



Appeal Decisions

Site Visit made on 23 June 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 JULY 2021

Appeal A Ref: APP/Z2260/W/21/3267251

Therfields, Spratling Street, Ramsgate CT12 5AW

- 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 S Mayhew against the decision of Thanet District Council.
 - The application Ref F/TH/20/1055, dated 13 August 2020, was refused by notice dated 17 November 2020.
 - The development proposed is erection of contemporary barn style dwelling including access and landscaping
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Appeal B Ref: APP/Z2260/W/21/3273549

Therfields, Spratling Street, Ramsgate CT12 5AW

- 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 S Mayhew against the decision of Thanet District Council.
 - The application Ref F/TH/21/0109, dated 27 January 2021, was refused by notice dated 9 April 2021.
 - The development proposed is erection of dwelling.
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Decision

1. Appeal A and Appeal B are both dismissed.

Preliminary Matters

2. Unilateral Undertakings (UU) have been submitted for both Appeal A and Appeal B which include mechanisms to contribute towards mitigation of the effects of the proposed development on the Thanet Coast and Sandwich Bay Special Protection Area (SPA). I will return to this matter later in this decision.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area (Appeal A and B) with particular regard to the design of the proposed dwelling (Appeal B only)
 - The quality of living conditions for future occupiers with particular regard to the overlooking of the amenity space (Appeal A and B)

Reasons

Character and Appearance

Appeal A and B

4. The appeal site is on the corner of Preston Road and Spratling Street and is part of the residential garden to Therfields. The host property fronts Spratling Street which, in this area, is characterised by detached properties set in generous plots. There is a notable sense of spaciousness in this location due to the size of the plots, front gardens and the space around the buildings, albeit Therfields and Magpies are close to one another. The open farmland to the west, the nearby public open space accessed from Spratling Street, and, notwithstanding that Preston Park is not undeveloped, the size and scale of the static caravans opposite, further contribute to this sense of openness and local distinctiveness.
5. Preston Road is characterised by groups of distinctive brick properties, some with tile hanging, set back from the road behind grass verges and front gardens. They have distinct front gable features and pitched roofs in a regular layout which creates a cohesive and attractive streetscene. Consequently, Spratling Street and Preston Road have notable, separate characters.
6. The proposed developments in both Appeal A and B would subdivide the plot of Therfields and would introduce a substantial dwelling in close proximity to the host property. The reduced size plots and the proximity of the proposed buildings to the host dwelling would result in cramped layouts. They would harmfully undermine the distinctive spacious pattern of development and sense of openness to Spratling Street.

Appeal B only

7. The proposed dwelling includes a projecting two storey element to the north with a separated hipped and pitched roof above, a one and a half storey addition to the south and a hipped roof to the main house. These create a complex and fragmented roof form. Furthermore, this would not be in accordance with the Preston Road streetscene. This would therefore result in an inappropriate and incongruous appearance to the proposed dwelling, harmful to the character and appearance of the surrounding area.

Appeal A and B

8. Consequently, for both Appeal A and B the proposed developments would have a harmful effect on the character and appearance of the area. In this respect the proposed developments would be contrary to Policies QD02, HO9 and SP26 of the Thanet District Council Local Plan to 2031 March 2020 (the Local Plan) which provide detail to ensure that developments create well designed places and require proposals to be compatible with the character of the settlement, conserve and enhance local distinctiveness, provide high quality design and take opportunities to improve the character and quality of an area.
9. Policy QD01 of the Local Plan mainly relates to the reduction of emissions of greenhouse gasses and resilience in a changing climate. Therefore, the policies listed above are more relevant to this main issue.

Living Conditions - Appeal A and B

10. The proposed garden area extends around the east, south and west of the proposed dwellings in both Appeal A and B. They would be overlooked by first floor windows to Therfields and 25 The Leys. The gardens would be separated from Preston Road by a 2.4m high indigenous hedgerow.
11. The majority of the gardens would be somewhat overlooked by either neighbouring occupiers or passers by until the boundary hedge becomes established. However, many of the gardens nearby are overlooked by first floor windows. Therefore, any overlooking that may arise would be similar to existing relationships in the surrounding area. As such, the proposed arrangement would not be unduly harmful for future occupiers over and above the current situation in the vicinity. Consequently, the proposed garden areas would provide appropriate garden space for the proposed dwellings.
12. Although the outlook from 25 the Leys would alter, I am not presented with evidence that this change would be unacceptably harmful to the living conditions of the existing occupiers.
13. Consequently, for both Appeal A and B the proposed developments would provide an acceptable quality of living conditions for future occupiers. As such they would be in accordance with Policy QD03 of the Local Plan, which seeks private or shared external amenity space/play space for residential development, amongst other things.

Planning Balance - Appeal A and B

14. The Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years. Therefore paragraph 11(d) of the National Planning Policy Framework (February 2019) (the Framework) is engaged.
15. The proposals would each provide the social and economic benefits associated with the provision of a dwelling, and the replacement boundary hedge would be ecologically beneficial in terms of it being an indigenous species. However, due to the size of the development these benefits are limited in their scale. The proposed boundary hedges would also increase the visibility splays for Therfields, however I am not presented with detailed evidence that there are any issues with this access at present and therefore I afford limited weight to these benefits.
16. On the other hand, I have identified notable environmental harm in terms of the substantial public and permanent harm to the character and appearance of this area for both Appeal A and B. Therefore, even taking into account the substantial under delivery of housing, the adverse effects of the proposals significantly and demonstrably outweigh the modest benefits, when considered against the policies in the Framework as a whole. Consequently, the presumption in favour of sustainable development does not apply in these cases.

Other Matters - Appeal A and B

17. The SPA is a habitats site that has a high level of protection. It is designated because of its use by migratory birds particularly over-wintering Turnstones and European Golden Plover. The Council has a strategy that seeks to mitigate

the impacts on the SPA arising from recreational activity, particularly dog walking, which increases with new housing. The appellant has provided mitigation in the form of Special Protection Area Contributions for both appeals. Notwithstanding this, and the detailed drafting of the UUs, there is no need to consider the implications of the proposal on the protected site because the schemes are unacceptable for other reasons.

Conclusion

18. The proposals would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeals should be determined otherwise. Therefore, for the reasons given above, I conclude that both Appeal A and Appeal B should be dismissed.

H Miles

INSPECTOR