



Appeal Decision

Site visit made on 13 November 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/Z2260/W/23/3322220

54 Stone Road, Broadstairs, Kent CT10 1DZ

- 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 Dan Clewley against Thanet District Council.
 - The application Ref FH/TH/23/0138, is dated 26 January 2023.
 - The development proposed is the erection of two storey front and rear extensions together with 4 roof lights, front flat roof porch and first floor rear balcony and alterations to fenestration and materials.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two storey front and rear extensions together with 4 roof lights, front flat roof porch and first floor rear balcony and alterations to fenestration and materials at 54 Stone Road, Broadstairs, Kent CT10 1DZ in accordance with the terms of the application, Ref FH/TH/23/0138, dated 26 January 2023, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 04, 05, 06, 07 and 08.
 - 3) Prior to the construction of the external surfaces of the development hereby approved, details of the external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Applications for Costs

2. An application for costs was made by Mr Dan Clewley against Thanet District Council. This application is the subject of a separate Decision.

Procedural Matters

3. Section E of the appeal form indicates that the description of development has changed from that given on the application form. The appellant has provided written confirmation that a revised description of development has been agreed with the Council. As such, in the banner heading above, I have used the description of development provided in the appeal form.
4. There has recently been a revised National Planning Policy Framework (the Framework) published by Government. Those parts of the Framework most

relevant to this appeal have not been amended. As a result, there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my approach.

Preliminary Matters

5. The appeal follows the Council's failure to determine the application within the prescribed period. However, the Council has indicated in its committee minutes, that had it been in a position to determine the application, it would have granted planning permission, subject to conditions.
6. There are a few issues raised in relation to this proposal by interested parties. The substance of these representations has informed the main issues of this appeal.

Main Issues

7. In light of the above, the main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of 52A Stone Road (No 52A) with particular regard to access to sunlight and daylight, privacy, outlook and noise.

Reasons

Character and appearance

8. The appeal site is a detached chalet bungalow, located in Stone Road, a road which is characterised by detached and semi-detached two-storey dwellings as well as bungalows of varying sizes, designs and materials. The surrounding dwellings retain some space between their side elevations and are set back from the road which, together with the pitched roofs, allows the dwellings to sit comfortably in their plots.
9. The proposed development would alter the appearance and form of the host building to a two-storey dwelling. However, as the dwellings on either side are taller, the proposed building would integrate well into its surrounding context. The proposal would retain some space towards the side elevations of the adjoining properties which, in combination with the pitched roof design, would assist in setting the dwelling successfully within its plot.
10. The proposed plans show that the front brick and flint wall would be retained as a part of this development. As such, it would not be reasonable to impose a condition requiring the retention of this wall.
11. In conclusion, the proposal would accord with Policy QD02 of the Local Plan 2020 (LP), which supports well designed development that is compatible with neighbouring buildings and spaces. Further, the proposal would comply with Policies BSP8 and BSP9 of the Broadstairs and St Peter's Neighbourhood Plan, insofar as it would not result in the loss of a local heritage asset and it would reflect the design characteristics of the area. The proposal would be in accordance with the Framework, which supports development that is sympathetic to local character.

Living conditions

12. No 52A is located to the south of the appeal site and, consequently, the proposal would logically not cause loss of sunlight light to these residents.
13. In terms of privacy, views from the ground floor side windows facing No 52A would be prevented by the existing boundary treatment between both properties. The rooflight serving the staircase/landing would be set at high level and therefore would not result in loss of privacy. The proposed balcony would be inset within the roof slope and, as such, it would be screened from the side, thereby ensuring that the privacy of the residents within No 52A would be maintained to an acceptable standard, without need for a privacy screen.
14. Concerns have been raised in relation to the loss of trees within the site's rear garden, however there is no evidence before me to suggest that these trees are covered by a Tree Preservation Order. Therefore, in this instance, it would not be reasonable to require their retention as a part of the development.
15. The proposal would be seen from the rear windows and rear patio of No 52A, as well as from the rearmost window on the side elevation of No 52A which I understand is a secondary window to a kitchen. The proposal's projection beyond No 52A's rear elevation would be modest. Further, it would be set in from the common boundary between both properties and have its roof sloping away from the boundary. For these reasons, the proposal would not appear unduly overbearing in terms of the outlook from within No 52A and from its patio, nor is there likely to be a significant loss of daylight.
16. The proposal is to extend a single family dwelling. As such, it is unlikely that it would give rise to additional noise levels over and above what would be expected in a residential area. Although there would be some noise during the construction period, given the modest nature of the proposal, it is unlikely that this would be significant or extend for a significant amount of time. As such, the proposal would be acceptable in this regard.
17. It has been brought to my attention that this proposal follows a previous planning application that has been granted permission by the Council. Notwithstanding this scheme, I must consider this appeal on its own merits and, for the reasons set out above, I find that the proposal would not have an unacceptable effect on the living conditions of the residents at No 52A.
18. In conclusion, the proposal would have an acceptable effect on the occupants of No 52A with particular regard to access to sunlight and daylight, privacy, outlook and noise. As such, the proposal would accord with Policy QD03 of the LP, which supports developments that would be compatible with neighbouring buildings and spaces and would not lead to unacceptable living conditions through overlooking, noise, loss of natural light or sense of enclosure. The proposal would be in accordance with the Framework, which supports developments with a high standard of amenity for neighbouring properties.

Other Matters

19. I note the comments regarding a camera installed on No 54. However, this is a private matter between the appellant and their neighbours, which does not affect the determination of this appeal.

Conditions

20. A condition is necessary to require the development to accord with the approved plans, as this provides certainty and precision. A condition securing details of materials is necessary to ensure that the development is in keeping with its surroundings.

Conclusion

21. For the reasons given above, I conclude that the proposal would comply with the development plan as a whole. There are no material considerations that indicate that a decision should be taken otherwise than in accordance with it. As such, the appeal should succeed.

P Terceiro

INSPECTOR