



Appeal Decision

Site visit made on 28 February 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2023

Appeal Ref: APP/Z2260/W/21/3281576

Land Rear of 42A Tothill Street, Minster, Ramsgate, Kent CT12 4AJ

- 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 Reverend P Brown against the decision of Thanet District Council.
 - The application Ref F/TH/20/1191, dated 7 September 2020, was refused by notice dated 9 July 2021.
 - The development proposed is the erection of a single storey 2 bedroom dwelling with associated parking, bin and cycle storage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey 2 bedroom dwelling with associated parking, bin and cycle storage at Land Rear of 42A Tothill Street, Minster, Ramsgate, Kent CT12 4AJ in accordance with the terms of the application, Ref F/TH/20/1191, dated 7 September 2020, subject to the conditions appended to this decision.

Main Issue

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

Reasons

3. The appeal site comprises a parcel of land to the rear of 42 and 42A Tothill Street. It is accessed via an existing driveway from Tothill Street. A parking area and domestic outbuildings currently occupy the site.
4. The appeal site is located in a predominantly residential area which, overall, has a somewhat varied layout and character. Surrounding properties vary in scale, appearance and period. There are some consistent features along Tothill Street, where many properties face, traditionally, onto the street, within reasonably sized garden plots. Nevertheless, this is interspersed by residential cul-de-sacs and larger housing developments along its length. The pattern of development in this part of Minster is consequently one which is 'organic' in nature, appearing to be the outcome of the continuing development of the village over time. This is exemplified in the granting of planning permission at Land Rear of 58 Tothill Street, Land Rear of 7 Tothill Street and 15A Tothill Street. Whilst these schemes are located in other parts of Tothill Street and comprise of varied schemes, they each contribute towards the surrounding area's varied and evolving character.

5. Due to the position of the proposed development, confined to the rear of established properties, it would not be readily visible from public vantage points. From that perspective, the scheme would have little appreciable effect on the street scene.
6. I note that glimpsed views of the proposed development would be possible from the site entrance and the private vantage points of surrounding properties. However, from those perspectives, it would be seen within the context of other built form, including the multiple garages and outbuildings that exist to the rear of plots, and which is currently the case at the appeal site. From those vantage points, the proposed development would appear neither incongruous nor cramped in its setting. Although the footprint of the dwelling would be larger than a typical domestic outbuilding, its overall scale and single-storey nature would ensure that it remained subservient to the more prominent surrounding buildings. Moreover, the scheme's position adjacent to established properties and close to the centre of Minster is such that it could not be described as isolated. As a result, the proposed scheme would integrate acceptably into the area.
7. The Council makes reference to an increased level of activity at the site as a result of the proposed development, together with associated domestic paraphernalia which would identify it as a separate dwelling. However, the appeal site is not in use as a garden associated with any existing dwelling, it already benefits from its own separate vehicular access and is already used, in part, for the parking of cars. Accordingly, the character of the site is one of a domestic nature, and which is clearly separate from the properties fronting Tothill Street. The proposed development would not change this in any significant way.
8. Whilst I accept that two previous schemes on the same appeal site were refused, I have only limited information of their context before me. In any case, this is not reason to automatically refuse the current scheme where I have identified no harm.
9. For the above reasons, I conclude that the proposal would have an acceptable effect on the character and appearance of the area, in accordance with the relevant provisions of Policy QD02 of the Thanet District Council Local Plan (adopted 2020). This policy, in summary, seeks to ensure that development proposals promote or reinforce the local character of the area. This is in a similar vein to the objectives of paragraph 130 of the National Planning Policy Framework (the Framework) insofar as development proposals should be sympathetic to local character.

Other Matters

10. I note the comments raised by occupiers of neighbouring properties in respect of living conditions, including the effects of overshadowing, outlook, noise and light pollution. There is no dispute between the Council and appellant in those respects and based on the information before me I have no reason to disagree with those findings.
11. Whilst I accept that the proposed development would be positioned closer to the boundaries of neighbouring properties than existing built form, the dwelling would be of single-storey construction with a reasonably shallow roof profile. This would be visible from some neighbouring properties but would not be of

such a scale as to result in an unacceptably harmful loss of light or outlook. The effects of noise during construction would be short term only and the noise associated with the occupation of the dwelling would be low level given the nature of the proposal, consistent with the established domestic setting. Similarly, the level of light pollution produced by the proposed dwelling is likely to be limited, both in its extent and timing of use. Consequently, these matters do not lead me to an alternative conclusion on the main issue.

12. A Unilateral Undertaking has been provided by the appellant in respect of the required financial contribution linked to the Thanet Coast and Sandwich Bay Special Protection Area. There is no dispute between the Council and appellant in respect of this and I have no reason to disagree.

Conditions

13. The Council has provided a list of conditions that it suggests should be applied in the eventuality that the appeal is allowed. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance, and have amended the wording of some, and combined provisions of others without altering their fundamental aims.
14. In addition to the standard time limit condition, I have imposed a condition requiring compliance with the relevant plans, and in respect of agreed cycle and refuse storage provisions. These are required for certainty. I have imposed a condition requiring that the external surfaces of the development match the existing building and that details of landscaping are submitted for approval. These are required in the interests of the character and appearance of the area.

Conclusion

15. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

A Price

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2122/LOC/01.1; 2122/PL/03.1 (received 7 September 2020); 2122/PL/03.2 (received 22 September 2020).
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 2122/PL/03.1 (received 7 September 2020).
- 4) The development hereby permitted shall not be occupied until details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include: indications of species, size and location of new trees, shrubs, hedges and grassed areas to be planted; the treatment proposed for all hard surfaced areas; and walls, fences and other means of enclosure proposed.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with an agreed implementation programme.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

- 5) The development hereby permitted shall not be occupied until space has been laid out within the site for refuse and cycle storage facilities in accordance with drawing no. 2122/PL/03.2 (received 22 September 2020) and those spaces shall thereafter be kept available for the storage of refuse and bicycles.