



Appeal Decision

Site visit made on 31 May 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2020

Appeal Ref: APP/Z2260/W/19/3244005

Old Convent Farm House, Reading Street, Broadstairs, Kent, CT10

- 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 John Nicholls against the decision of Thanet District Council.
 - The application Ref F/TH/19/0835, dated 10 June 2019, was refused by notice dated 28 August 2019.
 - The development proposed is detached annex.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal was originally described as a detached annex. It was confirmed during the appeal that the proposed building is to be used as ancillary accommodation and not an independent dwelling. I have dealt with the appeal accordingly. The Council have advised that, in light of this, it does not wish to pursue the fourth reason for refusal which related to impacts on habitats sites.
3. The Thanet District Council Local Plan to 2031 ("Local Plan") was adopted in the course of this appeal. Policies SP35 and QD02 of the Local Plan are relevant to reason for refusal 1, HE02 and HE03 are relevant to reason for refusal 2, and QD02 and GI06 are relevant to reason for refusal 3. Policy HO23 of the Local Plan, which sets out criteria that apply where annexes for ancillary accommodation are proposed, is also relevant. On the evidence before me, these are now the most relevant development plan policies to the proposal, and I have dealt with the appeal accordingly.
4. The plan provided by the Council in its response to the appeal indicates that, contrary to its reasons for refusal, the site and the trees that surround it fall outside of the Reading Street Conservation Area.

Main Issues

5. The effect of the proposal on the character and appearance of the area with particular regard to i) protected trees around the site; ii) the setting of the Grade II listed building on the site; and iii) the setting of the Reading Street Conservation Area.

Reasons

6. The site is located on Reading Street, within a settlement known by the same name on the outskirts of Broadstairs. It is a narrow road exhibiting an eclectic

mix of buildings, many of which are of historic interest. The site falls in a more spacious area to the east of the settlement. At this point, the trees on and around the site provide an attractive landscaped setting for the road and surrounding built development. This is a positive feature of the site and its immediate surroundings, providing a verdant contrast to the more heavily built up part of Reading Street, concentrated in the area around the nearby Church.

Trees

7. The proposal would result in the felling of at least 2 trees along with various vegetation. However, these trees appeared to be decayed, or the product of relatively recent planting. Of more significant concern are the mature trees around the site of the proposed building, particularly those directly on its western boundary. Some are protected by a tree preservation order. They have grown to a large size and appeared to be in at least fair condition, making a positive contribution to the verdant character of this part of Reading Street.
8. The building would fall in very close proximity to these trees, and consequently there is a high probability they would be seriously damaged or killed were the development to proceed. The submitted technical evidence is very limited and does not adequately demonstrate that these trees could be preserved for the lifetime of this development. Whilst planning conditions could prevent development until such information is provided, the evidence before me does not demonstrate with confidence that such a technical solution exists. The use of such conditions could therefore make the proposal undeliverable. It would be unreasonable to impose them.
9. The potential loss of these trees would cause significant harm to the verdant character and appearance of the surrounding area, also threatening its biodiversity. In this respect, the proposal conflicts with policies QD02 and GI06 of the Local Plan which require, amongst other things, that new development reinforces the local character of the area, retaining and protecting existing trees where appropriate to do so.

Listed Building

10. The Old Convent Farmhouse and Rosemary is a Grade II listed building now in residential use. Its appearance is reflective of its agricultural origins, which predates much of the surrounding built environment and from which its significance is primarily derived. The host property is attached to and forms a pair with another residential property to the immediate east (hereafter referred to as the neighbouring property), which appears to also form part of the heritage asset. The large front garden associated with both properties contributes to the significance of this listed building by providing an open and largely undeveloped setting for it, reinforcing its status in views from the surrounding area.
11. Under the proposals the front garden and, in consequence, the openness to the front of the listed building would largely remain. The size and scale of the annex building would broadly replicate a similar annex/garage structure to the front of the neighbouring property. It would be read alongside this structure in views from the street, as a partially symmetric pair. These buildings would not significantly obscure views of the listed building from the road as there would be a significant gap retained, through which the listed building is visible from the road.

12. The proposed annex would replicate architectural features evident in both the listed building and the existing annex to the front of the neighbouring property. The low eaves and minimal overall height of the building mean that it would be visually subservient to the main building, appearing as a domestic adjunct. From the road, the proposal would appear as an ancillary building which follows the precedent set by the neighbouring property. It would not appear unduly prominent or oversized. The street facing elevation would exhibit low key fenestration, and a high standard of appropriate materials could be secured by way of planning condition.
13. As such, there would be an appropriate visual relationship with the listed building. Its setting would be preserved, under this proposal. There is no conflict with policy HE03 of the Local Plan which, amongst other things, seeks to avoid harm to designated heritage assets.

Conservation Area

14. The site falls outside the Reading Street Conservation Area, which comprises the historic core of Reading Street. The proposal would follow the precedent set by the adjacent annex, blending in with its immediate built surroundings. It would therefore complement the buildings opposite the site, which fall within the Conservation Area and would not compete for visual attention with them. The setting of this Conservation Area would be preserved. As such, there is no conflict with policy HE02 of the Local Plan which seeks to avoid development that detracts from the setting of Conservation Areas.

Other Issues and Conclusion – Character and Appearance

15. Policy HO23 of the recently adopted Local Plan sets out criteria that apply where ancillary accommodation is proposed. The new building would fall within the curtilage of the main property and no boundary demarcation is shown between the main dwelling and the annex. It appears to fall within the same ownership as the main dwelling and would be occupied in connection with it. Because of its location within the garden of the host property, it could be used as an integral part of it in the future if the annex is no longer needed. Finally, it would be of a scale subservient to the principal dwelling. Subject to conditions securing the above where appropriate, the proposal does not conflict with the criteria set out in policy HO23 of the Local Plan, the main requirements of which are identified above.
16. Whilst the broader plot is narrower than that associated with the neighbouring property, the new building would be set slightly back from the road and a reasonably open frontage to the street would be retained. As such, this part of the development would not appear cramped. Sufficient parking would be provided to the front, for the residential accommodation on the wider site. The proximity of the parking area to the road would partially recreate the existing situation, where a paved area already exists abutting the road. This would not detract from appearance of the site. Overall, the proposal would be in keeping with the prevailing pattern of development. There is no conflict with policy SP35 of the Local Plan which seeks to achieve high quality design.
17. To conclude, the design of the proposed building and its associated effect on the setting of the listed building and the Conservation Area would be acceptable. However, there would be an unacceptable risk of harm to trees and the proposal therefore conflicts with Local Plan policies QD02 and GI16. For this

specific reason, the overall harm to the character and appearance of the area would be unacceptable.

Other Matters and Planning Balance

18. Whilst the Council have a record of under delivery of housing¹, the proposal would not create a new residential unit. It would essentially amount to the enlargement of an existing residential unit. I therefore consider that the recently adopted local plan policies identified above are up to date for the purpose of this decision.
19. The proposal would improve the quality of living accommodation for the appellant and would be well-designed in relation to surrounding built development including the Grade II listed building on the site and nearby Conservation Area. However, these considerations do not outweigh the harm to the character and appearance of the area, specifically through the potential loss of protected trees to the west of the site. The proposal conflicts with the National Planning Policy Framework, which seeks to conserve and enhance the natural environment.
20. The proposal therefore conflicts with the development plan, when it is considered as a whole, and there are no other considerations, including national planning policy, that outweigh this finding.

Final Conclusion

21. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR

¹ As reflected in the 2019 Housing delivery test results