



Appeal Decision

Site visit made on 24 September 2020

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/Z2260/W/20/3252203

129 Sea Road, Westgate-on-Sea CT8 8QB

- 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 Messrs Peter, Rory and Victoria O'Sullivan and Clark against the decision of Thanet District Council.
 - The application Ref F/TH/19/1132, dated 20 August 2019, was refused by notice dated 12 November 2019.
 - The development proposed is for the erection of a 2.5-storey building comprising of 7 no. self-contained flats (1 x studio flat; 3 x 1-bed flats; and 3 x 2-bed flats) together with the formation of a vehicular access from Carlton Rise following demolition of the existing building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was determined, the Council has adopted the Thanet Local Plan July 2020 (LP). This replaces the previous Local Plan and the policies cited in the Council's refusal notice no longer apply. The main parties have been consulted on the matter and I am satisfied that no prejudice would arise by the consideration of the appeal proposal against the policies of the now adopted LP.
3. My attention has been drawn to a previous appeal (reference APP/Z2260/W/18/ 3213363). I shall have regard to this background when considering the merits of this proposal.

Main Issues

4. 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

5. The appeal site relates to a detached dwelling occupying a corner plot on the junction between Sea Road and Carlton Rise. The proposal would replace the existing dwelling with a 2/3 storey block of flats in a building of contemporary design, with brick and tile elevations, large sections of glazing and balconies to the elevations with Sea Road.

6. In terms of character and appearance, the previous appeal was dismissed for reasons relating to that building's location forward of adjacent properties, the resulting prominence and its mass and bulk in comparison to neighbouring dwellings. Approaching the site from the east past the curve in the road, houses are generally set back behind substantial grass verges or front gardens which follow the sweep of the highway, and this is particularly evident in the row of houses west of Carlton Rise, which stagger progressively forward towards Cliff Field. The land rises towards the western end of the esplanade of Westgate Bay, so that the existing dwelling on the appeal site is seen in the sweep of frontage development towards the summit of the slope before the land becomes more level along the cliff top. Taking these matters into account, the previous Inspector considered that the scheme would be out of scale and unsympathetic to the pattern of development along this part of Sea Road.
7. I note that within the local area there is no prevailing architectural style, and in design terms the neighbourhood is characterised by dwellings of substantial variety with regard to age, size, appearance and detailing. Nevertheless, when taken with the more modest, domestic proportions of surrounding houses, the appeal development, whilst smaller than the previous appeal scheme, would remain a substantial building in respect of its width, depth and height. The larger projecting gable element would be set well forward of the neighbour on the opposite side of Carlton Rise. Consequently, it would appear as a bulky intrusion into the streetscene that would be out of scale and incongruous with other buildings in the locale. Moreover, due to its siting it would be prominent and at odds with the existing pattern of development that is distinctive along this part of Sea Road.
8. I acknowledge that the elevations to the road frontages would be articulated with gables and balconies. The modern design would integrate with the eclectic mix of surrounding buildings. However, these factors would be insufficient to disguise its mass and scale and would not therefore outweigh the harm I have identified above.
9. Therefore I conclude that the proposal would cause harm to the character and appearance of the area. It would be contrary to policy QD02 of the LP that states proposals must relate to surrounding development, be well-designed and respect and enhance the character of an area. It would also be inconsistent with the advice in the National Planning Policy Framework (the Framework) which states that good design is a key aspect of sustainable development.

Special Protection Areas

10. The site is near the Thanet Coast and Sandwich Bay Special Protection Area and the Sandwich Bay and the Hacklinge Marshes Site of Special Scientific Interest (SPA) which are vulnerable to potential in-combination impacts from new housing through increased recreational activities. The Council has conducted an Appropriate Assessment on the proposal in accordance with requirements under the Habitat Regulations and consultation response from Natural England. This finds that mitigation of the proposal's impacts can be achieved through a financial contribution in accordance with the Council's Strategic Access Management and Monitoring Plan (2016), a tariff scheme in relation to the size and form of housing proposed.
11. I note that the appellant has no objection to providing a financial contribution towards the strategy; a signed, dated and witnessed planning obligation to secure any necessary contribution was provided with the appeal. Nevertheless,

as I have found the scheme unacceptable for other reasons I have not needed to address this matter further.

Planning balance

12. The Framework does not change the statutory status of the development plan as the starting point for decision making. Based upon my previous findings, the proposal is not in accordance with the policies of the development plan due to the harm I have identified in terms of the character and appearance of the area. The absence of harm relating to other matters, including for example highway safety and the living conditions of occupiers of neighbouring properties, are a neutral factor.
13. In respect of the Council's ability to demonstrate a deliverable five year supply of housing, the evidence drawn to my attention by the appellant suggests a shortfall, at 35%. I have not been provided with any evidence from the Council in this regard following the adoption of the LP. Consequently, based on the appellant's figure the housing policies which are most important for determining the application are out of date and paragraph 11(d) of the Framework should be applied.
14. The development would make a positive contribution to housing supply in an accessible location with associated social and economic benefits, including to the local economy during construction and to local services and facilities upon occupation. However, even if I were to conclude there is a shortfall in the 5-year supply of the scale suggested by the appellant and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission in this case in terms of the harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits of the development proposed. Consequently, the presumption in favour of sustainable development does not apply in the particular circumstances of this case.

Conclusion

15. For the reasons given the proposal is unacceptable and I conclude that the appeal should fail.

C Hall

INSPECTOR