
Appeal Decision

Site visit made on 9 March 2021

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 09 April 2021

Appeal Ref: APP/Z2260/D/20/3264392

4 Tina Gardens, Broadstairs, Kent, CT10 1BJ.

- 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 S. Rickwood against the decision of Thanet District Council
 - The application Ref FH/TH/20/0399, dated 17 March 2020, was refused by notice dated 8 October 2020.
 - The development proposed is the demolition of existing garage and erection of new garage and utility room side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and erection of new garage and utility room side extension at 4 Tina Gardens, Broadstairs, Kent, CT10 1BJ in accordance with the terms of the application, Ref FH/TH/20/0399, dated 17 March 2020, and the plans submitted with it.

Main Issues

2. I consider that there are three main issues in this case:
 - a) the effect of the proposed development on the character and appearance of the area,
 - b) the effect of the proposal on the living conditions of the occupiers of 6 Tina gardens, in terms of it potential to result in a sense of enclosure and outlook, and;
 - c) whether the proposed parking provision would be detrimental to both residential occupiers and highway safety.

Reasons

Character and appearance

3. The appeal property, 4 Tina Gardens, is a chalet style detached dwelling. It is one of just three similar chalets in a residential road comprising an eclectic mix of dwelling styles and designs.
4. The appellant proposes the demolition of the existing garage and the construction of a single storey garage/utility room side extension built up to the side boundary with number 6.

5. The three chalet dwellings, along with a number of other dwellings in the road, have garages located to one side of the property and set back behind the dwelling with an extended access drive to serve them. As far as these three chalets are concerned the side drive does create a uniform separation distance between them, side to side. However, this gap is not a uniform feature across all the neighbouring dwellings.
6. The construction of the proposed side extension would significantly reduce the separation gap between numbers 4 and 6. This would impact on the rhythm of the original layout of the three chalets. However, given the overall lack of uniformity of the dwellings in the road and the varying separation distances I am not persuaded that this extension would cause significant material harm to the street scene and thereby the character and appearance of the area.
7. I therefore conclude in respect of the first main issue that the proposal would not cause harm to the character and appearance of the area. It would therefore accord with the objectives of Policy QD02 of the Thanet District Council Local Plan to 2031 (Adopted March 2020) (LP) and Paragraph 127 of the National planning Policy Framework (the Framework), as they relate to, amongst other things, the quality of development, the need to relate to surrounding development and to respect and enhance the character of the area.

Living conditions

8. The proposed extension had been built by the time of my site visit and therefore I was able to see the impact of the proposed extension on the living conditions of the occupiers of 6 Tina Gardens.
9. Given the lack of any windows in the side wall of number 6, the demolition of the former garage located to the rear of the site and the overall limited height of the extension I am not persuaded that it would result in an unacceptable sense of enclosure or loss of outlook, to the adjacent property as asserted by the Council.
10. Accordingly, I conclude in respect of the second main issue, that the proposal would not cause not harm to the living conditions of neighbouring occupiers. It would therefore meet the objectives of LP Policy QD03 and Paragraph 117 of the Framework as they seek to protect residential living conditions.

Highway safety

11. As acknowledged by the appellant the space in front the proposed garage door is less than the 6.0 metres required by the Council to ensure the safe escape from the garage in the event of an emergency.
12. There is a dispute between the parties as to the exact dimension. However, even if it were to only be 5.2 metres as suggested by the Council it is still greater than a standard parking space is 4.8 metres. Further, the garage door is, based on the evidence provided, a roller shutter and not a tilting style door. I am therefore content that the space for emergency access would not be significantly compromised in this case.
13. The Council are also concerned that a vehicle could be parked so as to overhang the pavement and thereby be an obstruction and hazard to pedestrians. I do not believe, given the depth of the space provided, the

residential character of the area and, as identified by the Council, the non restricted parking availability in the development, that this risk is any more likely than if the full 6.0 metre set back could be achieved.

14. I therefore conclude in respect of the third main issue that the proposed development would not, in this case, result in harm to either highway or residential occupiers safety. The proposal would therefore accord with the aims of LP Policy TP06 and Paragraph 32 of the Framework as they relate to residential and highway safety.

Conditions

15. The Council have suggested a materials condition. However, as the development has been completed I do not consider that such a condition is appropriate in this case.

Conclusions

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

Philip Willmer

INSPECTOR