

Appeal Decision

Site visit made on 25 September 2024

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2024

Appeal Ref: APP/Z2260/W/24/3342405

Land to the rear of 16 Northwood Road, Ramsgate, CT12 6RS

- 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 Alan Hawkins against the decision of Thanet District Council.
 - The application Ref is F/TH/23/1483.
 - The development proposed is erection of a single storey bungalow with parking to front.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - The effect of the proposed dwelling on the character and appearance of the area;
 - Whether living conditions for future occupiers would be satisfactory having regard to internal light, outlook and amenity space;
 - The effect on highway safety; and
 - The effect on the integrity of the Thanet Coast and Sandwich Bay Special Protection Area.

Reasons

Character and appearance

3. The appeal site is within a predominantly residential area of houses and bungalows but there are commercial uses nearby including the Northwood Club and the fire damaged premises to the south. It is a small parcel of land alongside and to the rear of the semi-detached dwelling at No 16.
4. Development in the vicinity is primarily along the road frontages but there are a few dwellings in backland locations close to the site. Indeed, the overriding character of the area is not one where the pattern and layout of

buildings is so strongly defined or coherent that the land to the rear of them should be protected as a matter of course. Furthermore, no national or local policies preclude new housing behind existing dwellings.

5. The proposal would be modest in scale with a pitched roof and suitable external materials could be secured. It would be seen from Northwood Road along the drive between Nos 14 and 16 but would not be prominent given that it would be set well back. The bungalow would also be shielded by surrounding buildings including the retained garage. Given its size and design and the limited views that would be possible, the impact of the proposed bungalow on the locality would be unremarkable and insignificant.
6. Policy QD02 of the Thanet Local Plan provides that residential development on garden land will be permitted if it is not harmful to the local area in terms of character. That would be the case here and the proposal would adhere to the general design principles of the policy which include that new development should relate to the surrounding development. Overall, there would be no harm to the character and appearance of the area.

Living conditions

7. The sole window serving bedroom 1 would be in very close proximity to the rear boundary. To ensure privacy, the Council expects that a 1.8m high fence would be maintained along it. As a result, the level of natural light within this habitable room and the outlook from it would be very poor. Even if the incorporation of a rooflight would sufficiently increase the amount of daylight, this would not address the fact that the outward view would be severely hemmed in. Similar considerations also apply to the windows of the living room/kitchen which would directly face the side of the garage.
8. The proposed building, the garage and the parking and turning area would occupy almost all of the main body of the site. As a result, there would be no meaningful area of external space. Because it would be a family dwelling, Local Plan Policy GI04 expects that garden space should be incorporated to provide a safe "doorstep" play area for young children. In addition, the lack of any outdoor space would be depressing and miserable for any future residents. This drawback is not overcome by the open field less than 8 minutes away. Having regard to the criteria in Policy GI04 about the type and amount of open space, this is another significant objection.
9. Therefore, living conditions for future occupiers would not be satisfactory. The proposal would conflict with Local Plan Policy QD03 on living conditions which refers to natural light, sense of enclosure and external amenity space as well as Policy GI04.

Highway safety

10. Parking could be provided within the site for at least two vehicles. However, the garage may not be used for both of them and space for manoeuvring would be tight. Therefore, there is a likelihood that drivers would, at times, have to either reverse into or out of the site from Northwood Road. Exiting from new developments in forward gear is not a requirement of Local Plan Policy TP06 but national policy refers to highway safety.

11. In this respect, the Council has provided no detailed evidence to support its claim that harm would be caused by the reduced visibility that would result. There is nothing about traffic flows along the road, any accident records or the identification of particular hazards. Furthermore, some existing properties locally have limited scope for turning and therefore their occupiers are likely to have to reverse vehicles onto or off of the road. Whilst not ideal, there is similarly no reason to suppose that this could not be done safely by occupiers of the proposed dwelling, provided that care was taken.
12. There would therefore be no unacceptable impact on highway safety and no conflict with Policy TP06 on car parking.

Integrity of the Thanet Coast and Sandwich Bay Special Protection Area

13. The proposal would be liable to increase recreational disturbance to overwintering birds within the Thanet Coast and Sandwich Bay Special Protection Area (SPA). In combination with other development in Thanet, there would therefore be a likely significant effect on the interest features of this habitats site.
14. Local Plan Policy SP29 indicates that all proposals should comply with the Strategic Access Management and Monitoring Plan. This comprises a package of measures to mitigate the effects of new development. The policy requires a financial contribution based on a tariff. Natural England is of the view that if implemented these measures will be effective and reliable in preventing harmful effects on the SPA for the duration of the development. However, there is no mechanism in place to secure the payment. As a result, following an appropriate assessment, the integrity of the SPA would be adversely affected. In these circumstances, the Conservation of Habitats and Species Regulations preclude the proposal from proceeding.

Other Matters

15. Local Plan Policy QD03 expects that a collection point for storage containers should be provided no further than 15 metres from where the collection vehicle will pass. Refuse bins could be kept in the garage or along the side of the proposed bungalow. It is reasonable to expect that future residents would move these onto the pavement on collection day as it would be in their interests to do so. These arrangements would therefore be satisfactory for both the occupiers of the proposal and for neighbours.
16. The appellant has referred to several other cases but these mainly relate to different forms of development, including a care home, in different contexts. The application for a bungalow to the rear of 36 Northwood Road in 2016 was onto a wider access used by two dwellings and is not directly comparable. They can therefore all be distinguished from the appeal proposal and do not justify permitting otherwise unacceptable development.
17. There are no objections in a number of respects including the size of the dwelling and the impact on adjoining occupiers. The dwelling would add to the existing housing stock and the scale of accommodation is claimed to suit the local demographic. However, none of these considerations outweigh the level of harm that has been identified.

Conclusion

18. There would be no harm to the character and appearance of the surrounding area and no unacceptable impact on highway safety. However, living conditions for future occupiers would be far from satisfactory and the integrity of the SPA would be adversely affected. These findings are decisive and there would be conflict with the policies of the Local Plan as a whole. There are no material considerations which indicate that the proposal should be decided other than in accordance with the development plan.
19. Therefore, for the reasons given, the proposal is unacceptable and the appeal should not succeed.

David Smith

INSPECTOR