



Appeal Decision

Site visit made on 13 April 2022

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2022

Appeal Ref: APP/Z2260/D/22/3293114

18 Drapers Avenue, Margate CT9 4AP

- 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 & Mrs Anthony Moyes & Victoria Greenwood against the decision of Thanet District Council.
 - The application ref FH/TH/21/1524 dated 7 September 2021, was refused by notice dated 25 November 2021.
 - The development proposed is the erection of a two storey side extension with juliette balcony to rear at first floor.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form refers to a first floor side extension only. This is presumably in recognition of planning permission having been granted for a ground floor side extension. However, those works have not yet commenced and the submitted plans show a two storey side extension which properly reflects what was applied for. I have therefore adopted the description of development as it appears on the Council's decision notice.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal property comprises a two storey detached house located on the corner of Drapers Avenue where it turns through 90° to connect to St. Peter's Road to the east and College Road to the north. On the opposite corner is a small close known as Oast Court. The character of the area is primarily detached and semi-detached two storey properties of similar age, apart from the Oast Court properties which are of more recent construction.
5. There have been two recent refusals for first floor side extensions in 2019ⁱ, for similar reasons to the current proposal, namely that the Council considered they would have been out of keeping with the established building line and surrounding pattern of development. There is some discrepancy between the parties in respect of the precise measurements of each extension but from the

- appellants evidence it appears that the first extension was 4.885m in width whilst the revised version was similar but with a slight setback from the front elevation.
6. Subsequently, a single storey side extension extending the full depth of the property and 3.5m in width was approved in 2021ⁱⁱ.
 7. The current proposal followed pre application discussions with the Council where the latter indicated in a response dated 14 September 2020 that a first floor extension of no greater than 3m in width might be acceptable. In the event the current proposal is for a first floor extension of 3.5 m in width extending the full depth of the original dwelling, set back from the front elevation and with a hipped roof slightly set down from the ridge line.
 8. The appellants evidence contains a number of precise calculations to justify the extent of the proposal, partly to suggest that the Council's decision was based on inaccurate assumptions, and partly to suggest that there was very little difference between what the Council suggested might be acceptable and what was proposed. I would make a number of observations here. Firstly, I acknowledge the appellants precise calculations which I have no reason to disbelieve, particularly the dimension between the flank wall of the proposed side extension and the western boundary which appeared to me on site would be greater than that shown on the plans. In that respect I concur with the appellants stated dimensions. Secondly, I also acknowledge that the Council's own design advice does not make any reference to extensions having to be no greater than half the width of the original property. Finally, whilst the Council indicated what might be acceptable, pre application advice can only be just that, and I note that the Council specifically referred to the fact that such advice did not bind the Council to any formal decision, in its reply of September 2020.
 9. I make the above observations in recognition that unlike some jurisdictions, planning decisions in this country are not usually made on the basis of precise measurements and dimensions. Instead, decisions on planning applications are made based on matters of judgement taking account of such factors as site specific contexts, building relationships, site levels and other built extensions within the area. The exception to this is the permitted development regime which necessarily for the sake of clarity needs to be based on defined limits.
 10. With the above in mind, I have carefully assessed the proposal from different vantage points. From the eastern limb of Drapers Avenue, I agree there would be little impact. However, when looking south from College Road, there is a definite building line formed by the two properties either side of the junction, the properties on the western side of Drapers Avenue and the appeal property, all being set back and well within their boundaries. Although boundary walls at ground level provides some enclosure, the building line provides a pleasant open character from this viewpoint. In this respect I disagree with the appellants view set out in the visual assessment appendix that the buildings are too far apart to appear related.
 11. In my view the proposed first floor side extension would significantly breach that building line, even with the corrected dimensions to the site's western boundary which the appellant has provided, and would be most apparent when viewed from College Road, particularly by virtue of the large proposed hipped roof. Although I understand the reasons for that from a design point of view, it

would significantly add to the bulk and massing of the extension and therefore its prominence.

12. The proposed extension would also be particularly prominent from the corner when looking from Oast Court where its full impact would be readily apparent, and which would be further accentuated from this viewpoint because of the slight drop in land levels beyond the appeal site to the road. Based on the above, my finding is that the proposed extension would be a visually disruptive element in the immediate street scene, causing visual harm as a result.
13. I note the appellants reference to the role of boundary screening vegetation to mitigate any impact. Whilst it is likely that the corner hedge could remain, in my view it is most unlikely that the boundary trees would remain either in the short term or longer term given the proximity of foundations of the proposed extension and the likely need for side access between front and rear of the property. I note the reference to a case in 20 Freda Close, Broadstairs in relation to boundary screening but each case has to be determined on its individual merits and I attach little weight to that as some kind of precedent which should be followed. I am also not persuaded that new planting would offer much scope for mitigation partly for the same reason and partly because the main bulk of the extension from College Road would still be apparent above any planting.
14. The appellants suggest that the extension would give a better scale to the property in relation to its neighbours. Whilst I do not consider that is problematic at the moment, for the reasons set out above, it would also make the property far more apparent in the street scene as a result. Finally, although I have been referred to a number of examples of large extensions elsewhere, the site considerations may well be different and I have reached my findings based on the specific site circumstances and building relationships of this particular site.
15. Drawing the above together and for the reasons set out, the proposal would adversely affect the character and appearance of the area. It would therefore be contrary to Policy QD02 of the Thanet District Council Local Plan 2020 in that it would not respect and enhance the character of the area particularly with regard to the context and layout of the immediate area.
16. Accordingly, the appeal is dismissed.

Kim Bennett

INSPECTOR

ⁱ Ref FH/TH/18/1494 & FH/TH/19/0624

ⁱⁱ Ref FH/TH/20/1575