



Appeal Decision

Site visit made on 1 May 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2024

Appeal Ref: APP/Z2260/W/23/3328842

Francis Court, Cumberland Road, Margate, Kent CT9 2JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Ryder against the decision of Thanet District Council.
 - The application Ref is F/TH/23/0105.
 - The development proposed is the demolition of existing double garage and erection of new two storey two bedroom house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (Framework) was published in December 2023. This does not materially change the planning policy context in respect of the main issues.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - the extent to which the development would preserve or enhance the character or appearance of the Norfolk Road, Warwick Road, Surrey Road Conservation Area;
 - whether the proposed development would provide a satisfactory standard of accommodation, with particular regard to internal space standards and amenity space; and
 - whether adequate refuse storage would be provided.

Reasons

Character and appearance

4. The appeal site forms a parcel of land on Cumberland Road. It currently accommodates a garage structure of modern design.
5. I accept that there is some variation in dwelling design within the surrounding area and that alterations to properties have taken place over time. Nevertheless, the established properties along both Surrey Road and Norfolk Road are broadly uniform in their form, scale and position, setback from the

highway behind small gardens or forecourts, and are finished in similar materials. The buildings which line those streets form the principal buildings, with less prominent and ancillary structures generally positioned to the rear and side roads, including along Cumberland Road.

6. The siting of the proposed development, which would be highly visible from public vantage points, would be at odds with this, introducing two-storeys of development directly adjacent to the footway and forward of the established building lines of Surrey Road and Norfolk Road. Even where those lines have been breached in some parts, as argued by the appellant, this is typically only at single-storey level and the principal building lines remain discernible. Consequently, the proposed dwelling would relate poorly to, and fail to respect, its surrounding context.
7. I accept that the overall height of the proposed dwelling would be below that of the neighbouring properties. I also accept that parts of those existing properties would remain visible along the street. However, this does not reduce the overall incongruous position and prominence of the proposed dwelling in the streetscene.
8. Overall, the proposed development would harm the character and appearance of the surrounding area, contrary to the relevant provisions of Policy QD02 of the Thanet District Council Local Plan (LP, 2020). This policy, in summary, seeks to promote high quality design in development which respects existing character and context. This is in a similar vein to the objectives of the Framework insofar as good design is concerned. Although the decision notice makes reference to LP Policies QD01 and SP29, these are not considered directly relevant to this main issue.

Heritage assets - Conservation Area

9. The appeal site is positioned within Norfolk Road, Warwick Road, Surrey Road Conservation Area. Statute¹ places a duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of this conservation area (CA). The special interest and significance of the CA is largely derived from its historic townscape of largely intact terraced streets, featuring consistent material treatments and features. Insofar as the appeal is concerned, there is some variation in dwelling style and period. However, the material palette is typically reserved, limited to brick, tile and render.
10. The existing appeal site, individually, makes a neutral contribution to the character and appearance of the CA. Nonetheless, the gap in significant built form along Cumberland Road provides a sense of separation and spaciousness in an otherwise densely packed area of terraced streets. This is a positive trait which makes a meaningful contribution to the character and appearance of the CA as a whole, and thus to its significance as a designated heritage asset.
11. As reasoned above, the proposed two-storey dwelling, positioned adjacent to the footway, would be highly visible. Such an intervention would be at odds with the prevailing character of the area and hierarchy of the streets here. Accordingly, the proposed development would have a harmful effect on, and thereby fail to preserve, the character and appearance of the CA as a whole, contrary to the requirements of Section 72(1) of the Act.

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
13. With reference to Paragraphs 207 and 208 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent of the development relative to the CA, I find the harm to be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 208 advises that this harm should be weighed against the public benefits of the development, which includes securing the asset's optimum viable use.
14. The scheme would result in a net increase of one dwelling at the site, which would be a public benefit irrespective of the Council's current housing supply. There would also be some economic benefits, including employment during the construction process and the increase in trade to local services and facilities following occupation. Nevertheless, these benefits would be very limited by reason of the limited extent of the proposed development.
15. Overall, the weight that I ascribe to the public benefits that would accrue from the proposed development is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found.
16. Overall, I conclude that the proposed development would fail to preserve or enhance the character or appearance of the CA. Consequently, it would be contrary to the requirements of Section 72(1) of the Act, and the relevant provisions of the Framework which seek to conserve and enhance the historic environment. The proposed development also conflicts with the relevant provisions of LP Policy HE02 which, in summary, seeks to preserve or enhance the character or appearance of CAs.

Standard of accommodation

Internal space standard

17. The proposed development would create a two bedroom dwelling over two-storeys. Both bedrooms are annotated as accommodating double beds. It would therefore be reasonable to conclude that the intention is to provide four bedspaces.
18. The Nationally Described Space Standard (NDSS) sets out that two bedroom, four person dwellings over two-storeys should measure a minimum of 79sqm. This should include built-in storage of 2sqm. The NDSS also sets out that a two bedspace double bedroom should have a floor area of at least 11.5sqm.
19. Further details were provided during the course of the appeal. Based on this information, the bedrooms would measure 13.2sqm (when including the integrated bathroom) and 12.8sqm respectively. The total floorspace of the dwelling would measure 70sqm.
20. Accordingly, whilst the bedrooms (both shown as double bedrooms) would meet the requirements of the NDSS, the overall size of the dwelling would fall short, failing to provide a satisfactory standard of accommodation. Even were

the standard of accommodation acceptable in this regard, it would not overcome or outweigh the harm identified above.

Amenity space

21. A private area of amenity space is proposed to the rear of the proposed dwelling, accessed from the main living/dining/kitchen area. This would measure 8sqm.
22. LP Policy GI04 requires that new family dwellings (two or more bedroom) provide a safe doorstep play area for young children (immediately adjacent to dwellings).
23. I have not been provided with any specific size of space required to be dedicated to doorstep play. I consider the proposed amenity space, accessed directly off the main living area of the dwelling, to be adequate in this respect. It would be small, but this is not unusual in a highly urban infill location such as the appeal site.
24. Overall, whilst the proposed amenity space would be satisfactory in this particular instance, the dwelling would fail to provide a satisfactory standard of internal accommodation, contrary to the relevant provisions of LP Policy QD04, which in summary requires that internal space standards are met. This is in a similar vein to the objectives of the Framework and NDSS insofar as living standards are concerned.

Refuse storage

25. Details of refuse storage were not previously provided. However, the appellant has submitted, in support of the appeal, a revised site plan. This is annotated to show a bin storage area to the rear of the proposed parking space.
26. The Council has provided no indication of the required space for, or number of, bins for a residential dwelling. However, based on the submitted plan, I am satisfied that adequate waste storage facilities could be provided at the site for a two bedroom dwelling. Nevertheless, I am unclear whether appropriate internal consultations have taken place in relation to the most recently submitted plan. As such, in the event that the appeal was allowed, matters of waste storage would need to be dealt with by condition. I am content that this approach would be appropriate in this instance.
27. Overall, I conclude that waste provision would be acceptable, in compliance with the relevant provisions of LP Policy QD03 which, in part, seeks to ensure adequate waste storage is provided.

Other Matters

28. The appeal site falls within the 'Zone of Influence' of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI). The Council has identified that the proposed development has the potential to have an adverse effect on the ecological integrity of this protected site. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 states that a competent authority, before giving permission, must make an appropriate assessment. I also note the financial contributions set out in the submitted Unilateral Undertaking in respect of mitigation measures. Nevertheless, given my reasoning in respect of

the main issues and that the appeal is dismissed, there is no requirement upon me to consider such matters any further.

Conclusion

29. For the reasons above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR