
Appeal Decision

Site visit made on 12 October 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/Z2260/W/20/3246656

Land adjacent to new housing development, Mannock Drive, Ramsgate CT12 5DG

- 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 M Sturge against the decision of Thanet District Council.
 - The application Ref F/TH/19/1369, dated 24 September 2019, was refused by notice dated 18 December 2019.
 - The development proposed is erection of three dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Policies D1 and CC1 of the Thanet Local Plan 2006 referred to by the Council in its reasons for refusal have been superseded by policies of the Thanet District Council Local Plan (the Local Plan) 2020 which has been adopted since the appeal was submitted. The Council has indicated that Policies SP01, SP24, SP26, SP35, HO1, QD02, QD03 and SP29 of the new Plan are relevant to the reasons for refusal. I have taken these into account. Both main parties were given the opportunity to comment on the relevance of the new Plan policies.

Main Issues

3. The main issues in this case are the effect of the proposed development upon:-
 - a) The character and appearance of the area;
 - b) The living conditions of adjoining occupiers; and
 - c) The Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI).

Reasons

Character and appearance

4. Other development along this stretch of Manston Road has a set back from the highway. This creates a sense of space along the road frontage which is a distinctive characteristic of the development in the area. The development that

- has taken place at Gilmour Drive and Mannock Drive has maintained a set back from the highway reflecting the pattern of development in the area.
5. The proposal would create development closer to the highway than that of other developments along Manston Road. As such, the three proposed dwellings would be sited in a location that would be out of keeping with the pattern of development in area. The proposed development would, therefore, not visually integrate successfully within the context of the development along this part of Manston Road. Furthermore, it would erode the sense of openness and consequently would detract from the area's distinctive character. Retaining a landscaped strip immediately adjacent to the highway would not overcome this harm.
 6. The Council is concerned that the proposal would appear cramped and congested. However, the proposal would reflect the density and layout of the recent development to its south.
 7. I have been directed to a recently permitted residential development on the opposite side of Manston Road. From the plan and information provided, those dwellings opposite would have a greater set back from the highway than those dwellings that are before me. They also appear to reflect the front building lines of existing development to their east. Whilst that scheme would offer less scope for a landscaped belt along the road frontage, their set back retains the sense of openness along the road frontage. I do not consider that scheme offers support for the proposal and, therefore, I give this limited weight.
 8. I have also been directed to an area of land south of the appeal site indicated to recently having been permitted for residential development. Most notably the main body of the land is located behind existing road frontage development. Whilst part of that site includes land adjacent to Manston Road I have not been provided with any details of the intended development for that part of the site to compare what similarity, if any, that development would have to that of the proposal before me. I, therefore, give this limited weight.
 9. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would, therefore, conflict with Policy OD02 of the Local Plan that seeks, amongst other matters, development to relate to its surroundings, form and layout and to strengthen links to the adjacent areas and be compatible with neighbouring buildings and spaces.

Living conditions

10. The new dwellings would be positioned in extremely close proximity to properties at Mannock Drive and Gilmour Drive. The private rear gardens of the adjoining properties would be visible in outlook from the first floor windows of the proposed dwellings. Nonetheless, in respect of proposed Plots 2 and 3 the oblique angle of view would prevent harmful observation from being achieved. However, in regard to the proposed dwelling at Plot 1, given its relationship with and close proximity to the dwelling at Mannock Drive, clear views of the rear garden from first floor windows could easily be gained. This would not be prevented by a 2 metres fence that could delineate the boundary between respective developments.

11. Rear gardens are places in which the occupiers of the adjacent dwelling at Mannoek Drive are likely to spend a fair amount of their time, as are the first bedrooms within the proposed scheme. Overlooking of the private outdoor space of this existing property would be harmful to the living environment that the neighbouring occupiers should reasonably expect to enjoy.
12. For these reasons, I conclude that the proposed development would be harmful to the living conditions of adjoining occupiers. The proposal would, therefore, conflict with Policy OD03 of the Local Plan that seeks, amongst other matters, development to be compatible with neighbouring buildings and not to lead to unacceptable living conditions through overlooking.

SPA and SSSI

13. The Council has identified a likely significant impact upon the Thanet Coast and Sandwich Bay SPA and Sandwich Bay and Hacklinge Marshes SSSI as a result of increased recreational activity arising from new residential development and related population growth. The need for mitigation has been acknowledged by the appellant. Whilst a willingness to secure a financial contribution by means of a planning obligation to subsidise the District wide mitigation strategy has been expressed, no obligation is before me. Notwithstanding this, given that I am dismissing this appeal for other reasons it has not been necessary for me to consider this matter in any further detail or require an appropriate assessment to be undertaken to assess the development's effect upon the integrity of the protected habitats.

Other matters

14. The proposal would make a limited contribution to meeting the District Council's housing requirements. Notwithstanding this, the Council has recently adopted its new Local Plan and, as such, has an up to date development plan with a settlement hierarchy in place to deliver new development in a sustainable way with the potential for addition housing within the Plan period to be review by the Council.

Conclusion

15. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR