
Appeal Decision

Site visit made on 21 June 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2021

Appeal Ref: APP/Z2260/W/21/3266267

9 Northdown Way, Margate CT9 3QU

- 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 P Coupland against the decision of Thanet District Council.
 - The application Ref F/TH/20/1313, dated 2 October 2020, was refused by notice dated 3 December 2020.
 - The development proposed is demolition of workshop and garage and erection of an Annexe to rear of land at 9 Northdown Way for the benefit of person with a disability and or care needs.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of workshop and garage and erection of an annexe for the benefit of person with a disability and or care needs at 9 Northdown Way, Margate, CT9 3QU in accordance with the terms of the application Ref F/TH/20/1313, dated 2 October 2020, subject to the conditions listed below: -
 - a. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - b. The development hereby permitted shall be carried out in accordance with the following approved plans: 3126_PL_01 and 3126_PL_03.
 - c. The external surfaces of the development hereby permitted shall be finished in accordance with the material as annotated and illustrated on approved plan 3126_PL_03.

Main Issues

2. The main issues are whether the proposed development would constitute an annexe or a new dwelling within the rear garden of 9 Northdown Way and, if determined to be a new dwelling, the effect it would have upon the character and appearance of the area.

Reasons

3. I am required to consider the proposal as applied for. I have taken the description of the proposed development, as set out in the banner heading above, from the planning application, which clearly sets out that the proposal is for the erection of an annexe within the rear garden of 9 Northdown Way. Even if the development could be used as a separate dwelling, there is no

separate dwelling proposal before me. If the structure is not built or used as proposed, or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required, and the building would be at risk of enforcement action if such permission is not granted.

4. Policy HO23 of the Thanet District Local Plan March 2020 (the Local Plan) sets out that proposals to provide an annexe will be permitted providing the proposal satisfies the criteria set out in the policy. I shall deal with each of the criterion in turn below.
5. The proposal would be within the curtilage of the principal dwelling and would share its vehicular access. Although there is a gate access onto a private drive that leads to Northdown Park Road that drive does not form part of the application.
6. The appellant has advised that the annexe is to provide accommodation for a family member with a disability that may also require supportive care in the future. Therefore, I am satisfied that the accommodation would only be occupied in connection with the main dwelling in single family use.
7. The application details indicate the land upon which the annexe would be constructed would be in the same ownership as the main dwelling.
8. The annexe would be positioned very close to the main dwelling and the appellant has explained that all services, waste collection and parking would be linked with the main dwelling. The annexe is designed in such a way as it could easily allow the accommodation to be used as an integral part of the main dwelling when it is no longer needed for independent occupation. Notwithstanding this, the Council contends that the proposal would contain all the amenities required for a self-contained dwelling. Even if the accommodation provides facilities for independent day-to-day living that does not mean the proposal would consequently become a separate planning unit from the main dwelling.
9. The proposal does not offer any boundary demarcation or subdivision of the land between the main dwelling and the annexe. As such, the proposal does not suggest an intention to create a separate planning unit from the main dwelling.
10. The footprint and the scale of the annexe would be subservient to that of the principal dwelling. I have no substantive evidence before me that would indicate that the proposal would not comply with the Council's design policies.
11. For these reasons, I conclude that the proposed development would constitute an annexe and consequently, for those reasons set out above, I have found that the proposed annexe would comply with Policy HO23 of the Local Plan that relates to ancillary accommodation for a family member.
12. As I have found the proposal to be an annexe rather than a new dwelling, I have not considered Policy QD02 of the Local Plan as the Council has applied this to its consideration of the development as a new dwelling.
13. There has been a previous planning application and dismissed appeal at the site. Whilst the proposal may occupy a similar location within the site and be of comparable size and footprint to that proposal, that development related to

a detached single storey dwelling where different considerations and planning policies will have applied.

Other matters

14. The Council has sought mitigation to address the net increase in residential accommodation that may result in increased recreational disturbance to the Special Protection Area and Ramsar sites on the basis that the proposal would constitute a new single dwelling. I have found this not to be the case and as such the annexe would not constitute a new dwelling to which SPA mitigation should be applied.
15. A third-party comments that the land would not have been sold if it was known that a dwelling might be built on the land. The selling of land appears to be an historic matter that is not before me as part of this appeal. Concern is expressed to overlooking, loss of sunlight and reduction in outlook from and enjoyment of adjoining garden. The existing boundary treatment would prevent any substantial overlooking from potentially occurring. The annexe would be of modest height and would not create any significant reduction in sunlight to neighbouring properties or be particularly dominant in outlook from those properties or their gardens. Therefore, I do not consider the proposal to be an unneighbourly development.

Conditions

16. I have considered the planning conditions suggested by the Council in light of paragraph 55 of the National Planning Policy Framework and the advice in the Planning Practice Guidance. I consider the standard time limit condition to be appropriate. In the interests of certainty, it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. In the interests of the appearance of the area a finishing materials condition is necessary. As the proposal would relate to development associated with an existing dwelling, I consider the submission of details relating to hard and soft landscaping, refuse and cycle storage to be an overly onerous requirement.

Conclusion

17. For the reasons set out above, and subject to the conditions listed, this appeal should be allowed.

Nicola Davies
INSPECTOR