



Appeal Decision

Site visit made on 21 November 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd January 2025

Appeal Ref: APP/Z2260/W/24/3348751

Land West of Mannock Drive, Manston Road, Manston CT12 5FW

- 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 M Sturge of Premier Construction Ltd against the decision of Thanet District Council.
 - The application Ref is F/TH/23/1593.
 - The development proposed is described on the application form as the erection of two detached single storey dwellings including associated car parking, with enhancement to overall landscaping of area including new earth bund, trees and shrub planting.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. 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; and
 - whether a satisfactory standard of accommodation would be provided for future occupants, with particular regard to outlook and daylight.

Reasons

Character and appearance

4. The appeal site comprises a largely flat parcel of land that runs along the south of Manston Road, at its junction with Mannock Drive. The site is predominantly undeveloped and contains landscaping features such as semi-mature trees along the northern boundary. Irrespective of its originally intended purpose or access arrangements, the site provides a natural appearance and forms a clear buffer between the established properties within the Manston Park development and Manston Road. Overall, the site contributes to the verdant transition from suburban to rural along this part of Manston Road. The site and landscaping also form a welcome break between the relatively dense residential developments that exist on either side of this part of Manston Road.

5. The proposed development seeks to introduce two dwellings to the site. These would be one storey, partly sunken and partly contained within a landscaped bund. The development would feature associated garden and parking areas. There is no doubt that the proposed development would be less visible than the previous schemes proposed at the site. Nevertheless, the proposed development would introduce built form where this does not currently exist. This would be in a location beyond the established built form and garden space within Manston Park. Irrespective of the partly sunken nature of the dwellings, their position and orientation would be at odds with the established pattern of development here.
6. Moreover, despite the sunken nature of the proposed dwellings, the development would inevitably be visible from numerous private vantage points within Mannock Drive and Gilmour Road. In particular, the artificially raised bund, which is not a typical feature of the area, would be visible from the entrance to Mannock Drive and the facades of dwellings would be visible from Gilmour Road.
7. Although additional landscaping is proposed, this would take some time to reach a suitable level of maturity and, in any case, cannot be relied on in perpetuity to provide the same level of screening. Ultimately, the currently open nature of the site, consistent with much of the land to the immediate west, would be eroded and the development would have a harmful urbanising effect.
8. Overall, I conclude that the proposal would run contrary to the relevant provisions of policies SP24, SP26 and QD02 of the Thanet Local Plan (LP, 2020), which in summary seek to direct development towards existing settlements, protect the intrinsic character and beauty of the countryside and ensure that new development is of a high quality, and relates to surrounding development, form and layout.

Living conditions

9. The dwellings would be partly sunken. Windows serving habitable rooms would be installed on the south elevation, facing directly onto a rear lightwell. This arrangement would be atypical. However, the depth of the lightwell is reasonable and the height and scale of the windows would be significant, allowing outlook, at a higher level, above the lightwell. From that perspective, outlook for future occupants would be satisfactory.
10. No assessment of the daylight for the proposed dwellings has been provided, the appellant contending that the windows are large and south facing. However, in the absence of a daylight assessment to demonstrate that daylight levels would be satisfactory for future occupiers, particularly given the proximity of existing properties within Gilmour Road, I am not satisfied that the living conditions for those future occupants would be acceptable. The appellant argues that rooflights could be included by planning condition. However, these are not shown on the submitted drawings and the imposition of conditions should not be used to evolve a scheme. Moreover, even were rooflights included, this would not lead me to an alternative conclusion by reason of the lack of evidence to demonstrate appropriate levels of daylight.
11. Overall, I conclude that the proposed development would fail to provide a satisfactory standard of living accommodation for future occupiers, with particular regard to daylight. This would be contrary to the relevant provisions of LP Policy QD03 which, when taken as a whole, seeks that developments do not lead to unacceptable living conditions.

Other Matters

12. I acknowledge that there would be some social and economic benefits to the proposed development, including the provision of two new houses in an area with an acknowledged lack of housing supply. There would also be benefits in terms of construction jobs and increased local spend upon occupation of the dwellings. However, the new market dwellings would provide only a very limited contribution towards housing supply and construction benefits would be short term. Similarly, I consider the economic advantages in respect of local spend to be limited by reason of the scale of the development and distance away from local services and facilities. Accordingly, and given the significant harm I have identified above, the adverse effects of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
13. I accept that the appellant has made amendments to the scheme following on from a previously refused proposal, dismissed at appeal. I also accept that the proposed path and visitor spaces could be used by the occupants of the wider development, and improvements in respect of noise pollution. However, these matters do not overcome or outweigh the harm that I have identified. I accept the environmental objectives of the appellant in improving landscaping and biodiversity across the site. However, this is not wholly dependent on the scheme before me.
14. My attention is drawn to the Manston Manor site, opposite. This recent housing development fronts the northern edge of Manston Road. The existence of that scheme, together with a more recent approval for a single dwelling opposite, has changed the character and appearance along this part of Manston Road to some extent, including through the loss of open land. Nevertheless, neither the existence of those developments, nor their precise setback from Manston Road, means that all future development proposals in the surrounding area should automatically be accepted, particularly where harm has been identified. On the contrary, the loss of landscaping and openness on the northern side of Manston Road, emphasises the importance of the retention of the verdant and open character of the appeal site, contributing to the transition between suburban and rural here.
15. In respect of the Thanet Coast and Sandwich Bay Special Protection Area and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest, I note that a unilateral undertaking has been provided. This relates to the payment of a financial contribution towards suitable mitigation. Habitats Regulation 63(1) states that a competent authority, before deciding to give any consent or permission must make an appropriate assessment of the implications of the plan or project for that site'. However, given my reasoning in respect of the main issues and that the appeal is dismissed, there is therefore no requirement upon me in that regard. Even were I to find that the proposal was acceptable in this respect, it would be neutral in my determination of the case.
16. I acknowledge the appellant's concerns in relation to communication with the Council. However, this has had no bearing on my consideration of the appeal. These matters would be best dealt with by an application for costs.

Conclusion

17. For the reasons above and having had 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