



Appeal Decision

Site visit made on 6 August 2025

by **David Smith BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th of August 2025

Appeal Ref: APP/Z2260/W/25/3365117

Land adjacent to 2 Northbourne Way, Cliftonville, CT9 3NS

- 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 Miguel Blanco against the decision of Thanet District Council.
 - The application Ref is F/TH/23/0227.
 - The development proposed is erection of two storey 4-bedroom house and communal garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - The effect on the character and appearance of the surrounding area with particular reference to protected trees and the setting of the adjacent Northdown Conservation Area;
 - The effect on wildlife habitat and biodiversity; and
 - Whether living conditions for future occupiers would be satisfactory.

Reasons

Character and appearance

3. The wedge-shaped appeal site comprises a small block of woodland. The trees are covered by Tree Preservation Order No 01 of 2019. The accompanying schedule and plan refer to 31 individual specimens in a group including sycamore, scots pine and holm oak.
4. The appellant characterises the individual trees as being of poor quality. The 2017 arboricultural report categorised them as being of low or moderate quality and the 2020 arboricultural impact assessment made similar findings, although a higher proportion were B graded. In practice, the growth of some trees has been affected by their proximity to one another and many are covered with ivy. However, it was not obvious from my roadside inspection that any of them were dead.
5. Indeed, when seen from Northbourne Way, Northdown Road and Elmstone Gardens, the site provides an attractive and significant group of greenery at the entrance to the residential estate. It also complements and continues the tree line to the west within Northdown Park. In summer, when I saw them, the trees were in full leaf, majestic in appearance and not dominated by ivy. Because of its intrinsic

qualities, this small woodland is a very valuable and prominent component of the street scene in this part of Thanet. It also provides a pleasing foil to the housing to the east and the residential area to the north where vegetation is sparse. The contribution made to the locality is much more than the sum of its parts.

6. The appellant characterises the trees as having a short future lifespan, especially as the sycamore trees are affected by sooty bark disease. If trees have to be removed because of an immediate risk of serious harm or because they are dead, then these actions are not prevented by the Order as per Regulation 14 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. However, as explained in the Planning Practice Guidance, in these circumstances the duty to replace a tree that has been removed, uprooted or destroyed is applicable. If necessary, the Council has the power to serve a Tree Replacement Notice under section 207 of the Act.
7. The implication is that even if the current trees were no longer present, there is a reasonable expectation that the site would remain tree covered. Clearly it would take a while for any planted in the future to reach maturity and fully replicate the existing landscape benefits. However, the general character of the site would remain bosky. There are two further reasons why this is important. Firstly, as highlighted by local residents, the copse was left undeveloped by the original developer as a green space. Secondly, Thanet has the lowest tree canopy cover in Kent and so retaining protected areas is particularly vital.
8. The proposed dwelling with its associated car parking would be at the eastern end of the site next to 2 Northbourne Way. It is accepted that four trees would require removal due to conflict with the proposed building footprint. However, in practice the impact would be likely to be greater than that. Indeed, the appellant's specialist suggests that, as a minimum, any trees within 5m of the house would need to be cleared. The proposed layout plan shows very few of the trees to be kept and some of these would be lost due to the proximity to the proposed house.
9. In practice, it would be reasonable to expect the character of the site to change fundamentally. At the eastern end, the dense tree cover and understorey would be likely to be almost wholly replaced by the new property and by the creation of a domestic garden. It might be possible for a couple of the trees along the Northbourne Way frontage to be retained but they would have the effect of enclosing the external space on all three sides.
10. The appellant's Habitats Management Plan indicates that the walled forest garden would be retained and enhanced. This could be achieved by thinning poor quality trees, cutting back ivy and native replacement planting supported by a rolling management plan. It is unclear whether these aspirations would be compatible with the intended public access. However, even if the visual qualities of the undeveloped area at the western end were improved, the existing natural appearance of the overall site would be seriously diminished by the proposal.
11. The site is immediately adjacent to the extensive Northdown Conservation Area which largely comprises Northdown Park. There are trees within it immediately along the southern boundary of the appeal site. Because of its similarities to one of the significant features of the conservation area, the broad-leaved pocket woodland at the appeal site adds positively to its setting. The impact of the proposal on the significance of the heritage asset would therefore be negative.

12. It is suggested that the scheme would be beneficial in exposing a flint wall to view and allowing for easier maintenance. The wall is a local feature along Northdown Road. However, it is not so special as to justify the proposal. In any event, it is likely that the amenity area and communal garden would be enclosed to ensure privacy and security thereby obscuring the wall. There is no mechanism in place to secure the retained forest garden for community use or explanation as to how it would be managed. Any benefits in this respect would be limited due to its small size and especially as there is a large area of public open space nearby.
13. The new house would be well screened and related to No 2. However, because of the adverse effect on the existing woodland and, given the powers available to secure replacement planting if necessary, the overall impact would be a detrimental one. As such, the character and appearance of the surrounding area would be harmed. Consequently, the proposal would be contrary to the primary aim of Policy QD02 of the Thanet Local Plan which is to promote or reinforce local character. In particular, existing site features that contribute positively would not be sufficiently retained, enhanced or protected. As it would detract from the landscape setting of the conservation area there would also be conflict with Policy HE02.

Wildlife habitat and biodiversity

14. The Habitats Management Plan describes the habitat within the site as being of relatively poor quality for a deciduous woodland. The County Council's Biodiversity Officer agrees that there has been a decline in the species composition and structure of the habitat.
15. No bat roosts or evidence of bats were found during an aerial tree inspection. However, two of the sycamores have moderate bat roost potential. Due to their position in relation to the proposed house these would be removed and so further surveys would be required prior to any works as recommended by the appellant's ecologist. This could be covered by condition.
16. Although there are discrepancies between the application plans and the proposals within the Habitats Management Plan and other ecological assessments, the potential value of the site as wildlife habitat is limited. Whilst it would change as a result of the proposal, there is no evidence that it is important for any particular species. Measures could also be taken to improve biodiversity within the retained woodland and this matter, together with precautionary measures and the implementation of the Habitats Management Plan, could be secured by condition.
17. Despite the loss of trees, it would be feasible to make modest gains in terms of wildlife habitats and biodiversity to satisfy the expectations of Policies SP30 and SP37 of the Local Plan.

Living conditions

18. The main first floor windows would be at the front and side of the new house and so would not directly face a dense group of trees. The ground floor dining room would look towards the extensive vegetation to the south within Northdown Park but would also have a secondary window in the flank. There is no clear evidence that internal lighting levels would be inadequate or that outlook from inside the new property would be unacceptably poor. As demonstrated by the situation at 2 Northbourne Way it is possible for housing to co-exist adjoining large trees.

19. Living conditions for future occupiers would therefore be satisfactory and there would be no conflict with Local Plan Policy QD03.

Other Considerations

20. The latest Housing Delivery Test measurements were published in 2024. For Thanet they show a shortfall of 867 units in the delivery of housing over three years from 2020 to 2023. This equates to 67% of the requirement and means that the presumption in paragraph 11 of the National Planning Policy Framework is relevant. There is no information about the supply pipeline but even a single windfall house would help to address the historic deficit in a small way and this gives moderate support to the proposed development. The Framework recognises the important role that small sites can play in meeting housing requirements.
21. The short and long-term economic benefits associated with the scheme have not been quantified but these would be likely to be of limited value given the scale of the build and its occupation by a single household.
22. The proposal received some support at application stage. Whilst I saw litter and dumping on the land there is no clear evidence of anti-social behaviour or crime associated with it sufficient to justify a new dwelling. Any issues caused by overhanging trees can be dealt with by normal maintenance.
23. The other objections raised have largely been covered or dealt with in the officer report but the proposal would not create an unacceptable risk to highway safety. Whilst crashes may have occurred on the corner there is no evidence that the junction is intrinsically hazardous or that the proposed dwelling and use of the communal garden would lead to significant traffic generation.

Conclusions

24. Because of the implications for protected trees, the proposal would harm the character and appearance of the area and would have a negative impact on the setting of the Northdown Conservation Area. Because of this it is not on a suitable site for a new home. The conditions put forward by the appellant in relation to archaeology, the flint wall, landscaping and permitted development rights do not overcome the harm that would ensue. Although there would be no significant consequences for wildlife habitats or biodiversity and future living conditions would be satisfactory, the proposal would not accord with the development plan.
25. The Framework advocates conserving the natural and historic environments. The adverse impacts arising from the proposed development would be considerable. Whilst taking account of the need to deliver a sufficient supply of homes and the potential for biodiversity enhancements, they significantly and demonstrably outweigh the benefits of an additional dwelling when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
26. In combination with other development in Thanet, the proposal would have a likely significant effect on the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The planning obligation dated 2 May 2025 would secure an SPA financial contribution towards mitigation in line with Local Plan Policy SP29 and the Strategic Access Management and Monitoring Plan. However, as the appeal is to be

dismissed, there is no need to undertake an appropriate assessment or to consider the Conservation of Habitats and Species Regulations.

Final Conclusion

27. The proposed development would be contrary to the development plan and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the proposal is unacceptable and the appeal should be dismissed.

David Smith

INSPECTOR