



Appeal Decision

Site visit made on 2 July 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Appeal Ref: APP/Z2260/W/23/3332343

8 Watchester Road, Ramsgate, Kent

- 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 David Kola against the decision of Thanet District Council.
 - The application Ref is F/TH/23/0321.
 - The development proposed is detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For consistency, in the header I have used the site address and development description provided on the planning application form. This differs from the Council's Decision Notice which provides a more comprehensive description of the development proposed and for identification purposes describes the site address as 'land rear of 10 Royal Esplanade, Ramsgate, Kent'.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupants of neighbouring dwellings, with particular regard to privacy; and
 - ecology, with particular regard to whether the scheme would deliver a net gain in biodiversity.

Reasons

Character and appearance

4. The site is a narrow, rectangular plot within a residential street. The site has an open frontage to Watchester Avenue and is enclosed at the sides and rear by a close boarded fence and has a gravelled surface.
5. The street is characterised by large, two-storey detached and semi-detached dwellings which are of traditional design, with some variation in appearance and spacing. Dwellings on the same side of the street as the appeal site are generally large, modern, detached dwellings with pitched or hipped tiled roofs and wide front elevations.

6. Dwellings are set within generous plots. Whilst there are some single-storey garages and outbuildings near plot edges, dwellings are typically set in from their boundaries contributing a sense of openness. Dwellings are regularly spaced and set back from the carriageway by front gardens with low boundary treatments, and pedestrian footways. The area therefore has a spacious, suburban character.
7. The proposed dwelling would appear narrow in comparison to the wide front elevations of surrounding dwellings. Whilst the proposed dwelling would have two storeys at the front, due to its flat-roofed design the dwelling would be comparable in height to the eaves of adjacent houses. The proposed dwelling would therefore appear markedly lower in height than dwellings in the area. The form, massing, height, and appearance of the proposed dwelling would therefore be out of keeping with the character of dwellings in the area.
8. Whilst there would be a passageway on one side, the dwelling would be sited close to its side boundaries and therefore would appear cramped within the site relative to the spacing of surrounding plots.
9. The site's side boundaries run close to the two-storey flank walls of adjacent dwellings. The proposed dwelling would appear uncomfortably close to neighbouring dwellings and would be incongruous with the layout of development in the area. Through its siting close to neighbouring dwellings, the proposed dwelling would erode the area's spacious character.
10. The design has sought to comply with internal space standards and ensure sufficient natural light, outlook, and ventilation from habitable rooms. However, as discussed above the adverse impacts of the design arise from its inappropriate siting, form and external appearance.
11. The appellant suggests the design can be reviewed and negotiated. However, I am required to assess the proposal on the basis of the submitted plans. Therefore, for the reasons set out above, I conclude the proposed development would harm the character and appearance of the area.
12. The proposal would therefore conflict with Policy QD02 of the Thanet Local Plan 2020 (LP) which requires development promote or reinforce the local character of the area and provide high quality that relate to the surrounding development, form and layout, and respects and enhances the character of the area paying particular attention to context and identity of its location, scale, massing, rhythm, density, and layout, and is compatible with neighbouring buildings and space.
13. In addition, the proposal would not satisfy paragraph 135 of the National Planning Policy Framework (the Framework) which requires development be sympathetic to local character, including the surrounding built environment.

Living conditions

14. The topography of the area slopes downward toward the coastline. The proposed dwelling would therefore be elevated above the ground level of dwellings at Royal Esplanade. The design of the proposed dwelling responds to the sloping site with two-storeys at the front and three storeys at the rear.
15. The proposed dwelling's three-storey rear elevation would be extensively glazed with floor to ceiling glazing serving a bedroom at the lower ground floor,

kitchen and family room at the first floor, and a lounge at the upper floor. The dwelling's back garden would be modest in depth, providing limited separation from the rear boundary which adjoins the back garden of no 10 Royal Esplanade.

16. The appellant asserts the separation distance between the proposed and existing dwellings would be sufficient to prevent overlooking, and there is disagreement between the parties regarding the distance to dwellings. The separation distance would not be significantly reduced from the arrangement of surrounding dwellings. However, LP Policy QD03 does not specify separation distances but requires development not lead to unacceptable living conditions through overlooking.
17. Through its elevated position, proximity to the shared boundary, three-storey form, and extent of glazing at the rear, the proposed development would create significant opportunities for overlooking of back gardens and rear-facing rooms of dwellings at Royal Esplanade including nos 9 and 10.
18. The proposal would therefore create opportunities for overlooking resulting in a loss of privacy and would harm the living conditions of occupants of nos 9 and 10 Royal Esplanade.
19. The proposal would conflict with LP Policy QD03 which requires development be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions. The proposal would not satisfy paragraph 135 of the Framework which requires development provide a high standard of amenity for existing users.

Ecology

20. LP Policy SP30 expects sites be assessed for the potential presence of biodiversity assets and protected species. The policy requires new development provide a net gain in biodiversity, such as through restoration or enhancement of existing habitats, and the creation of wildlife habitats where appropriate, by including opportunities for increasing biodiversity in the development's design.
21. At time of my site visit, the site comprised a gravelled surface enclosed on three sides by a close boarded fence, offering limited potential for habitats. However, whilst the site is now cleared, I understand the site was formerly overgrown. Schedule 14 of The Environment Act 2021 requires any habitat degradation since 30th January 2020 be recognised, and the earlier habitat state be applied as a baseline for the purposes of biodiversity net gain.
22. No ecological assessment has been provided and therefore there is insufficient information that the development would deliver a net gain in biodiversity.
23. The appellant suggests an ecology assessment could be secured through a planning condition. However, this would not allow changes to the site layout or dwelling's design where required, and therefore cannot suitably be secured through a condition.
24. The proposal therefore fails to demonstrate the development would not adversely impact on ecology, including protected species, and does not provide sufficient certainty there would be a net gain in biodiversity.

25. The proposal would therefore conflict with LP Policy SP30 which requires development make a positive contribution to the conservation, enhancement, and management of biodiversity, resulting in a net gain for biodiversity assets. In addition, the proposal would not comply with paragraph 180 of the Framework which requires development minimise impacts on and provide net gains for biodiversity.

Other Matters

26. The site is within the zone of influence (ZOI) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR, which are European Sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). The SPA overlaps the Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest designation.
27. Natural England advises that population increase in this area should be considered likely to have a significant effect on the interest features for which those European Sites have been identified. The proposal would result in a net increase in dwellings within the ZOI and, whilst the appellant confirms they are able to provide a financial contribution toward the Council's strategic mitigation project, no mitigation measures have been secured through the proposal.
28. Where a proposal is likely to have significant effects on European Sites, Regulation 63 of the Habitats Regulations requires the competent authority carry out an Appropriate Assessment (AA). However, AA is only necessary where the competent authority is minded to grant consent for the proposal. Since I am dismissing the appeal due to identified harms in respect of character and appearance and living conditions, it is not necessary to subject the proposal to AA.

Conclusion

29. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

E Dade

INSPECTOR