



Appeal Decision

Site visit made on 20 April 2021

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th May 2021

Appeal Ref: APP/Z2260/W/20/3261272

4 St. James Avenue, Ramsgate, CT12 6DG

- 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 R Olnier against the decision of Thanet District Council.
- The application Ref F/TH/20/0555, dated 10 April 2020, was refused by notice dated 6 July 2020.
- The development proposed is erection of 1no two-storey three bed dwelling and 2no semi-detached two bed dwellings.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area and on the integrity of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar site.

Reasons

Character and appearance

3. The appeal site comprises a vacant corner plot in the midst of a residential area. The bungalow that previously stood on the land has been demolished. The surrounding area is of very mixed character with both houses and bungalows and with a considerable variety of external materials and roof forms. The properties on the opposite side of St James Avenue are set at different angles to one another and so have quite generous gaps between them. However, spaciousness is not an overriding characteristic of the locality. Along Queens Avenue, for example, the properties are quite close together and this fairly tight-knit spacing is the prevailing feature of the surroundings.
4. A dwelling in the same location as that proposed on Plot 3 has previously been permitted. The pair of semi-detached houses to the south (Plots 1 and 2) would be sited close to and facing the road and therefore would reflect the general layout of nearby buildings. Separation would also be provided to the adjoining bungalow at No 2 and with Plot 3. The area retained as garden to the rear would be small and the plot sizes would be below average for the area but this would not be evident in the street scene. Indeed, because of the gaps to neighbouring buildings, the proposal would not appear cramped. In this way it would be well related to the existing pattern of development.
5. The proposed house on Plot 3 would have a projecting glazed gable in a prominent position close to the junction of the two roads. This vertical element

has previously been accepted and would add visual interest. The main ridge would be higher than originally permitted. The neighbouring property at 35 Queens Avenue is a modest bungalow but the juxtaposition of buildings of different scales is commonplace in the area and so this would not jar. The overall height of the Plot 3 house would make it one of the larger buildings in the area but it would not be so great in size as to be overly dominant.

6. On Plots 1 and 2 the houses would have a double pitch roof and a rear catslide. Whilst not innovative in terms of design their general appearance would be typical of domestic architecture with materials of both facing brickwork and board cladding. However, the front gable features would be fussy and contrived and would dilute the otherwise simple form. To that extent the proposal would not be well-designed. Furthermore, the tandem parking arrangement alongside Plot 1 would not be satisfactory for future occupiers. In both these respects the proposal would not accord with Policy QD02 of the Thanet Local Plan which sets general design principles.

Integrity of the Special Protection Area

7. Because the site is within the zone of influence the proposal would have a likely significant effect on the Thanet Coast and Sandwich Bay SPA and Ramsar site. In combination with other development in Thanet, two additional dwellings would be liable to lead to recreational disturbance having a detrimental impact on overwintering wading birds.
8. Policy SP29 of the Local Plan indicates that all proposals for new residential development should comply with the Strategic Access Management and Monitoring Plan in order to mitigate the effects. The Plan refers to a warden service during the peak overwintering period, education and awareness activities such as signage and interpretation. The policy requires a financial contribution based on a tariff. Natural England concurs with this approach.
9. A unilateral undertaking has been provided offering a contribution towards mitigation measures to avoid adverse impacts on the SPA. However, on pages 3 and 4 of the document, the terms to be defined are missing. This is liable to lead to uncertainty as to its proper interpretation and raises doubt as to whether the sum would be secured. For example, there is no definition of the commencement date which provides the 'trigger' for the payment. A high degree of assurance is required if the provisions of the Conservation of Habitats and Species Regulations are to be met. In this case, because of deficiencies with the obligation it is not possible to be sure that the intended mitigation would take place and hence be effective.
10. As a result, following an appropriate assessment, the proposal would adversely affect the integrity of the SPA and would be contrary to Policy SP28 which seeks to protect European designated sites. Moreover, in these circumstances the Regulations preclude the proposal from proceeding.

Other considerations

11. The 2020 Housing Delivery Test results show that the delivery of housing in Thanet was 54% of the housing requirement as measured over the previous 3 years. However, paragraph 177 of the National Planning Policy Framework indicates that the presumption in favour of sustainable development set out in

paragraph 11 does not apply in cases such as this where it has been concluded that the plan or project would adversely affect the integrity of a habitats site.

12. The use of rooflights in the rear elevation of the houses on Plots 1 and 2 would ensure no significant overlooking or loss of privacy to the properties and gardens to the west. In general terms the relationship of the new houses with existing ones would be a conventional one such that living conditions would not be prejudiced.

Conclusions

13. Paragraph 68 of the Framework indicates that the development of windfall sites should be supported and great weight given to the benefits of using suitable sites within existing settlements for homes. The proposal would increase by two the supply of housing in a District where delivery is running behind Government expectations. However, because of failings with the submitted undertaking the proposal would adversely affect the integrity of the SPA. This is an overriding consideration.
14. Whilst in many ways the proposal would be compatible with the character and appearance of the area it would be contrary to the general design principles of the Local Plan in two respects and so would be harmful.
15. Overall the proposed development would be contrary to the development plan and there are no other material considerations which outweigh this finding. Therefore the appeal should not succeed.

David Smith

INSPECTOR