



Appeal Decision

Site visit made on 7 October 2025

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2025

Appeal Ref: APP/Z2260/W/25/3367863

14 North Foreland Road, Broadstairs, Kent CT10 3NN

- 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 W Willsmer on behalf of St Crispins Ltd against the decision of Thanet District Council.
 - The application Ref is F/TH/25/0133.
 - The development proposed is demolition of the existing bungalow and garage and construction of a new detached four-bedroom dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing bungalow and garage and construction of a new detached four-bedroom dwelling at 14 North Foreland Road, Broadstairs, Kent CT10 3NN in accordance with the terms of the application, Ref F/TH/25/0133, subject to the conditions in the attached schedule.

Preliminary Matters

2. At time of my site visit, the bungalow and garage had been demolished. Since demolition is a material operation of the proposal, development had commenced. However, this weighs neither for nor against the proposal in my decision.
3. The site has planning permission for a single storey outbuilding¹ which is under construction next to the rear boundary. This is a material change to the site since the Council's determination of the planning application. The outbuilding is of permanent, brick and blockwork construction and sited on a concrete base. The Design & Access Statement shows the outbuilding within the site layout, and the appellant suggests the outbuilding would remain on site. However, there is uncertainty whether the outbuilding would be retained, since it is not shown on the submitted plans. In my decision, I have disregarded the outbuilding and determined the appeal on the basis of the submitted plans.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on:
 - the living conditions of the occupants of Marcroft, with particular regard to privacy; and
 - the integrity of European sites, with particular regard to the Thanet Coast and Sandwich Bay Special Protection Area and Ramsar.

¹ LPA reference: FH/TH/24/1239

Reasons

5. The appeal site is an existing dwelling plot which fronts onto North Foreland Road and was formerly occupied by a detached bungalow. The neighbouring plot to the north is a modern dwelling with the appearance of a bungalow from the street but with a lower ground floor that opens onto the rear garden. The plot to the south comprises a large, three-storey arts and crafts style dwelling. The site is therefore within an established residential area characterised by its mix of dwelling types.
6. Beyond the rear boundary of the site is 'Marcroft', a two-storey building with living accommodation within the roof space, which has been divided into seven flats. The topography of the area slopes toward the coastline to the east, with the ground level of Marcroft set down below the sloping appeal site.
7. The proposed dwelling would have a modern design and the dwelling's main volume would respond to the site's sloping topography, presenting two storeys to the highway frontage and three storeys at the rear. The rear elevation would have extensive floor to ceiling glazing. Relative to the arrangement of the former bungalow, the proposal would increase the extent of rear-facing openings.
8. However, the lower ground floor storey would be sunken partly below ground level, and two of the first-floor windows would be obscure glazed, thus reducing the apparent extent of the proposed glazing and limiting opportunities for overlooking. In addition, the rear elevation of the neighbouring dwelling to the south comprises glazing and balconies across three storeys, and therefore the extent of glazing is not uncharacteristic of development in the area.
9. The proposed site layout plan indicates the existing tall, timber close-boarded boundary fence and a tree near the northern boundary, would be retained. These features serve to enclose the site and screen views at lower levels, such as from the lower ground floor storey.
10. At the rear of Marcroft, a single storey rear projection extends close to the boundary fence. However, rear-facing windows are situated at the building's main rear elevation and roof slope, which are set back from the shared boundary.
11. Due to the change in levels, Marcroft's ground floor windows sit significantly below the boundary fence. The topography and boundary treatment would therefore prevent overlooking of Marcroft's ground floor flats from the proposed dwelling.
12. As set out at drawing no 9829/02, the rear elevation of Marcroft includes first-floor windows serving a dining/living room, bedroom, and dining room, and a roof dormer serving a bedroom. These windows sit above the boundary fence and there would be sight lines between the site and habitable rooms at Marcroft.
13. The proposed dwelling would project marginally further into the plot than neighbouring dwellings to the north and south. However, the proposed dwelling would sit forward in the plot, around 5m forward of the former bungalow, and would have a rear garden of around 20m length. The site layout would therefore be spacious and promote separation from the rear boundary.
14. North Foreland Road runs broadly parallel with North Foreland Avenue. The rows of dwelling plots between these streets are large, rectangular, and regular in layout with the rear boundaries of plots abutting one another. Dwellings generally face the street, with the rear elevation oriented toward the plot behind. Therefore, the

proposed site layout would be broadly typical of the pattern of development in the area and would not appear uncharacteristic of the spaces between buildings.

15. The proposal would provide a total separation distance of 26m from the proposed dwelling and the rear elevation of Marcroft. The stepped form of the rear elevation would provide around 2m of additional separation distance. Whilst there are no set standards for privacy distances in national or local planning policies, based on my judgement I consider a separation distance of 26m between the rear of dwellings in a residential area to be generous, and adequate to maintain privacy of occupants and do not consider the raised site necessitates greater separation.
16. The Council refer to an appeal decision within its area at 8 Watchester Road, Ramsgate². I am familiar with the scheme, which also proposed three storeys above ground level on a sloping site. However, the layout would have resulted in a back garden of modest depth, providing only limited separation from the rear boundary and would have created significant opportunities for overlooking of private amenity space and rear-facing rooms³. Therefore, the scheme differs from the appeal proposal, particularly in terms of the site layout and effects on neighbours. Consequently, there are significant material differences between the proposal and previous appeal decision, warranting different conclusions.
17. As set out above, the proposed development would occupy an elevated position and would increase the scale of glazing relative to the site's former dwelling. However, the proposed dwelling would be set back from the boundary, set down partly below ground level, enclosed by boundary treatments, and would be in keeping with the pattern of development in the area. Overall, the separation distance between habitable rooms would be adequate to avoid harmful overlooking. Therefore, having particular regard to privacy, I am satisfied the proposal would maintain the living conditions of the occupants of Marcroft.
18. Paragraph 135 of the National Planning Policy Framework (the Framework) requires development promote well-being and provide a high standard of amenity for existing and future users and not undermine quality of life. As set out above, I have found the proposal would not harm living conditions.
19. The proposal would comply with Policy QD03 of the Thanet Local Plan 2020 which requires development be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.

European sites - Appropriate Assessment (AA)

20. The Thanet Coast and Sandwich Bay Special Protection Area and Ramsar (SPA) is a European site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).
21. The qualifying features of the SPA are its populations of European golden plover, ruddy turnstone, and little tern. The conservation objectives for the SPA are to ensure the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the aims of the Wild Birds Directive.

² Appeal decision reference: 3332343

³ As set out at paragraph 17 of the appeal decision

22. Natural England (NE) advise that population increase from housing development in the Council's area would lead to a likely significant effect on the SPA's interest features through increased recreational pressure. However, the proposed four-bedroom dwelling would replace the former three-bedroom bungalow and there would be no net increase in dwellings on the site.
23. The proposed dwelling would provide a net increase of one additional bedroom. The "Thanet Strategic Access Management and Monitoring Plan Notes to Accompany Tariff For 17,140 Homes April 2017" (SAMM note) assumes an average occupancy rate of 2.52 persons for a three-bedroom dwelling, and 3.15 persons for a four-bedroom dwelling. Therefore, at the scale of a single unit, both a three-bedroom dwelling and a four-bedroom dwelling would be expected to have an occupancy rate of approximately three persons. Consequently, the increase in occupancy arising from the proposal would be negligible, and in practical terms is not expected to meaningfully increase the site's occupancy rate.
24. Therefore, in the absence of an increase in local population, the proposed development would not increase recreational pressure on the SPA and would not have a likely significant effect on its integrity.
25. NE has provided standing guidance⁴ in respect of development of this type and scale, front loading its advice into the planning process and therefore it was not necessary to consult NE during the appeal. NE advise that an AA can ascertain there will be no adverse effect on the integrity of the SPA where measures are implemented to secure an appropriate financial contribution to the Thanet Coast and Sandwich Bay Strategic Access Management and Monitoring Scheme (SAMM scheme). The tariff is not secured against increases in bedroom numbers but applies to developments of one home or more⁵. In the absence of harm, and since there would be no net increase in dwellings on the site, a financial contribution to the SAMM scheme would not be necessary.
26. As set out above, the proposed development would have no likely significant effect on the integrity of the SPA, either alone or in combination with other similar development. The effects of the proposal would therefore be neutral in this regard.
27. The proposal would therefore comply with the Habitat Regulations which require permission only be granted after having ascertained that it will not affect the integrity of European sites.

Other Matters

28. The grade II listed St Stephens College and boundary wall are located on the western side of North Foreland Road, near the site. St Stephens College is a three-storey stuccoed building with a slate roof and end chimneys, dating from around 1830. Architectural features include sash windows, a parapet with coping, a moulded cornice, and a band between the ground and first floors, and a central portico with Tuscan columns frames a round-headed doorway with an original half-glazed door. The boundary and kitchen garden wall dates from the early to mid-19th century and is constructed of knapped flint with coping of rough flints and

⁴ Natural England's response to appropriate assessments undertaken for mitigation relating to recreational disturbance to the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site), 11 March 2019

⁵ Page 18

yellow brick dressings. The significance of the building and wall are derived from their architectural and historic interest as a former school.

29. Given the separation provided by the highway, the setback of the proposed dwelling within the site, and the variety of dwelling types and architectural styles within the area, I consider the proposal would preserve these listed structures and buildings, and their settings and features of special interest.
30. Concerns were raised regarding the effect of the proposed development on other neighbouring dwellings. The proposed dwelling would not breach a 45-degree line from the closest windows in the rear elevations and is therefore not considered to result in any significant loss of light or outlook at neighbouring dwellings on North Foreland Road. The location of ground floor and lower ground floor openings and the boundary treatment are not considered to result in any significant overlooking towards the neighbouring properties including private amenity space, and there would be sufficient separation to avoid noise and disturbance.
31. Some respondents raised concerns regarding the design and scale of the proposed development. However, I have been provided no substantive evidence to dispute the Council's assessment which concluded that whilst the proposed design would have a modern appearance, given the variety of dwellings visible within the street scene, the two storey height that would be visible from the public realm, the pallet of materials, the space between neighbouring properties and the arrangement of the dwelling that was previously located on the site, this proposal would not result in a highly prominent development and would not result in any significant harm to the character and appearance of the area.
32. Some respondents refer to a refusal of planning permission by the Council, and dismissed at appeal, at land immediately to the north of the appeal site⁶. However, the appeal proposal is for a replacement dwelling and thus differs materially in its circumstances of this previous scheme, which pre-dated the current Local Plan and was found to conflict on grounds of location, design, loss of open space, and harm to the area's special character.
33. Any future proposals to extend the dwelling would be determined against relevant planning policies or must comply with development rights set out in legislation. The proposed plans are at a recognised scale and therefore provide sufficient information from which to take measurements, and the evidence before me indicates the application satisfied the legal requirements for public consultation.

Conditions

34. The Council has provided a list of suggested conditions which I have considered against the Framework's tests. Since material operations have begun on the site, I have not imposed a condition specifying the time limit for commencement. However, in the interests of certainty I have included a condition identifying the approved plans.
35. To maintain the character and appearance of the area, I have attached conditions requiring submission and approval of details of hard and soft landscape works.

⁶ LPA reference: F/TH/08/1385, appeal decision reference: 2103245

36. In the interests of highway safety, I have included conditions requiring provision of visibility splays, vehicle parking and manoeuvring areas, surface water drainage, and stipulating use of bound surface materials near the highway edge.
37. As the site is within an area of water stress, I have attached a condition requiring the development achieve water efficiency standards in accordance with Policy QD04 of the Thanet Local Plan.
38. There is high potential for archaeology in the surrounding area and, noting that the site is previously developed land, a condition is necessary to ensure that any remaining archaeological features on the site are suitably protected and recorded.

Conclusion

39. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be allowed.

E Dade

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos: *Existing Location / Block Plan* 2411-01; *Existing Ground Floor Plan* 2411-02; *Existing Front & Side Elevations* 2411-03; *Existing Rear & Side Elevations* 2411-04; *Block Plan as Proposed* 2411-11A; *Proposed Site Layout Plan* 2411-12A; *Proposed Basement Plan* 2411-13; *Proposed Ground Floor Plan* 2411-14; *Proposed First Floor Plan* 2411-15; *Proposed Front Elevation (West)* 2411-16; *Proposed Front Elevation 2* 2411-17; *Proposed Side Elevation (South)* 2411-18; *Proposed Rear Elevation (East)* 2411-19; *Proposed Rear Elevation 2* 2411-20; *Proposed Side Elevation (North)* 2411-21; *CGI of New House* 2411-22; *Site Layout Plan (with existing footprint)* 2411-23A.
- 2) Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include:
 - a) species, size and location of new trees, shrubs, hedges and grassed areas to be planted,
 - b) the treatment proposed for all hard surfaced areas beyond the limits of the highway,
 - c) walls, fences, other means of enclosure proposed,
 - d) ecological enhancements to be provided within the site
 - e) shall be submitted to, and approved in writing by, the Local Planning Authority.
- 3) All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation/use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority.

Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.
- 4) The area shown on the approved plan for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted
- 5) Prior to the first occupation of the development hereby approved visibility splays of 2m x 2m shall be provided to the access on to Monkton Road with no obstructions over 0.6m above carriageway level within the splays, which shall thereafter be maintained.
- 6) The development hereby permitted shall incorporate measures to prevent the discharge of surface water onto the highway.

- 7) The development hereby approved shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway.
- 8) The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110 litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.
- 9) Prior to commencement of construction of the dwelling hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved in writing by the Local Planning Authority.