



Appeal Decision

Site visit made on 11 October 2023

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th October 2023

Appeal Ref: APP/Z2260/W/22/3312252

17 & 18 Crossways Avenue, Westwood, Margate, CT9 4EB

- 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 A & R Kahn and GRD Property Investments Ltd against the decision of Thanet District Council.
 - The application Ref F/TH/22/0509, dated 5 April 2022, was refused by notice dated 1 June 2022.
 - The development proposed is the construction of two detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposed development on the character and appearance of the surrounding area and the effect of the proposed parking arrangements on highway safety and living conditions in Crossways Avenue.

Reasons

Character and appearance

3. Crossways Avenue is a cul-de-sac. In its southern section, built development is comprised of short terraces. The appeal site includes the gardens of Nos 17 and 18 which are set at right angles to one another. It currently allows a glimpse of the trees beyond and therefore provides some relief from the otherwise largely unbroken lines of housing.
4. One of the terraces is set forward and there are side extensions behind the front walls of Nos 12 and 17. However, the proposed houses would be positioned much deeper into the site than either of these additions. Therefore, the proposal would not respect the broad pattern of development which closely addresses the road. Furthermore, the cranked layout of the dwellings would not be consistent with the straight rows that prevail. In addition, the valuable gap between buildings would be obstructed. All in all, the proposal would appear odd and cramped and would detract from the locality.
5. The houses would be built in sympathetic materials and would have reasonable gardens with landscaping. They would nonetheless harm the character and appearance of the surrounding area. As such, there would be conflict with the general design principles in Policy QD02 of the Thanet Local Plan which seeks to promote or reinforce local character and expects high quality design.

Highway safety

6. The site plan shows a parking space for each new property close to the front walls. This arrangement is found elsewhere in Crossways Avenue and is not objectionable. The spaces appear to either impede one another or to overlap the centre line between the houses but future occupiers would wish to make this configuration work in practice.
7. However, it is not clear that the narrow 'neck' onto the adjoining pavement would be wide enough for a car to pass through. As such, this would be likely to result in encroachment onto land outside the appeal site leading to significant doubt as to whether it could be implemented. Furthermore, the proposal would prevent cars from parking on the area adjoining the turning head as they evidently do on a regular basis at present. Therefore, it is unlikely that off-street parking could take place as envisaged and, if it did, this would reduce the existing stock of on-street spaces.
8. The evidence points to parking stress at this end of the cul-de-sac with vehicles parked on the pavement. The appellants' image is a 'snapshot' in time and greater importance should be attached to the first-hand experience of existing residents. This is that the road is heavily parked. The garage block is not used as originally envisaged as the individual garages are too small and as it is unattractive. As a consequence, the proposal would increase the likelihood of inconsiderate and obstructive parking adding to the existing strains.
9. Even if the turning head has not been constructed as intended and the original principle for the estate was to separate cars and people, this issue should be decided on the basis of the current situation. Whilst the increase in demand for on-street parking would not be great this is a situation where even a modest change would have an unacceptable impact on highway safety. Moreover, it would be liable to lead to tension between residents that would damage general living conditions. As provision for vehicle parking would be unsatisfactory the proposal would be contrary to Local Plan Policy TP06.

Other Matters

10. The Council accepts that there is a need for housing in Thanet and the proposal would boost supply, albeit by a small amount. Other social and economic benefits associated with the construction of two new houses would be modest. Indeed, these considerations do not outweigh the harm identified.
11. It is common ground between the main parties that this is a location where residential development is generally accepted; that the site is close to public transport links; that there would be no adverse implications for living conditions as a result of the proposed built development and that the standard of accommodation would be satisfactory. However, these are matters to be expected of all new development and so do not count in favour of the proposal.
12. A public sewer crosses the appeal site but Southern Water has confirmed that the proposal is acceptable in principle. Given this and as a suitable technical solution could be secured by means of a condition before development commenced, this does not amount to a compelling objection. In this way, any risk to drainage or protected groundwater could be mitigated.

13. Other concerns have been raised by interested parties. However, none of them add to the objections already identified for the reasons given in the Council's delegated report.
14. In combination with other development in Thanet, the proposal would have a likely significant effect on the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The planning obligations dated 1 November 2022 would secure SPA sums towards mitigation in line with Local Plan Policy SP29 and the Strategic Access Management and Monitoring Plan. However, as the appeal is to be dismissed, there is no need to undertake an appropriate assessment or to give consideration to the Conservation of Habitats and Species Regulations.

Conclusion

15. The proposed dwellings would be contrary to the development plan and there are no material considerations that outweigh this finding. Therefore, for the reasons given, the proposal is unacceptable and the appeal should not succeed.

David Smith

INSPECTOR