



Appeal Decision

Site visit made on 23 August 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2022

Appeal Ref: APP/Z2260/W/21/3284221

3-5 High Street, Garlinge, Margate CT9 5LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr A Purser against Thanet District Council.
 - The application Ref F/TH/21/0706, is dated 5 May 2021.
 - The development proposed is described as the 'change of use and conversion of ground floor No. 3 to 5 from retail (Use Class A1) to residential (use class C3), erection of second floor and erection of two storey rear extension, to provide 6no. 2-bed flats, together with creation of communal amenity space, erection of cycle and refuse store, removal of garage doors to provide 4No. car port parking spaces and provision of 3No. parking spaces.'
-

Decision

1. The appeal is dismissed and planning permission is refused for the change of use and conversion of ground floor Nos. 3 to 5 from retail (Use Class A1) to residential (use class C3), erection of second floor and erection of two storey rear extension, to provide 6No. 2-bed flats, together with creation of communal amenity space, erection of cycle and refuse store, removal of garage doors to provide 4No. car port parking spaces and provision of 3No. parking spaces.

Preliminary Matters

2. The appeal is against the failure of the Council to arrive at a decision within the relevant statutory period. Nevertheless, at appeal the Council has clarified that, had it been in a position to do so, it would have refused planning permission based on the effect of the proposal on the character and appearance of the area. I have approached the appeal in that context.
3. A revised National Planning Policy Framework (the Framework) was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal.

Main Issue

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

Reasons

5. The appeal site comprises a building with parking area and garages to the rear. Like the majority of buildings in the vicinity, it is two storeys in height and finished in brick with a brown tiled pitched roof. Positioned on a similar building

line to the terrace of properties to the south of the site, albeit slightly lower in height, the appeal building is architecturally unremarkable and does not particularly stand out within the street scene.

6. There is a variety in the design and appearance of buildings along High Street but an overriding character is that buildings are predominantly finished in brick and have a tiled, pitched roof. That there is a degree of variation to these pitched roofs adds a further element of visual interest without undermining the overall character of the area.
7. Such variation in the appearance of buildings provides an opportunity for new and contemporary developments, which complement and develop the townscape, as opposed to either simply replicating or competing with it. However, it is critical to be able to understand the particular design rationale for how a building's design has evolved and how it responds to the constraints and opportunities of the site and locality. Good design involves taking account of the surrounding context and built form. There is little in the design and appearance of the proposed building to suggest that has happened in this case.
8. Despite not encroaching beyond the existing building line, having a full third storey would add significantly greater bulk and visual presence when compared to the existing building. The resulting rectangular built form would result in a scale and massing fronting on to High Street which would visually jar with the more traditional suburban form and appearance of properties that form its immediate and prevailing context.
9. In addition, the proposed northern elevation would be highly visible and present as a bulky elevation, further accentuating the discordant nature of the building. Although the scheme might be proposing to use good quality external materials, they would not overcome the inherent bulk of the building or help to anchor it within its surroundings.
10. Whilst variety and difference does not necessarily lead to harm, in this particular instance the proposed building would appear manifestly at odds with the form and appearance of the surrounding properties, creating an awkward juxtaposition within the street scene. I do not find that the proposal would achieve the visual improvement through contemporary design to which the appellant's Statement refers. Instead of positively contributing, it would have an unsympathetic visual relationship with its surroundings that would harm the character and appearance of the wider area.
11. Accordingly, the proposal would be contrary to Policy QD03 of the Thanet Local Plan 2020 (TLP) which, amongst other things, requires new development to relate to its surroundings and enhance the character of the area. The proposal would also conflict with the achieving well design places objectives of the Framework.

Other Matters

12. The appellant has produced a unilateral undertaking in order to address the additional recreational pressure on the designated habitats sites within whose zone of influence the development is located. Given my findings in respect of the main issue, it is not necessary for me to ascertain the appropriateness of the scheme or the necessity for mitigation within an Appropriate Assessment.

Consequently, as I am dismissing the appeal for other reasons, I have not taken this matter further.

13. The appellant points towards the absence of harm to neighbouring occupiers, heritage assets or flood risk. Furthermore, the development is said to comply with the nationally described space standards, accord with local vehicle and cycle parking requirements, provide sufficient bin storage and amenity space. However, such matters would normally be expected in order to comply with the development plan and are therefore neutral factors in any balance.

Planning Balance & Conclusion

14. The site is well located to local facilities and the proposal would make a more effective use of land in meeting the need for new homes. There would be some modest social benefits from the provision of 4 additional units and there may be some minor benefits from a more thermally efficient and energy saving building although no details are provided. The proposed amenity space could also assist local biodiversity although any benefits would be limited by the size of this space. A modest amount of weight arises in relation to direct and indirect economic benefits during construction and to residents spend and support of local services in the area.
15. Balanced against these considerations, the proposal would, overall, be far too bulky and visually inappropriate to fit comfortably into these particular surroundings. The TLP requires development inappropriate to its context to be refused. Furthermore, by failing to safeguard and improve the environment, the scheme would run counter to key components of the Framework's overall objective of making effective use of land.
16. Although there may be policies with which the scheme accords, I give greater weight to the harm and the conflicts that I have identified, which would be permanent and long lasting. These are such that the proposal should be regarded as being in conflict with the development plan, when read as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan.
17. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR