



Appeal Decision

Site visit made on 31 January 2025

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2025

Appeal Ref: APP/Z2260/D/24/3356685

99 Botany Road, Broadstairs, CT10 3SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Melissa Turner against the decision of Thanet District Council.
 - The application Ref is FH/TH/24/1021.
 - The application sought planning permission for erection of single storey side and rear extensions together with alterations to roof form from hipped to gable to facilitate loft conversion and alterations to fenestration without complying with a condition attached to planning permission Ref FH/TH/23/1578, dated 27/08/2024.
 - The condition in dispute is No.2 which states that: The development hereby approved shall be carried out in accordance with the submitted drawing numbered 545/LOC-001.A received on 12 December 2023 and the amended plans 545-A-PLN-200F and 545-A-PLN-201C received on 10 June 2024.
 - The reason given for the condition is: To secure the proper development of the area.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. In their decision notice the council refers to paragraphs 135 & 140 of the National Planning Policy Framework 2023. This has since been replaced by the National Planning Policy Framework December 2024 (the Framework). Within the newly published Framework paragraphs 135 and 140 remain unchanged. I confirm that in this decision I refer to the 2024 Framework.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the street scene and the surrounding area.

Reasons

4. Botany Road is primarily characterised by small clusters of traditionally designed bungalows from a limited range of designs and palette of external materials, which mainly comprise render and brick walls and plain tiled roofs. The dwellings are similar in height with hipped roofs and a variety of front features and projections with a mixture of hipped and gable roofs. Many of the dwellings have been extended and altered. This includes numerous loft conversions which include a range of dormer windows and roof lights which have blended into the roofscape with varying degrees of success. Some of the extensions and alterations have also seen the introduction of timber and composite boarding and

slate. Towards either end of the road the character is more diverse and includes both single and two storey dwellings. These areas do not have the same strong sense of rhythm and uniformity as the central parts of Botany Road.

5. The appeal dwelling is situated in a central position within the road and is located within a row of four similarly designed bungalows with fully hipped roofs and front projecting bay windows. The adjacent dwelling at 97 Botany Road (No.97) has dormer extensions on all four of its main roof slopes. The dwelling at 101 Botany Road (No.101) also has front and side dormers which are clad in composite boarding.
6. These roof additions have reduced the strong sense of uniformity within the four dwellings. However, the original roof forms, pitches, heights and use of plain tiles, along with the original ground floor front elevations continue to contribute to the identity of this small cluster of dwellings and the prevailing character and appearance of the street scene. At the same time the dormer extensions reflect the extensive introduction of dormer extensions within Botany Road.
7. Together and amongst other things policy QD02 of the Thanet Local Plan (LP), policy BSP9 of the Broadstairs and St. Peters Neighbourhood Plan (NP) and paragraph 135 of the Framework seek to ensure that proposals are well designed, relate appropriately, respect and enhance the character of the area, paying particular attention to context and identity. Development should be sympathetic to local character, while not preventing or discouraging appropriate innovation or change.
8. Paragraph 140 of the Framework seeks to ensure that the quality of approved developments is not materially diminished due to changes made to the permitted scheme.
9. The proposal would increase the pitch and height of the roof of the dwelling and the front gable would project further forward. This would increase the prominence of the dwelling within the street scene. The introduction of curved aluminium ridge lines, zinc effect roof cladding and aluminium louvres would radically change and dominate the appearance of the existing house and further increase the prominence of the resultant dwelling. Unlike with the approved scheme, the resultant dwelling would fail to respect the host dwelling or the character and appearance of the street scene.
10. To the rear the above elements, including aluminium pergola elements would radically change the character and increase the prominence of the appeal building within the rear garden environment.
11. The harm that would be caused by the proposal would materially outweigh the benefits for the appellant that would result from the proposed design changes. Further, it is not something that could be satisfactorily dealt with by the imposition of conditions.
12. I conclude on the main issue that the proposal would unacceptably harm the character and appearance of the street scene and the surrounding area. Accordingly, it would conflict with LP Policy QD02, NP Policy BSP9 and paragraphs 135 & 139 of the Framework.

Other matters

13. Concern has been expressed that the proposed changes would harm the living conditions of the occupiers of the adjacent dwellings due to visual impact, loss of privacy, loss of daylight and noise. Due to its combined height and depth the proposed main roof would obstruct the outlook from the adjacent side dormer window at No.97. However, the relationship is not unusual for side facing dormer windows and due to the distance between the dormer window and the proposed new roof, it would not result in an unacceptable loss of daylight or sunlight.
14. The slight increase to the roof height of the deeper rear projecting wing and associated pergola would increase the sense of enclosure to the rear of No.97 and result in a modest

amount of overshadowing within the immediately adjacent garden area at No.97. Whilst the impact would not amount to a reason for dismissing this appeal, it adds to my concerns regarding the overall height and prominence of the resultant dwelling.

15. The proposed rear balcony is shallow, partially enclosed and would serve a bedroom. Due to its solid cheeks and distance from the dwellings to the rear of the appeal the proposed balcony would not result in a material loss of privacy for the occupiers of the dwellings to the sides and rear of the appeal site.
16. Finally, whilst I note the concerns expressed regarding noise and the paved area to the rear of the dwelling, these matters fall outside the scope of the appeal application.

Conclusion

17. Whilst I have found in favour of the appellant on some matters, the conclusion on the main issue amounts to a compelling reason for dismissing this appeal.

Elizabeth Lawrence

INSPECTOR