



Appeal Decision

Site visit made on 24 October 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2023

Appeal Ref: APP/Z2260/D/23/3319294

33 Westcliff Road, Margate, Kent CT9 5DN

- 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 Esteban Di Masi against the decision of Thanet District Council.
 - The application Ref FH/TH/22/1266, dated 12 September 2022, was refused by notice dated 13 March 2023.
 - The development proposed is described as existing roof to be removed and replaced with a second floor extension and roof terrace. External alterations include adding new brick-slip cladding to the existing building and amendments to the existing fenestration design.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.
3. The Council's second reason for refusal identifies properties at 11 Royal Esplanade and 12 Westcliff Road. From the evidence provided within the Council's delegated report and my own observations, 12 Westcliff Road should be referenced as 10 Royal Esplanade, which is more closely opposite the appeal site. In the interests of fairness, I observed the appeal site from 12 Westcliff Road, 10 Royal Esplanade and 11 Royal Esplanade. As the appellant has had the opportunity to comment, this has not prejudiced any party.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupiers with particular regard to privacy.

Reasons

Character and appearance

5. The appeal site accommodates a two-storey detached house with a gabled roof. It has a traditional appearance with well-proportioned windows at the ground and the first-floor level facing the road. The main entrance is located to the side with a window above. The property lies within an established residential area located just beyond Westbrook Bay. This section of Westcliff

Road is characterised by modest-sized, two-storey detached, semi-detached, and terrace dwellings set back from the road by short gardens and driveways. Many of these properties also contain rooms within the roof space.

6. Notwithstanding the detached appeal property, the remainder of this side of the street is formed by a long terrace due to past infilling between properties. This has resulted in a staggered roof line with varying design styles to front elevations with projecting bays, gables, front dormers, and design detailing. On the opposite side of the road are dwellings of varying designs and also include hipped roofs. Additionally, a number of short, narrow front-facing balconies can be found on a number of properties on either side of the street. Although there is a variation in styles and roof height, the form and scale of the built environment on this section of the road is noticeably consistent with a traditional appearance which is a positive characteristic of the area.
7. The appeal scheme would see a number of changes to the property resulting in a more contemporary appearance. These include introducing a third floor, significant fenestration changes, and a front-facing balcony spanning the length of the front façade. A Juliet balcony to the side elevation is also proposed. Additionally, timber cladding would be added to the uppermost floor.
8. The street has no prevailing house design style. Still, the proposal would be viewed alongside other dwellings that are typically more traditional in appearance, particularly in respect of their two-storey appearance with rooms located within pitched roofs. Additionally, properties nearby have more modest and uniform glazing and window styles which adds a pleasing consistency to the street.
9. The sharp contrast between the contemporary three-storey design, fenestration differences and materials of the development and the more traditional architectural two-storey styles of nearby dwellings would be an unsympathetic and harmful change to the street scene. This contrast would be more readily apparent given the appeal property is detached and the gaps between adjacent buildings draw the eye such that the changes would appear at odds with the relatively harmonious traditional character and appearance of the host dwelling and wider street scene.
10. The appellant has sought to introduce an innovative design solution to accommodate their needs of enhancing sea views. Which have in part also been influenced by the appeal property being the only detached property on this side of the road. Nonetheless, for the reasons set out, the proposed alterations would not be sympathetic to local character and, therefore would not make an effective and efficient use of land.
11. An increase in the height of the host dwelling could be achieved to ensure it is consistent with buildings on either side. However, for the reasons set out the form of the changes would not be in keeping such that it could not be considered well-designed.
12. The appellant has drawn my attention to examples of development with a more contemporary design which includes flat roofs. Whilst I do not have full details of these schemes, I note Turnstone Mews development is a new build row of low-level properties facing the sea set behind a significantly sized tall building. Other flat roofed examples identified as being located within Palm Bay and Cliftonville areas appear to be designed as part of the original dwellings.

Similarly, examples of other front balconies appear to have been designed as part of the original dwelling. In this regard, existing developments are materially different to the appeal proposal, and therefore I cannot draw any direct comparison that weighs in favour of the proposal. In any event, proposals, even those located within or nearby to heritage assets must be considered on their own merits and with regard to its particular location and the respective pattern of development.

13. I acknowledge the appellant's comments that beautiful and exemplary architectural design incorporating a flat-roofed detached house can be achieved. Nevertheless, in this instance, the proposal would cause significant harm to the character and appearance of the area.
14. Notwithstanding my findings above, given the orientation, location and size of the appeal dwelling, I do not find the appeal property to have a backland setting.
15. For the reasons above, I conclude the development would harm the character and appearance of the area. As a result, it would be contrary to QD02 of the Thanet District Council Local Plan (TLP), which seeks, amongst other things, to promote or reinforce the local character of the area and provide high quality and inclusive design. It would conflict with the provisions of the National Planning Policy Framework for similar reasons.

Living conditions

16. The proposed scheme would introduce a Juliet-style balcony to the northern elevation facing No 11. This balcony would be situated above and close to the small yard area that serves as the private amenity space for this property.
17. A window currently serves bedroom three on this elevation which allows for some level of overlooking of No.11. However, the introduction of the Juliet balcony, which would be visible from the yard area of No.11, would likely be used for significantly longer periods than the existing window. It would also be more intrusive to the neighbouring property than the existing standard window by facilitating the increased feeling and perception of overlooking from the appeal property. As a result of the height and location of the Juliet balcony, the perception of being overlooked would not be overcome by incorporating obscure glazing.
18. The Council have raised concerns the proposed front balcony would overlook the rear private amenity of 10 Royal Esplanade as a result of failing to achieve a separation distance of 21m. Policy QD03 of the TLP does not specify a separation distance to be achieved. Still, it requires all new developments to be compatible with neighbouring buildings and spaces and not lead to, amongst other things, unacceptable living conditions through overlooking.
19. The garden of No 10 is located on the opposite side of the road. The private outdoor space is sunken into the ground compared to street level. It also sits behind a relatively tall boundary wall. Despite the proposed balcony allowing views over this private amenity space, it will continue to be enclosed, where views to and from the appeal property will remain restricted, thereby protecting the privacy of occupiers at No. 10.
20. 12 Westcliff Road is located some distance to the south. The proposed front-facing balcony would allow for views along the street towards No 12. However,

due to the distance between the properties and the limited projection of the balcony this would not result in any harmful level of overlooking.

21. Consequently, the proposed development would not harm the living conditions of 12 Westcliff Road or 10 Royal Esplanade. It would nonetheless have a detrimental impact on the privacy of 11 Royal Esplanade through the perception of being overlooked and would therefore conflict with TLP Policy QDO3. It would also conflict with the provisions of the Framework in so far as it seeks a high standard of amenity for existing users.

Other Matters

22. The Council's acceptance in principle of altering and extending the appeal dwelling alongside no harm to neighbouring properties through overbearing or lack of highways/parking objections weigh neither in favour nor against the proposal scheme.
23. I acknowledge that the appellant, through amended drawings, has sought to overcome the Council's concerns. However, I have considered the proposal on its own merits and found detrimental harms for the reasons set out.
24. The proposed development would provide a larger family home with sea views, improved amenity space, improved levels of lights and more sustainable fenestration materials. However, these benefits given the scale of the scheme, would be small and largely private benefits, and as such, they do not outweigh the identified harms.

Conclusion

25. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, sufficient to outweigh the identified harm and associated development plan conflict.
26. The appeal should therefore be dismissed.

A Hickey

INSPECTOR