
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/20/3263575

101 Sea Road, Westgate-on-Sea, Kent, CT8 8QE.

- 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 Martin Evans against the decision of Thanet District Council
 - The application Ref FH/TH/20/0921, dated 13 July 2020, was refused by notice dated 14 September 2020.
 - The development proposed is the removal of existing roof, erection of new first and second floor extension along with associated landscaping works.
-

Decision

1. The appeal is allowed and planning permission is granted for the removal of existing roof, erection of new first and second floor extension along with associated landscaping works at 101 Sea Road, Westgate-on-Sea, Kent, CT8 8QE in accordance with the terms of the application, Ref FH/TH/20/0921, dated 13 July 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings numbered: 001, 002, 003, 004, 005, 006, 007, 008, 009, and 010 – all dated 24 July 2020.
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) No development shall commence until details of the screens at second floor balcony level have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The screening shall then be retained in perpetuity.
 - 5) The extension hereby permitted shall not be occupied until the windows in the side elevations at first and second floor level have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority

before the windows are installed and once installed the obscured glazing shall be retained thereafter.

Main Issue

2. I consider the main issue to be the effect of the proposed development on the living conditions of the occupiers of 103 Sea Road, in terms of its potential to result in a sense of enclosure, loss of light and outlook and overlooking leading to a loss of privacy.

Reasons

3. The appeal property, 101 Sea Road, is a substantial chalet bungalow that almost fills its plot side to side. It is located between number 99, a three storey property set on rising ground and number 103 a two-storey dwelling with attic accommodation. Sea Road is characterised by a rich mix of dwellings of differing styles and designs.
4. The appellant proposes the remodelling of the dwelling including a first floor, second floor and roof extension together with a two-storey side extension and first and second floor front balcony.
5. The development would result in an increase in height of the western flank of the property adjacent to number 103. As I saw there are two dormer windows in the eastern side roof slope of 103. According to the Council's evidence these windows serve a bedroom or bedrooms and the separation distance to the side of the appeal property as extended would be about 5.1 metres.
6. Given the design of number 101 as extended, the separation distances involved and having regard to the detailed analysis undertaken on the appellant behalf I am not persuaded that, as suggested by the Council, the proposed extension would result in such a significant loss of light to the room/s served by the dormer windows nor indeed such a sense of enclosure as to cause harm to living conditions for the occupants.
7. As identified by the Council there would be the potential for overlooking of the second floor eastern side windows of number 103 from the proposed second floor balcony. However, in my judgement, with appropriate screening, I consider that actual and perceived overlooking could be avoided so as to cause limited harm to the living conditions of the neighbouring occupiers.
8. While the design proposals are not clear as to what is intended in terms of screening this is a matter, that if I were minded to allow the appeal, could be addressed by a suitably worded condition.
9. I therefore conclude in respect of the main issue that the proposed development would not cause material harm to the living conditions of the occupiers of 103 Sea Road in terms of its potential to result in a sense of enclosure, loss of light and outlook and overlooking leading to a loss of privacy.
10. The development would therefore accord with the aims of Policy QD03 of the Thanet District Council Local Plan to 2031 (Adopted March 2020) and paragraphs 117 and 127 of the National Planning Policy Framework as they relate to the protection of residential living conditions.

Conditions

11. The conditions follow from those suggested by the Council. To ensure a high quality development, I shall include a condition about the materials to be used in the construction of the external surfaces of the building.
12. To ensure the private amenity of neighbouring occupiers I shall require the proposed windows at first and second floor in the side elevations to be obscure glazed and fixed shut to a height of 1.7 metres above finished floor level. In addition I will also be required details of the privacy screens to the second roof balcony to be approved.
13. In the interests of certainty, I shall impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

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

Philip Willmer

INSPECTOR