



Appeal Decision

Site visit made on 25 May 2021

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 9th June 2021

Appeal Ref: APP/Z2260/W/20/3265251

158 Percy Avenue, Broadstairs CT10 3LF

- 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 Binskin-Barnes against the decision of Thanet District Council.
 - The application Ref F/TH/20/0187, dated 7 February 2020, was refused by notice dated 18 September 2020.
 - The development proposed is the removal of garage and first floor addition above the existing dwelling, erection of detached chalet bungalow together with associated access, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of garage and first floor addition above the existing dwelling, erection of detached chalet bungalow together with associated access, parking and landscaping at 158 Percy Avenue, Broadstairs CT10 3LF in accordance with the terms of the application, Ref F/TH20/0187, dated 7 February 2020, subject to the conditions set out in the schedule at the end of this decision.

Main Issue

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

Reasons

3. The appeal site comprises a large detached two storey dwelling located on the south eastern side of Percy Avenue at its junction with Second Avenue. The surrounding area is wholly residential but is characterised by a mixture of dwelling sizes, including bungalows, and a variety of architectural styles and use of materials.
4. The proposal involves the demolition of an existing two storey side addition on the south western side of the existing dwelling and the erection of a chalet bungalow on that side of the property, but which would front on to Second Avenue. The Council officers recommend approval of the scheme, but members of the Planning Committee decided to refuse permission, as they are entitled to do, for the single reason relating to harm to the character and appearance of the area.

5. At my site visit I walked up and down both Percy Avenue and Second Avenue in order to fully appreciate the existing character of the locality. In particular, I noted that although there are large detached properties to the north east of the appeal site, they are sited quite close together with little space separating the plots. On the opposite side that density is increased with linked semi-detached properties of similar age to the application property, whilst directly opposite is a pair of more recent semi-detached houses with significantly less architectural detailing. The character changes beyond the appeal site and to the south west of Second Avenue, with a series of bungalows on the south eastern side of the road. The character of Second Avenue, a private road, is more spacious with detached properties standing in larger plots.
6. The proposed development on the site would result in two properties with similar spacing between them to other properties in the road, and the proposed chalet bungalow would provide a good transition in scale between the current dwelling and the bungalows to the south west. The use of materials found elsewhere within the road, such as clay tile roofs, render and weatherboarding, together with the retention of the existing frontage hedge, would also help to maintain existing character and integrate the new development. Although the overall site area would clearly be less than existing, the plot widths of the new and existing dwelling in particular would be similar to other properties within Percy Avenue.
7. Turning to the impact upon Second Avenue, the entrance from Percy Avenue, provides a pleasing green character, partly because of the overgrown hedge along the appeal site's side boundary, and partly because of the wide green verge on the opposite side of the private road. The latter would be unaffected, and whilst there would need to be some cutting back of the overgrown hedge along the frontage of the new plot, the plans show that the new bungalow would be set back from the frontage and the existing landscape buffer would be retained and enhanced. The current character would therefore be largely maintained.
8. Although the new chalet bungalow would be sited forward of the main part of the adjoining property in Second Avenue, known as Sentora, it would be in line with a substantial double garage belonging to that property which sits forward of the main house at right angles to it and has a tall pitched roof. The proposed bungalow would have a barn hip roof adjoining Sentora to respond to the roof design of that property and no dormer window facing Second Avenue. Those features, together with adequate spacing between the two properties, would provide an acceptable relationship within the streetscene and ensure the new bungalow would not appear cramped or over dominant.
9. Having regard to the above, I find that the proposed chalet bungalow could be successfully integrated into the streetscene without causing any harm to the character and appearance of the area. It would thus comply with Policy QD02 of the Council's Local Plan 2020.

Other matters

10. The original officer report found that there would be acceptable living conditions between the existing and new property and also for the occupiers of Sentora to the rear. Members appeared to have accepted that assessment by refusing the application for a single reason only. Nonetheless, I note the continued strong objection from the occupiers of Sentora and carefully

assessed the proposed relationship with that property at my site visit, which included standing within the existing rear garden of No 158. Having done that I consider that the spatial relationship and distances between living and amenity areas would be acceptable and any overlooking would be no greater than that which already exists from the rear of No 158. Whilst I acknowledge that there would be some impact upon the occupiers of Sentora, it would not justify a refusal of permission on that basis alone and I therefore see no reason to disagree with the officers' original assessment, nor to other issues raised in relation to living conditions.

11. The Council has prepared a strategy to deal with potential increased pressures on nearby ecologically sensitive sites known as The Strategic Management and Monitoring Plan (SMM). Essentially, this involves financial contributions from developments which go towards such measures as wardening services, visitor management and monitoring studies, all designed to manage recreational pressure. Such an approach is endorsed by Natural England which regards it as suitable mitigation.
12. The Council advises that for a three bedroom residential unit as proposed, it would be £424. In that respect the Council has received a signed Unilateral Undertaking dated 11 August 2020 which provides for the required financial contribution. Having had regard to that, I am satisfied that it would satisfactorily help to mitigate any additional recreational pressure on the ecological sites and that it satisfies the various tests, namely: that it is necessary to make the development acceptable in planning terms, it is directly related to the development and is fairly and reasonably related in scale and kind to the development.

Planning balance and conclusion

13. The Council advises that since it made its decision it has not met the Government targets set out in relation to the housing delivery test. Consequently, paragraph 11 of the National Planning Policy Framework (the Framework) is engaged in respect of the application being considered in the context of the presumption in favour of sustainable development. In that respect, the site is within the urban area of Broadstairs and within a sustainable location. There would be limited social and economic benefits arising from the addition of a single dwelling, albeit modest, and for the reasons set out above, the proposal would be acceptable from an environmental point of view in terms of satisfactorily integrating within the streetscene and causing no harm to the character and appearance of the area. Consequently, there would be no adverse impacts which would significantly or demonstrably outweigh the benefits of the proposal when assessed against the policies of the Framework taken as a whole.
14. Conditions for the development to be built in accordance with the approved plans and for details of materials, obscure glazing on the north elevation and landscaping, are all necessary in the interests of certainty, visual amenity and to protect living conditions. A condition to ensure parking is provided and retained is necessary to ensure adequate parking for both the existing and proposed dwelling. A Condition relating to water efficiency is necessary having regard to the site being located within an area of water stress. A condition requiring details of energy efficient measures is required in order to address climate change issues.

15. Accordingly, the appeal is allowed and planning permission granted.

Kim Bennett

INSPECTOR

Schedule of 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: 1354-004B;1354-0005;1354-006B and 1354-007B.
- 3) The first floor window in the north side elevation of the dwelling hereby approved shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and shall be installed prior to first occupation of the development hereby permitted and permanently retained thereafter.
- 4) The external surfaces of the proposed dwelling hereby approved shall be finished in white render and weatherboarding to the elevations, clay roof tiles and grey windows and doors as illustrated on the approved plan numbered 1354-006B. Prior the construction of the external surfaces of the development hereby approved samples of the proposed weatherboarding and roof tiles to be used shall be submitted to and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples.
- 5) Prior to the first occupation of the dwelling hereby approved, full details of both hard and soft landscape works, to include: species, size and location of new trees, shrubs, hedges and grassed areas to be planted; the treatment proposed for all hard surfaced areas beyond the limits of the highway; walls, fences, or other means of enclosure proposed; shall be submitted to and approved in writing by the local planning authority. The works shall be carried out prior to the first occupation of the dwelling hereby approved. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.
- 6) The areas shown on the approved plan numbered 1354-004B for vehicle parking and manoeuvring, shall be provided prior to the first occupation of the dwelling hereby approved and shall thereafter be kept available for such use at all times.
- 7) The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110 litres/person/day in accordance with Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended.

- 8) Prior to the construction of any development above ground level, full details of energy efficient measures to be included in the construction of the dwelling shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.