It is sited on raised ground level relative to the road with land levels rising to the rear and to the west of the site. There are detached garages to the side boundaries. The site's context is mixed.
4. To the west is row of predominantly single storey bungalows but with variations in appearance due to differing designs and subsequent alterations. The adjacent bungalow at 2 Seven Stones Drive has gable ends to its flanks whereas no.3 had a hipped pitched roof. To the east is Colbourn Light, a tall, architectural folly erected following a grant of planning permission in 1994. It is a detached dwelling forming the last building in the row as Seven Stones Drive curves to join South Cliff Parade which faces the sea. Whilst Colbourn Light has accommodation primarily on three floors, this is a substantial landmark building spread over six levels from a basement garage to a circular top room, akin to a lighthouse, affording panoramic views. It is sited on lower ground than the appeal site but rises above neighbouring dwellings and is a prominent feature in the landscape in long views along South Cliff Parade.

5. The wider area is characterised by mainly detached bungalows and houses in spacious plots. Most of these are of traditional design with pitched roofs, but there is a scattering of dwellings presenting more modern designs, some close to the site in South Cliff Parade. To the rear of the site on higher ground is King George VI Memorial Park with footpaths linking this to South Cliff Parade.
6. The proposal would involve excavations. Both houses would have a double garage at street level with two floors of accommodation above. The houses would have a similar design incorporating large front windows and flat roofs. The proposal would present a stark contrast to the character and appearance of the row of bungalows to the west. The plots would be narrower, with frontages excavated and dominated by hard surfaces; the houses would be more closely sited with a greater mass and vertical emphasis and would present a modern design. The flat roofs would also contrast with the various pitched roofs to Colbourn Light. The houses would be close to the open corner by the road junction, they would also be conspicuous in views along South Cliff Parade.
7. But the development would not be cramped. The site is wider than others in the road. There would be adequate separation between the houses and to adjacent dwellings; this would include removal of garages presently on the side boundaries. The excavation to form the garage forecourts would resemble that at Colbourn Light, a building which also has a strong vertical emphasis. The flat roofs to the houses would be lower than the ridge to the pitched roof to 2 Seven Stones Drive and would continue a stepping down to the pitched roof over the forwardmost section to Colbourn Light. The white rendered walls would be similar to walls at Colbourn Light and the modern design takes cues from other contemporary buildings nearby, notably along South Cliff Parade.
8. The Council has cited two development plan policies in its decision. Saved Policy D1 of the Thanet Local Plan (2006) (TLP) on design principles requires all new development to provide high quality and inclusive design with a layout and materials that respects the character or appearance of the surrounding area. Policy D7 of the TLP on "*Areas of High Townscape Value*" (AHTV) requires the conservation or enhancement of the local character as the primary aim for sites within and immediately adjoining AHTVs. As the rear boundary to the site is adjacent to an AHTV the policy is applicable. But the site is lower than the open grounds to the rear and is not readily perceived in this context. I note that an equivalent to Policy D7 is not being carried forward in the Council's emerging local plan; this diminishes the weight that can be attached to it. Nonetheless, the principles behind the policy are not dissimilar to those in Policy D1.
9. In my judgement, notwithstanding the contrast to the bungalows to the west of the site, the proposal would not have a significant detrimental effect on the character and appearance of the area. The site is not located centrally within the row of bungalows but at the end of the line; it forms an axis between the bungalows and the distinctive form of Colbourn Light and open space beyond. The height, scale and mass of the houses would form an acceptable transition from the traditional form and appearance of the bungalows to the unusual design of Colbourn Light. The houses' modern appearance, whilst radically different from that of the bungalows, would not be unattractive and would reflect the design approach from other buildings in the locality. The houses would be prominent in views along Seven Stones Drive and from South Cliff Parade, but so is the present bungalow, which is not in good condition and does not presently enhance the appearance of the street scene.

10. The proposal would be in accordance with the design principles set in Policy D1 and would not conflict with aims for the AHTV set in Policy D7. It would comply with Policy 127 of the National Planning Policy Framework (the Framework) which requires development to function well and add to the overall quality of the area; to be visually attractive as a result of good architecture, and to be *"sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)"*. There would not be conflict with Policy 130 of the Framework as the development would not be of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions. The proposal would accord with Paragraph 122 of the Framework which *"supports development that makes efficient use of land"*.

Special Protection Areas

11. The site is not far from the Thanet Coast and Sandwich Bay Special Protection Area (SPA) which is vulnerable to potential in-combination impacts from new housing through increased recreational activities. The SPA is used by large numbers of migratory birds and qualifies under the Birds Directive through supporting populations of over-wintering birds of European importance. The proposal therefore needs to be subject to a Habitat Regulations Assessment.
12. In relation to screening, the proposal would not be directly connected with or necessary to site management for nature conservation. But it would be likely to have a significant effect on internationally important interest features at the SPA in combination with other plans and projects, including other residential development. As likely significant effects cannot be excluded then the competent authority must undertake an Appropriate Assessment to assess the implications of the effects of the proposal on the integrity of the SPA and its conservation objectives.
13. I have noted the advice dated 22 June 2019 from Natural England, the statutory nature conservation body, on the proposal. This informs that the specific measures previously identified and analysed by the Council to prevent harmful effects on coastal European Sites from increased recreational pressure should be applied to the proposed development at Appropriate Assessment. Natural England is of the view that if these measures, including contributions towards them, are implemented, they will be effective and reliable in preventing harmful effects on the SPA or on its conservation objectives for the duration of the development.
14. The Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMP) (2016) to mitigate the impacts of increased recreational pressures on the SPA from new residential development. This includes a tariff scheme in relation to the size and form of housing proposed. The appellant has submitted a Unilateral Undertaking agreeing to make a payment of £530 as a contribution towards mitigation measures. The Council has not challenged the contribution but has queried the form of the Undertaking. The Land Registry Plan included clearly identifies the appeal site and the Undertaking is dated, signed and witnessed. I am satisfied that the Undertaking would meet the requirements for planning obligations set out in Regulation 122(2) of the Community Infrastructure Levy Regulations (2010).

Other matters

15. Residents and the Broadstairs and St. Peters Town Council have objected to the proposal in relation to matters covered and on other grounds. The houses would be sited forward of the present bungalow and would alter the staggered building line of bungalows to the west of the site. Nonetheless, 2 Seven Stones Drive is on higher ground and I am satisfied that there would not be a material loss of amenity for its occupiers in respect of outlook, light or overlooking to its flank windows. Planning conditions could be used mitigate potential impacts. The proposal would provide sufficient off street parking for future occupiers and there would be adequate visibility at the bend in relation to highway safety. The possibility of covenants at the site would be a civil matter.
16. The Council accept that they cannot demonstrate a Five Year Housing Land Supply. The Housing Delivery Test (HDT) results for 2019 show only 35% of the target number of homes that the government has deemed is needed and confirms a critical housing land supply situation for the Council. Whilst the Council anticipates this situation improving with the progression of its emerging local plan and HDT Action Plan, the presumption in favour of sustainable development at Paragraph 11(d) of the Framework nonetheless applies. The relevant policies which are most important for determining the application should be considered out-of-date. Planning permission should therefore be granted unless *"Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole"*.
17. Although the proposal on this windfall site would make a net increase of only one dwelling, this would make a small but nonetheless useful contribution towards housing need. It would also bring an underused and untidy area of previously developed land back into active use. Whilst the Council and residents have emphasised the contrast of the proposal with the established residential character to the west of the site, it is my judgement that any adverse impacts arising on the character and appearance of the area would not significantly and demonstrably outweigh the benefits of the proposal in relation to the Framework as a whole.

Conclusion

18. For the reasons given and having regard to all other matters raised, the appeal is allowed subject to conditions.
19. In addition to the standard 3 year commencement condition, I have included a condition requiring the development to be carried out in accordance with the approved plans for certainty and to enable the approval of minor material amendments should this be expedient. To ensure a satisfactory appearance to the development conditions are needed to approve samples of the specified external materials and to approve details of hard and soft landscape measures and to ensure their implementation. To safeguard privacy levels within adjacent dwellings, the Council's suggested condition on obscured glazing is necessary. Finally, to ensure the efficient operation of the site conditions are necessary to require provision of the changes to the access arrangements.

Rory MacLeod

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1901-01A, 1901-02, 1901-03, 1901-04, 1901-05, 1901-06, 1901-07, 1901-08, 1901-09, 1901-10, 1901-11, 1901-12, 1901-13 and 1901-14.
- 3) No development shall commence above ground level until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) No development shall commence above ground level until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of vegetation to be retained, (setting out measures for their protection throughout the course of development) and the species, size and location on new trees, shrubs, hedges and grassed areas to be planted. It shall also include the treatment for all hard surfaced areas, retaining walls, fences and other walls and means of enclosure.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The first floor windows and ground and first floor stairwell window to the western elevation of Unit 1, the ground and first floor stairwell window to the eastern elevation of Unit 2 and the first floor windows to the western elevation of Unit 2 shall be provided and maintained with obscure glass and shall be non-opening up to a height of 1.75m above internal finished floor level, as annotated on the approved plans numbered 1901-09, 1901-10 and 1901-11.
- 7) Prior to the first use of the site hereby permitted the vehicular accesses approved and associated vehicle crossing points onto the highway, as shown on the shown on the approved plan numbered 1901-02, shall be completed.
- 8) Prior to the first occupation of the development hereby approved, the redundant vehicle crossings to the front boundary shall be removed and the footway reinstated in accordance with the specifications set out in the Kent Design Guide.