
Appeal Decision

Site visit made on 8 June 2020

by S M Holden BSc MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2020

Appeal Ref: APP/Z2260/W/20/3244707

Land adjacent to 5 Prospect Place, Broadstairs CT10 1LE

- 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 Mrs B Hodgson against the decision of Thanet District Council.
 - The application Ref F/TH/19/1125, dated 25 July 2019, was refused by notice dated 13 December 2019.
 - The development proposed is erection of an attached three storey building containing 3 No 1-bed self contained flats with associated parking and access.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs has been made by Mrs B Hodgson against Thanet District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The Council's second reason for refusal related to the lack of a planning obligation to secure a contribution towards mitigation measures in respect of a European Designated Site. However, a completed Unilateral Undertaking was submitted with the appeal which addressed the Council's concerns. I will return to this matter later.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site is a prominent corner plot within a narrow residential street close to Broadstairs town centre. It appears to be part of the garden of No 5, the building at the end of a varied and interesting terrace of 3 storey properties that front Prospect Place. Around the corner into Wardour Close there are 2 storey pairs of semi-detached houses of uniform style and design. The flank wall of No 5, with its 2 storey rear extension, is highly visible from Wardour Close. Due to the gap between No 31 and the rear of the terrace on Prospect Place, the rear elevations of those properties can also be clearly seen from Wardour Close.

6. A proposal for a 3 storey building that would be attached to No 5 was dismissed on appeal in 2019¹. It would have occupied a similar, but not identical, footprint to the current scheme. In many respects the Inspector found the proposal before him acceptable. However, he had serious concerns about the design of the rear elevation which included a large, irregularly shaped, 3 storey infill section adjoining No 5. This would have had a large element of flat roof leading to an impression of multiple roof heights and forms to the rear. The current proposal has sought to address the previous Inspector's concerns by making minor amendments to the footprint and significant changes to the form of the roof.
7. When looking towards the frontage on Prospect Place, the proposal would have a hipped roof, the eaves of which would be just below those of No 5. By contrast Nos 2-5 Prospect Place have simple, pitched roofs which are partially hidden by parapet walls. Visibility from street level is further reduced by the change in levels to the east. Nevertheless, the abrupt change in form from pitched to hipped would appear awkward, introducing a gap in the roofscape that would hinder effective integration between the existing and proposed development.
8. Due to the L-shape footprint of the revised proposal, the side elevation facing Wardour Close would have a staggered alignment that would include two projecting elements with hipped roofs. The proximity of the two hipped roofs to each other would give the building an odd, unbalanced and asymmetric appearance. The ridge of the larger projection would be lower than that of the main ridge which would be parallel with Wardour Close, consequently this part of the roof would appear particularly awkward from the rear. Furthermore, a small section of the roof would overhang the rear entrance to the building for no apparent reason, and project beyond the rear elevation of the 2 storey element of No 5. This combination of factors means that there would still be an impression of multiple roof heights and forms at the rear of the building.
9. I acknowledge that the appeal site's prominence and its visibility from the front, side and rear makes the creation of satisfactory relationships with the existing buildings difficult to achieve. However, the additional complexity of the proposed footprint and the associated roof with its different heights and pitches does not, in my view, result in a building that would integrate appropriately with No 5 or the remainder of the terrace.
10. I therefore conclude that the proposal would harm the character and appearance of the area, conflicting with Policy D1 of the Thanet Local Plan (2006) and Paragraphs 127 and 130 of the National Planning Policy Framework, all of which seek to achieve high quality design.

Other Matters

11. The appeal site lies within the Zone of Influence of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Sandwich Bay and Hacklinge Marches Site of Special Scientific Interest (SSSI). The SPA is a European Designated Site, although no details for the reasons for its designation were provided with the appeal. Nonetheless, the Conservation of Species and Habitats Regulations 2017 (the Habitats Regulations) requires the Competent Authority to consider whether or not the proposal could adversely affect the

¹ APP/Z2260/W/18/3208132

integrity of the protected site, either alone or in combination with other plans or projects. This responsibility now falls to me.

12. The Council undertook a screening assessment in relation to this site. It found that the site's proximity to the protected areas means that it is likely they would be subject to additional recreational visits from future occupants of the proposal. Although the extra activities associated with visits from the occupants of three flats would be likely to be limited, there would be a significant effect when considered in combination with other residential development in the Zone of Influence. I see no reason to disagree with this assessment.
13. If the proposal was found to acceptable in all other respects, it would be necessary for me to undertake an Appropriate Assessment (AA) to establish whether or not the North Kent Strategic Access Management and Monitoring Strategy (SAMM), endorsed by Natural England, would be an effective means of mitigating these likely significant effects. I address this matter further within the planning balance.
14. Concerns about advice provided by the Council at the pre-application stage have not been relevant to my consideration of the planning merits of the proposal.

Planning Balance

15. The Council accepts that it is unable to demonstrate a 5-year housing land supply, so Paragraph 11(d) of the Framework is engaged. The proposal would make a small contribution to addressing the acknowledged housing shortfall in a location that is within easy reach of the services of the town centre. These social and economic benefits carry modest weight in the scheme's favour.
16. However, the proposal would permanently harm the street scene due to its incongruous design. This is a matter which attracts significant weight in the balance, particularly in view of the Framework's aim of promoting good design. These adverse impacts would significantly and demonstrably outweigh the benefits. Consequently, the presumption in favour of sustainable development does not apply in this case.
17. If I had come to a different conclusion, I would have sought additional information in order to undertake the AA and satisfy myself that the integrity of the SPA would not be adversely affected. In doing so I would have taken the provisions of the UU into account. I would also have considered objections raised by neighbours which were not cited in the Council's reasons for refusal. However, as I have found that the presumption does not apply to this case, this has not been necessary.

Conclusion

18. I have found the proposal conflicts with the development plan as a whole and there are no other considerations that outweigh that conflict. I therefore conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR