
Appeal Decision

Site visit made on 4 July 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2022

Appeal Ref: APP/Z2260/W/21/3281993

2 Vale Road, Ramsgate, Kent, CT11 9LU

- 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 Cox against the decision of Thanet District Council.
 - The application Ref F/TH/20/1729, dated 1 December 2020, was refused by notice dated 4 March 2021.
 - The development proposed is demolition of existing store and erection of 2 No 3 bedroom town houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in respect of the appeal are the effect of the proposed development on: -
 - a) The character and appearance of the area; and
 - b) The living conditions of existing neighbouring occupiers.

Reasons

Character and appearance

3. The surrounding area is characterised by large Victorian and early 20th Century properties set within good sized plots. The properties are of generous proportions with bay window projections with varied traditional detailing. Most dwellings host long rear gardens. Whilst the Council considers side gardens of corner plots to be characteristic of the area, I did not see this to be discernibly so.
4. The proposal would occupy the existing gap between properties and be attached to the existing detached large two storey Victorian property of 2 Vale Road. Both dwellings would be set within significantly smaller plots when compared to most of the dwellings in the surrounding area with little in the way of rear gardens. As such, the dwellings would be out of keeping with the pattern of development in the area.
5. In contrast to those traditionally detailed dwellings in the area to which bay windows are a reoccurring feature, the dwellings would comprise a simple, modern design. The overall design of the dwellings and arrangement of flush fenestration within the frontage would not relate to the generous bays and vertical proportions of the window openings of the properties in the area and

the windows would appear disproportionately small in size. Furthermore, the frontages would be largely blank and, other than the window and entrance openings, be somewhat featureless. As a consequence, the proposed dwellings would appear as a discordant development within the existing streetscape being visually out of keeping with the character, appearance and local distinctiveness of the surrounding development. This would be so even if the dwellings would be of brick construction with natural slate roofs that might match the materials of other properties within the area.

6. I have been directed to a development of a detached dwelling at Ellington Road and have been provided a street scene elevation of that development. Although that property is located between existing Victorian dwellings, I have not been provided any substantive information relating to the nature of the site prior to development that might enable me to consider what similarity, if any, that development would have to that of the proposal before me. In any event, the appeal before me relates to a different site and a development of two dwellings. The considerations will, therefore, differ and require consideration within the specific context of the development in the surrounding area.
7. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would, therefore, conflict with Policy QD02 of the Thanet District Council Local Plan 2020 (the Local Plan) and the Framework. This policy and the Framework seek, amongst other matters, all new development to promote or reinforce the local character of the area.

Living conditions

8. The proposal would create two new dwellings that would incorporate habitable living spaces at the upper storeys. Outlook from these habitable rooms would increase observation toward the rear of 6 Crescent Road. To the rear of No 6 is a patio and a garden. These are outdoor living spaces in which the occupiers of that property would spend a significant part of their time and are spaces in which the occupiers should expect to enjoy a reasonable amount of privacy. Given the close proximity and relationship with No 6, the occupiers of No 6 would experience being observed by the occupiers of the new dwellings and this would diminish those existing occupier's privacy. This would be harmful to the living conditions that the occupiers of 6 Crescent Road should reasonably expect to enjoy.
9. For these reasons, I conclude that the proposed development would be harmful to the living conditions of existing neighbouring occupiers. The proposal would, therefore, conflict with Policy QD03 of the Local Plan and the Framework. This policy and the Framework seek, amongst other matters, to provide a high standard of amenity for existing and future users and require development not to lead to unacceptable living conditions through overlooking.
10. The third refusal reason on the Council's decision notice cites that the development would obstruct the two second floor side elevation windows of 2 Vale Road and this would impact upon light to and outlook from internal rooms of that property. However, I saw at my visit that the side windows within 2 Vale Road have been blocked up. As such, this obviates the Council's concerns and conflict with development plan policy in respect of light and outlook relating to internal rooms.

Other Matters

11. The Council raise concern as it would appear that the proposal would represent a subdivision of 2 Vale Road, which they consider the appeal site to historically have been used as the garden associated with this property. Furthermore, concern is expressed to the loss of this garden space as it would result in the existing dwelling of 2 Vale Road being sited within a modest sized plot out of character with the pattern of development in the area.
12. To support this opinion the Council advises that images from between 2009 and 2015 show the area to the side being used as amenity space with a gate sign stating the access to Flat B at 2 Vale Road to be via this space. However, the appellant advises that the land has not been used as amenity land associated with 2 Vale Road for over 25 years and, due to a financial transaction, will not form part of that property in the future. The appellant explains that a previous structure at the site comprised a separate flat with separate access that was not associated with 2 Vale Road. The available evidence does not lead to a clear indication that the proposal would result in a loss to the plot size or useable private outdoor living space associated with the existing dwelling at 2 Vale Road.
13. The Council's sixth reason for refusal highlights that the proposed development would have a negative impact on the Thanet Coast and Sandwich Bay Special Protection Area and the Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest. A financial contribution is required to mitigate the potential adverse effects resulting from the development. In this case the appellant has submitted a signed agreement that would provide a financial tariff payment to be put toward mitigation. Notwithstanding this, given that I am dismissing this appeal for other reasons it has not been necessary for me to consider this matter in any further detail.
14. I acknowledge that no objection has been raised to the proposal by Kent County Council Highways or Southern Water. However, lack of objection does not make the proposal acceptable or overcome the above concerns in relation to both the character and appearance of the area and the living conditions of existing neighbouring occupiers.
15. The site has been subject to fly-tipping and antisocial behaviour. Whilst development of the site could reduce this, these matters do not justify an unacceptable development.

Planning Balance

16. The appellant advises that the Council does not have a 5-year housing land supply in place, however the Council has not provided any information in regard of supply of sites. If indeed the appellant is correct on this matter, the provisions of paragraph 11d) of the Framework should be applied.
17. Given the proposal would be harmful to the character and appearance of the area and the living conditions of existing neighbouring occupiers, this brings the proposal into conflict with the development plan when read as a whole. However, on the other hand the Government's objective is to significantly boost the supply of homes and recognises that previously developed land and cumulative impact of developing small sites can help meet supply.

18. The proposal would provide family housing without unnecessary grandeur at a relatively affordable price incorporating energy efficient technologies. However, two dwellings would make little difference to the overall supply of housing and the support two extra households would provide to the social and local economy would also be minimal. Even if the shortfall in housing land supply is acute, the harm that I have identified is not outweighed by the contribution to housing land supply or those limited social and economic benefits associated with the proposal.
19. Consequently, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

20. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

Nicola Davies

INSPECTOR