
Appeal Decision

Site visit made on 29 May 2025

by **A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th June 2025

Appeal Ref: APP/Z2260/W/24/3355971

Land on the south west side of Cliff Road, Broadstairs, 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 Blanchard against the decision of Thanet District Council.
 - The application Ref is F/TH/24/0617.
 - The development proposed is described as ‘the erection of a new dwelling and detached garage, along with new access to highway and new front boundary wall and gates.’
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Blanchard against Thanet District Council. This application is the subject of a separate decision.

Preliminary Matter

3. The address of the appeal site given on the planning application form is ‘Sundance, Cliff Road, Broadstairs, Kent CT10 3QZ’. The Council cites the address as ‘Land on the south west side of Cliff Road, Broadstairs, Kent’ on its decision notice which I have used in the banner above as Sundance is not part of the appeal site and this is a more accurate description of the address.

Main Issues

4. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of the occupiers of Sundance and Sarrank, with particular regard to privacy and outlook; and
 - whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to outlook.

Reasons

Character and appearance

5. The appeal site comprises undeveloped land within a residential area. Cliff Road slopes down from North Foreland Avenue towards Cliff Promenade, mainly comprising large detached properties with a traditional brick built and pitched roof design on large plots, and some flat roof bungalows. There are some detached

garages in front of other houses on the estate, but these are not prevalent in Cliff Road. Many properties have roadside hedges and low boundary walls with openings to the driveways which along with the large open areas in front of the dwellings give the street a spacious and verdant character.

6. The site is within the designated North Foreland Area of High Townscape Value (AHTV) in the Broadstairs & St Peter's Neighbourhood Development Plan 2023-2040 (NDP). Policy BSP7 of the NDP outlines that the primary planning objective of the AHTV is the conservation and/or enhancement of special local character.
7. The proposal is for a part two storey, part single storey flat roof dwelling of a modernist design with a detached garage in front and a roadside boundary gate and wall with metal balustrades above. It would be located between Sarrank and Sundance which the appellant states have not been refurbished or altered in many years, with an intention to renovate the latter.
8. The sloping land levels and the height of the proposed house relative to the dwellings either side mean that it would provide a step up between Sarrank and Sundance. However, its depth would be significantly greater than the two storey dwelling at Sundance which combined with its largely two storey height would create a building of significant mass and scale. Due to its size and position between the lower building at Sarrank and the higher one at Sundance, it would be overly dominant and discordant in the street scene, particularly when travelling westbound along Cliff Road. Further, due to its flat roof form and finishing materials, the new house would not reflect the traditional dwellings in the street, and much of it would be significantly higher than the bungalows.
9. The white render walls and flat roof of the proposed building would be similar design features to the dwelling at Ocean View. However, because of its single storey front projection with railing above, the new structure would lack the front symmetry of the existing contemporary building nearby. There are references to other modern houses on the estate, including new dwellings approved in North Foreland Avenue, but these are within areas with a different character to Cliff Road and thus are not comparable to the appeal scheme.
10. The positions of buildings on this side of Cliff Road vary, with those adjacent to the site further forward than other buildings on the street. Nevertheless, as the proposed large garage would sit in front of the new dwelling forward of the existing building line, it would introduce an incongruous feature into the street. This would be screened in some views by existing planting and a condition could ensure additional landscaping. However, the vegetation could be removed, become damaged or diseased and may only provide screening in the spring and summer months. In any event, the garage would be visible above the access gates when travelling up the road.
11. The boundary walls would be a similar height to those at Ocean View, but the high piers and balustrading would enclose the frontage, in stark contrast to the verdant and open character of the existing roadside boundaries.
12. The proposed dwelling would be approximately 2.5m from the flank wall of Sarrank and around 5m from Sundance, with the proposed garage closer to the adjacent house. The parts of the appeal scheme closest to the neighbouring properties would be single storey, with a low-level part of Sarrank adjacent and a reasonable distance between the proposed dwelling and the existing two storey house at

Sundance. Given this and the small distances between some existing buildings on the street, the proposed development would not appear unduly cramped.

13. Overall, I conclude that the proposal would harm the character and appearance of the area. This would conflict with Policy QD2 of the Thanet District Council Local Plan 2020 (LP) and Policies BSP7 and BSP9 of the NDP. Together, these require proposals to relate to the surrounding development and respect and enhance local distinctiveness and character.
14. Policies BSP2 and BSP4 of the NDP relate to development applications affecting important vistas and within seafront character zones. As the appeal site does not fall within such vistas and zones, I find no specific conflict with Policies BSP2 and BSP4 when reaching my conclusion.

Living conditions – neighbouring occupiers

15. The new house would lie close to the dwelling Sundance which has habitable room windows facing the site, including large ground floor patio doors to a rear lounge, and an upper level rear terrace. The current occupant of this property supports the proposal, but I have a duty to consider the living conditions of future occupants of the neighbouring house. An oblique view from the neighbouring rear terrace would remain. However, given the proximity and two storey height of the proposed dwelling relative to Sundance's rear lounge opening and terrace, the scheme would create a significant sense of enclosure and dominate the outlook for neighbouring residents when using these spaces.
16. The other neighbouring property Sarrank has a small rear patio adjoining the site, forming part of the useable outdoor space for the neighbouring dwelling which also includes larger areas of garden around other parts of the building. The two storey part of the proposed dwelling would extend along most of the length of this adjacent outdoor space, significantly higher than the existing boundary hedge. Whilst the neighbouring patio is largely surrounded by the existing house and hedge, given its scale and proximity to the adjacent amenity area, the proposed scheme would have an overbearing impact, harming the living conditions of the occupiers of Sarrank when using this outdoor space.
17. The proposed house would have upper floor flank windows serving a bedroom, a bathroom and en-suites on the first floor. The height of the new building and the presence of first floor windows facing Sundance and Sarrank would create some perception of loss of privacy for neighbouring occupiers. However, the windows would be obscure or opaque glazed with fixed lower casements which could be secured via a condition so the occupiers of the proposed dwelling would not be able to see into the existing properties. As a result, the proposed flank windows would not cause unacceptable overlooking of the neighbouring properties.
18. Whilst the proposed development would not harm the privacy of the occupiers of Sundance and Sarrank, it would harm the occupants' outlook. This would conflict with Policy QD3 of the LP where it requires new development to not lead to unacceptable living conditions through sense of enclosure.

Living conditions – future occupiers

19. The proposed dwelling would include obscure glazing to the first floor flank window on bedroom 2, with a fixed lower casement and only the top casement openable. This is a design solution to prevent overlooking from this room into the neighbouring property Sarrank.
20. The obscure glazed window would restrict the outlook for the occupiers of this large bedroom. However, this would be a secondary bedroom, with the windows serving the three other sizeable bedrooms and the substantial ground floor living areas being non-obscured. As most of the habitable rooms would not be obscure glazed and part of the obscure glazed window to bedroom 2 would be openable, the proposal would not result in a harmful sense of enclosure to the future occupiers of the proposed dwelling.
21. Therefore, I conclude that the proposal would provide acceptable living conditions for future occupiers, with particular regard to outlook. It would comply with Policy QD3 of the LP where it requires new development to not lead to unacceptable living conditions through overlooking or sense of enclosure.
22. Policy QD4 of the LP relates to internal space and water efficiency standards rather than outlook and I find no specific conflict with Policy QD4 when reaching my conclusion.

Other Matters

23. The Council did not find harm or development plan conflict in relation to several other matters, including the principle of residential development. However, even if I were to agree with the Council on this point, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.
24. The appellant has expressed general dissatisfaction with the Council's handling of the application, but this is a matter between those parties and does not in this instance have any bearing on my determination of this appeal.
25. Broadstairs and St Peter's Town Council did not object to the proposed scheme. Nevertheless, the proposal would conflict with several policies in the NDP.
26. The proposal would be likely to have a significant effect, either alone or in combination with other projects, on the Thanet Coast and Sandwich Bay Special Protection Area (SPA) due to its location within 7.2km of the protected site. However, notwithstanding the unilateral obligation to provide a contribution towards mitigation measures to avoid adverse impacts on the SPA, given my conclusion below there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Planning Balance and Conclusion

27. The Council accepts that past housing delivery has been less than the 75% requirement in the National Planning Policy Framework (the Framework). As there is a shortfall in housing provision, paragraph 11(d) of the Framework is engaged.
28. Paragraph 11(d)(ii) of the Framework confirms that in such circumstances, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the

policies in the Framework taken as a whole, having particular regard to key policies including directing development to sustainable locations, making effective use of land and securing well-designed places.

29. The Framework seeks to significantly boost housing supply and highlights the important contribution small and medium sized sites can make. The scheme would make a modest contribution of one home to the supply of housing, on a site within the defined settlement of Broadstairs. It would contribute towards Thanet's housing supply, making a modest difference to addressing the shortfall, and therefore I attribute moderate weight to this benefit.
30. In contrast, the proposal would significantly harm the character and appearance of the area and neighbouring living conditions. This would conflict with the Framework where it recognises the importance of good design and requires developments to be sympathetic to local character and provide a high standard of amenity for existing and future users. The proposal would also be contrary to Policies QD2 and QD3 of the LP and BSP7 and BSP9 of the NDP. Indeed, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.
31. For the reasons given above, the proposal would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

A Wright

INSPECTOR