The Planning Inspectorate

Appeal Decision

Site visit made on 29 November 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2021

Appeal Ref: APP/Z2260/D/21/3274105
51 London Road, RAMSGATE, Kent, CT11 0DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mrs S Brown against Thanet District Council.
- The application Ref F/TH/21/0138 is dated 12 January 2021.
- The application sought planning permission for erection of single storey front extension with balcony to flat roof of extension without complying with conditions attached to planning permission Ref FH/TH/19/1570, dated 7 January 2020.
- The conditions in dispute are Nos 2 and 3.
- Condition 2 states that: The development hereby approved shall be carried out in accordance with the submitted drawings numbered DB2a, DB4, DB5a, DB7 and DB8.
- The reasons given for the condition is: To secure the proper development of the area.
- Condition 3 states that: The extension hereby permitted shall be constructed using smooth white render to the walls and grey UPVC windows and doors.
- The reasons given for the condition is: In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan.

Decision

1. The appeal is allowed and planning permission is granted for erection of a single storey front extension with balcony to flat roof of extension at 51 London Road, Ramsgate, Kent, CT11 0DD in accordance with application Ref F/TH/21/0138, dated 12 January 2021, without complying with conditions 2 and 3 as set out in planning permission reference Ref FH/TH/19/1570, dated 7 January 2020, subject to the following revised conditions: -

   a. The development shall be maintained in accordance with submitted drawings numbered DB4a and DB5b.

   b. The external elevations of the extension shall be maintained with a composite cladding comprising white, grey and blue colour stripes and with grey upvc windows and doors.

Preliminary Matters

2. A beach hut silhouette has been added to the property at first floor. The Council comments that this requires the benefit of planning permission as the silhouette is not similar to the house. The matters before me relate solely to conditions 2 and 3 that relate to the single storey extension that has been erected. The beach hut silhouette is a separate matter to this appeal and for clarity I have not considered it as part of this appeal decision.

Background and Main Issue

3. The single storey front extension with balcony to the flat roof of the extension has been carried out with different cladding on the external elevation to that stipulated to be used by conditions 2 and 3 of planning permission Ref FH/TH/19/1570. The local planning authority has refused a planning application to amend conditions 2 and 3 that would allow for the alternative striped cladding to be used on the façades of the extension. The main issue is the effect of removing or varying conditions 2 and 3 would have on the character and appearance of the area.

Reasons

4. The appeal property is at the corner of London Road and St Augustine Park. The extension is single storey. Although added to the front elevation of the host property, the extension appears as a subservient addition to the dwelling. The property can be seen on the approach when travelling west to east along London Road. However, being on the inside of a bend in the London Road highway and given its set back from London Road, No51 with its extension is only visible in localised views from London Road. Given the single storey nature of the extension, I do not find that it is particularly intrusive or visually prominent in public views at its corner siting.

5. The external elevations of the extension are visually different to that of the host property, which has a red brick finish, and that of other properties within the area. Nonetheless, I saw that other properties in the area have variety to their finishes with some incorporating coloured hanging tiles, render, composite or upvc cladding, stonework, black tile, amongst other materials. I accept that the striped cladding would be different to that of the finish of any other property in the area. However, given the mix of finishes in the locality the striped composite cladding does not appear as an overtly visually discordant feature in this location.

6. Consequently, I find that the colour and finish of the cladding to the extension does not result in an incongruous or discordant form of the development and is not substantially visually harmful or intrusive at this corner location.

7. For the above reasons, the development does not conflict with Policy QD02 of the Thanet Local Plan that requires all new development to promote or reinforce the local character of the area and to provide high quality and inclusive design. As such, the failure to comply with conditions 2 and 3 of planning permission reference Ref FH/TH/19/1570 has not resulted in material harm to the character and appearance of the area.

Conditions

8. As the original development has been started there is no need to impose a time limit condition. The Council has not raised any objection to the installation of grey upvc windows and doors. I see no substantive reason that might lead me to a different view in respect of the materials for the windows and doors. In the interests of certainty and to ensure the character and appearance of the area is not harmed, varied conditions are necessary that require the development to be maintained in accordance with the revised drawings and specified materials.

Conclusion

9. For those reasons given above the appeal should succeed. I will grant a new planning permission subject to the modification of conditions 2 and 3 to include the revised drawing numbers and materials.

Nicola Davies

INSPECTOR