



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: 27th November 2020

Appeal Ref: APP/Z2260/W/20/3251539

49 Kingsgate Avenue, Broadstairs CT10 3QP

- 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 Helen Hoskins against the decision of Thanet District Council.
 - The application Ref FH/TH/20/0115, dated 28 January 2020, was refused by notice dated 24 March 2020
 - The development proposed is a timber 20' x 14' shed/garage to store garden equipment and a classic car.
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Decision

1. The appeal is allowed and planning permission is granted for a timber 20' x 14' shed/garage to store garden equipment and a classic car at 49 Kingsgate Avenue, Broadstairs CT10 3QP in accordance with the terms of the application, Ref: FH/TH/20/0115, dated 28 January 2020, and the plans submitted with it (19.1592.PL02, 19.1592.PL03 and 19.1592.PL04), subject to the following condition:

1) Unless within 3 months of the date of this decision a landscaping scheme and details of the staining of the building are submitted in writing to the local planning authority for approval, and unless the approved details are implemented within 3 months of the local planning authority's approval, the development shall be removed.

The landscaping works shall be carried out in accordance with the approved details, and with the agreed implementation programme. The completed soft landscaping scheme shall be retained for the lifetime of the development. Any trees or shrubs which die, or are damaged, removed or seriously diseased shall be replaced by those of a similar size and species to those originally planted.

Upon implementation of the approved staining details specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matters

2. At my site visit, I saw that the development has been completed and I note that the application has been submitted retrospectively. I have dealt with the appeal on that basis.

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3. 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.

Main Issue

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

Reasons

5. The host property is a detached, two-storey dwelling in a residential area on the outskirts of Broadstairs. The frontage contains an in-out drive and a number of mature trees and shrubs. There is no prevailing architectural style in the area, and in design terms the neighbourhood is characterised by dwellings of substantial variety with regard to age, size, appearance and detailing. There is also a mixture of front boundary treatments including low brick walls, walls and railings combined, close board fencing and hedging. The building line on the opposite side of Kingsgate Avenue is fairly regimented; within the ribbon comprising the appeal site it is less so.
6. Approaching the site from the south west, the development can be glimpsed behind mature vegetation and the metal railings and entrance gates that form the front boundary of the adjacent dwelling. From the opposite direction, the shed is mostly hidden by large trees.
7. The building is only readily apparent from immediately in front. I note that efforts have been made to screen it with plants in pots, although these could be moved at any time. To my mind, the natural in-ground planting within the site is far more effective in limiting views from the highway.
8. The appeal site is generally much larger than those in the surrounds; in particular its road frontage is significantly wider than others along this part of Kingsgate Avenue. Whilst I acknowledge that in winter months, with less leaf cover, the development would be more visible, there is sufficient space within the site, particularly along the boundary immediately to the front, for permanent evergreen planting to become established. The building could also be stained a darker colour to assimilate with the immediate trees and vegetation.
9. With these factors in mind, although sited forward of the host dwelling, I consider that there would be no demonstrable harm as a result of the scheme. The building can be adequately accommodated within the site and would not detract from the visual amenity of the streetscene.
10. I therefore conclude that the proposal would not result in harm to the character and appearance of the area. Consequently it would comply with the requirements of policies QD02 and QD03 of the LP that seek to ensure proposals relate to surrounding development, are well-designed and respect and enhance the character of an area. It would also be consistent with the National Planning Policy Framework (the Framework) which states that good design is a key aspect of sustainable development.

Other Matters

11. Local residents have expressed a range of other concerns over the impact of the proposal, including the retrospective nature of the scheme and fire risk. However, these issues have been addressed in the planning officer's report. It has also been suggested that the granting of planning permission for the proposed development would be a precedent for other development nearby. However, there is no significant evidence before me that similar proposals are particularly likely to come forward, or that significant harm would necessarily ensue. In any event, each case must be considered on its own merits.

Conditions

12. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. As the development has already been carried out, it is not necessary or possible to impose the standard plans condition, although I have listed the application plans in my decision so it is clear what was submitted.
13. A condition requiring the submission of a landscaping scheme and details in respect of the staining of the development are necessary to ensure that the proposal integrates with the site and surrounding area.

Conclusion

14. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

C Hall

INSPECTOR