
Appeal Decision

Site visit made on 16 November 2021

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 19/11/2021

Appeal Ref: APP/Z2260/W/21/3276898

16/18 Queen Elizabeth Avenue, Cliftonville, Margate, Kent CT9 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 Timothy Wagland against the decision of Thanet District Council.
 - The application Ref F/TH/20/1571, dated 10 November 2020, was refused by notice dated 12 January 2021.
 - The development proposed is penthouse apartment to each block (16 and 18) and 3 additional garages.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Planning law requires that applications for planning permission be determined in accordance with the development plan for the area unless material considerations indicate otherwise. In this case, the development plan comprises the Thanet Local Plan (Local Plan). The National Planning Policy Framework (the Framework) is a material consideration.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the host buildings and the surroundings.
 - The living conditions of occupiers of nearby properties.
 - The Thanet Coast and Sandwich Bay Special Protection Area (SPA) and the Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI).

Reasons

Character and appearance

4. The character of the surroundings is residential, substantially comprising modern bungalows, some with dormer additions.

5. Queen Elizabeth Avenue is notably a long and straight thoroughfare with a relatively flat topography. Residential properties and their gardens (including the appeal site) are arranged on one side of the road. Northdown Park, on the other side, provides coverage of a more natural appearance. The three storey apartment blocks that occupy the site are a prominent and distinctive feature in a local townscape dominated by more modest dwellings.
6. The proposal would represent a significant alteration to the form of the pitched roofs of the buildings. The additions would be highly prominent in public views along Queen Elizabeth Avenue due to the heights of the buildings in relation to others nearby, the open nature of the road, and the ridges of the buildings running parallel to the road. The prominence would be particularly evident in views from the south, where the front building line of number 18 is seen forward of number 16, providing views of both.
7. The alterations would add considerable bulk that would be highly visible in both main elevation and side profile in the views described. Although the extensions would leave part of the original roof profiles intact, the single mass and shape of the additions, projecting above the ridges, would sit uncomfortably on the host building. The horizontal emphasis that the additions would provide at roof level would be reinforced further by the window details on the front elevation, which would contrast poorly with the existing fenestration. For these reasons the proposal would not achieve a satisfactory relationship with the host buildings.
8. In terms of effects on the wider surroundings, the buildings are in themselves contextually incongruous by virtue of their scale in relation to the general surroundings. In this regard, over applying policy in QD02 of the Local Plan relating to compatibility with neighbouring buildings would not be appropriate.
9. Notwithstanding this, for the reasons discussed above, the proposed extensions would increase the prominence of the buildings in the streetscape and represent a standard of design that would detract from the character and appearance of the area rather than taking the opportunity to improve it. The proposal would not be designed to respect and enhance the character of the area and would not therefore accord with Policy QD02(2)
10. The proposal would provide lift access, which may improve the functional use of the buildings for all users. It would also result in balconies that would give more natural surveillance to the street and parkland. These factors are beneficial and would accord with Policy QD02(4) in relation to the creation of safe and accessible environments. However, they do not outweigh the overall concerns discussed regarding the design.

11. For the reasons set out, the proposal would have a harmful effect on the character and appearance of the host buildings and the surroundings. Consequently, there is conflict with Policy QD02 of the Local Plan in relation to standards of design.

Living Conditions

12. The Council's reasons for refusal include concerns relating to potential unacceptable increases in overlooking to 14A Queen Elizabeth Avenue, in particular to the rear garden area. This property already experiences a degree of overlooking from the upper windows of number 16. The addition of further windows to the rear, and a small circular window associated with an en suite bathroom would not make the existing situation materially worse. Further, the balconies and balustrades associated with the proposal would be set in far enough from the side boundary as to not have a material effect on standards of privacy.
13. Considering all the evidence on this issue, including the comments of other interested parties, I am satisfied that the proposal would not materially harm the living conditions of occupiers of nearby properties. Consequently, there is no conflict with Policy QD03 of the Local Plan in relation to development not leading to unacceptable living conditions

SPA and SSSI

14. The Council have included a reason for refusal relating to the absence of an appropriate contribution towards strategic access management measures (SAMM).
15. The substance of this issue has not been formally addressed by the Appellant in terms of offering a contribution. As such, the need for a contribution appears to be a matter in dispute between the Appellant and the Council. Notwithstanding this, considering my findings of harm in relation to other matters, it is not necessary for me to conclude on this matter.

Conclusions

16. The proposal would have a harmful effect on the character and appearance of the host building and the surroundings. There is consequent conflict with the development plan that flows from this harm and the aims of the Framework, notably of fostering well designed and beautiful places.
17. I have balanced this against the contribution that would be made in terms of housing delivery, mindful of the Government's commitment to significantly boosting the supply of housing and the contribution that small sites can make, as set out in the Framework. There are economic and social benefits linked to this.

18. Whilst the benefits attract a moderate degree of positive weight, they do not provide sufficient material consideration to outweigh the conflict with the development plan, given the importance placed on achieving good standards of design and the extent to which the proposal falls short of this.
19. This is the case without needing to factor in any effects on the SPA and SSSI, which I have excluded from my weighing up.
20. There is uncertainty in the evidence around whether the Council accept that the presumption at paragraph 11 of the Framework is engaged in this case. For the avoidance of doubt, even if the presumption were to be applied, given the design issues discussed the level of harm in this instance is such that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.
21. In conclusion, for the above reasons and having regard to all other matters, I conclude that the appeal should be dismissed.

D.R. McCreery

INSPECTOR