The Planning Inspectorate

Appeal Decision

Site visit made on 15 November 2023

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st November 2023

Appeal Ref: APP/Z2260/C/21/3287863
26 North Foreland Road, Broadstairs CT10 3NN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mrs Marianne Elliott against an enforcement notice issued by Thanet District Council.
- The notice was issued on 26 October 2021.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a single storey garage with pitched roof and gable ends.
- The requirements of the notice are to remove the unauthorised garage.
- The period for compliance with the requirement is 3 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a single storey garage with pitched roof and gable ends at 26 North Foreland Road, Broadstairs CT10 3NN as shown on the plan attached to the notice and subject to the conditions in the attached schedule.

Preliminary Matters

2. An appeal[1] was dismissed against the refusal of planning permission for a single garage with pitched roof and gable ends. The Inspector explained that the garage had been built and reflected the plans considered as part of the application. He determined the appeal on that basis, and I have no reason to conclude that the development differs from that which is the subject of the enforcement notice. Following the dismissal of the appeal, a further application[2] was refused for the same garage, with the addition of planting.

3. Although not referred to in the reasons for issuing the notice, the Council has provided relevant policies from the Broadstairs and St Peter's Neighbourhood Plan 2021 (BSPNP).

The appeal on ground (a) and the deemed planning application

4. Having regard to the reasons for issuing the notice, the main issue is the effect of the development on the character and appearance of the area.

[1] APP/Z2260/D/19/3231372
[2] Ref FH/TH/19/0812

5. North Foreland Road is a wide and relatively straight residential road on the edge of the settlement of Broadstairs. The area is designated as an Area of High Townscape Value (AHTV) in the BSPNP, due to its contribution to the character of Broadstairs and St Peter's. Detached dwellings on the seaward side of the road are arranged informally in spacious plots. Dwellings are set back from the road but are of various styles and designs. They are at a lower level as the land slopes down towards the coast and are generally behind front boundary hedges, trees and garden vegetation. Some of the front boundaries are also marked by fences or walls. As a result, the built form is generally recessive in the street scene and the dominant features are trees and hedges, giving the road a verdant appearance and distinctive character. In some places, domestic outbuildings including garages are evident in front gardens, particularly towards the southern end of the road.

6. Part of the front boundary of the appeal site is marked by a fence, with the rest of the boundary marked by mature hedging with trees behind. The garage is set close to the front boundary and is sited so that its flank elevation and pitched roof are visible from the street above the fence. As a result, and despite its relatively modest proportions, it is noticeable in the street scene.

7. I note that in dismissing the previous appeal the Inspector did not give weight to the suggestion that further planting could screen the garage as he did not have details of planting before him. However, it is now evident that vegetation has been recently planted between the garage and the fence and this has softened the appearance of the site from the road. While the space between the flank wall of the garage is limited, it seems to me that there is sufficient space for suitable species to grow successfully. Overall, the planting serves to integrate the garage into the street scene so that it is not the dominant feature on the front boundary of the site, albeit that it is still visible due to its roof form.

8. While landscape planting should not be used to screen development that is harmful, in this case, the planting allows the front boundary of the site to become more verdant and therefore the site is in keeping with the prevailing character of this part of North Foreland Road. A condition can be imposed to ensure that the landscape planting is retained and supplemented until it is well established. As there are other garages within front gardens in the vicinity of the site, it is not the case that the development is contrary to the pattern of development in the area. The dwelling itself is set some distance from the road behind garden trees and I am not persuaded that the garage causes harm to the character and appearance of the site by obscuring views of the dwelling from the road.

9. I therefore find that the development is not harmful to the character and appearance of the area. It is therefore not in conflict with Policy QD02 of the Thanet Local Plan 2020, in so far as it requires that development must relate to the surrounding development and be well designed, respect and enhance the character of the area. The development does not conflict with Policies BSP7 and BSP9 of the BSPNP, which seek, amongst other things, to ensure that development in the AHTV is complementary to the special character of the area. It is not in conflict with the National Planning Policy Framework.

Conditions

10. Conditions 1 and 2 are imposed to ensure that the required landscape planting details are submitted, approved and implemented, in the interests of the character and appearance of the area. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the landscaping before the development takes place.

11. The condition will ensure that the development can be enforced against if the required details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

Conclusion

12. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice.

N Thomas

INSPECTOR

Schedule of conditions

1. The garage hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 90 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
    - i) Within 1 month of the date of this decision a scheme for landscaping for the front boundary of the site shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
    - ii) If within 3 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
    - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
    - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

    Upon implementation of the approved landscaping scheme specified in this condition, that scheme shall thereafter be retained.

    In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

2. The landscaping scheme shall include indications of all existing trees and hedgerows on the front boundary of the site, and a planting plan to include written specifications, schedule of plants noting species, plant supply sizes and proposed numbers/densities.