

**R10**

**F/TH/16/0367**

PROPOSAL:                   Erection of 1no. detached two storey dwelling

LOCATION:                    Land Rear Of 17 Sea Road Westgate On Sea Kent

WARD:                        Westgate-on-Sea

AGENT:                      Mr leslie hutchinson

APPLICANT:                 Mr Chris Lynch

RECOMMENDATION:         Refuse Permission

For the following reasons:

1       The proposed dwelling would represent an isolated form of development, out of keeping with the prevailing pattern of street frontage development of surrounding properties, resulting in significant harm to the Westgate on Sea Conservation Area as a designated heritage asset, contrary to Policy D1 of the Thanet Local Plan and paragraphs 17, 58, 61, 64, 132 & 134 of the National Planning Policy Framework.

#### SITE, LOCATION AND DESCRIPTION

The site lies to the rear of 17 Sea Road, a detached building that is now in use as flats. The site itself currently functions as amenity space for the occupants of the flats. The site is largely grassed with a number of trees and hedges along the boundaries.

#### RELEVANT PLANNING HISTORY

There is no relevant recent planning history relating to this application site. The site was the subject of a pre-application submission in 2015 for residential development.

#### PROPOSED DEVELOPMENT

The application site has relevant recent history in respect of proposed residential development. The first application for residential development to the rear of the property was submitted in 2014 (14/1124) in respect of a scheme for two dwellings, however this was subsequently withdrawn prior to determination.

A revised scheme for two dwellings was made in 2015 (15/0574) and was reported to the council's planning committee in November 2015. This application was refused on the basis of a single reason relating to a cramped and isolated form of development that was out of keeping with the area

## DEVELOPMENT PLAN POLICIES

Thanet Local Plan Policy (2006) Saved Policies

- D1 - Design principles
- D2 - Landscaping
- H1 - Housing provision
- H4 - Windfall sites
- SR5 - Doorstep and local play space
- TR12 - Cycling
- TR16 - Car parking provision

## NOTIFICATIONS

Neighbouring dwellings in Sea Road and Egbert Road were notified by letter. A site notice was also displayed. Two letters of objection have been received raising the following matters:

- The design and size of the building would not be in keeping
- The scheme would have a detrimental impact on the conservation area losing the existing pocket of greenery seen from Egbert Road.
- Height and size would have a detrimental effect on those in Barclay Court and Kimberley Court, and those in number 17.
- Loss of outlook from neighbouring property kitchen window at ground floor.
- Provision of one additional dwelling unlikely to do anything to meet the identified housing demand in the area.
- Loss of an existing habitat following the removal of trees.
- The proposed building, if to be allowed, should be sited to the east of the site not the west as shown to mitigate impacts.

Westgate-on-Sea Conservation Area Advisory Group - general observations have been made regarding inaccuracies within the submitted Design and Access statement. The comments then states that it is felt that the proposed dwelling in the back garden would be too dominating for the site, be incongruous and have a lack of respect and sympathy with the existing built environment on this non-previously developed land. The removal of the trees seems heavy-handed and pre-empts planning expectations.

## CONSULTATIONS

Westgate-on-Sea Town Council - No comments received.

Conservation Officer - The proposed building would occupy a position on the rear garden close up to the shared boundary with Barclays Court, with the boundary currently defined by a low wall. The footprint of the proposed building would extend almost the full width of the rear garden. In my view, by virtue of its depth, width and height, the size of the proposed building would appear overly disproportionate dwelling house in relation to its surroundings.

Whilst not quite visible from Sea Road, the building is likely to be visible from a number of houses and gardens in the vicinity of the site. Therefore, as a result of its excessive size the proposed building would appear wholly out of keeping with its surroundings and significantly reduces the sense of openness and the spacious quality of the area. Furthermore, I do not consider these harmful effects could be mitigated through the reduction of the height to 1.5 storeys.

The building will therefore stand out as a discordant element which would detract from the urban grain and character and appearance of the Conservation Area.

Southern Water - We request that should this application receive planning approval, the following informative is attached to the consent: "A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW."

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed water infrastructure plans have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW.

The proposed development would lie within a Source Protection Zone around one of Southern Water's public supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.

## COMMENTS

This application was called in by Councillor Evans to be reported to members given the previous issues considered by members in regard to the impact on the character and appearance of the area. The main considerations with regard to the planning application are the principle of development; the impact upon the character and appearance of the conservation area; the impact upon living conditions of neighbouring property occupiers and future occupiers.

### Principle of Development

The application site lies within the urban confines, is in a sustainable location however it is non-previously developed land being garden land to the rear of number 17 Sea Road. The proposal would therefore represent development on non-previously developed land contrary

to policy H1 of the Local Plan. However, this needs to be balanced with the fact that there is a current need for housing in Thanet, and on this basis, the National Planning Policy Framework (NPPF) indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development. Development on residential gardens will also not necessarily be precluded, but will be judged on whether it represents an enhancement to the character and appearance of the area and streetscene. The Local Plan preferred options consultation draft policy H01 supports development on residential gardens where it is not judged harmful to the local area.

In the context of this proposal, the application site lies within the urban confines with good access to local amenities and the public transport network. It is therefore considered sustainably located within the District. The acceptability of development of this site needs to be considered in the context of any other material considerations such as the impacts on the character and appearance of the area generally, as well as specific to the Westgate-on-Sea conservation area; impacts on living conditions of existing and future residents and highway impacts.

### Character and Appearance

The NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place; respond to local character and history; reflect the identity of local surroundings and materials; and are visually attractive as a result of good architecture and appropriate landscaping (paragraph 58). Policy D1 of the Thanet Local Plan outlines that the design of all new proposals must respect or enhance the character or appearance of the area particularly in scale, massing, rhythm and use of materials.

The NPPF is clear in setting out that policies and decisions should not stifle innovation, originality or initiative but should seek to promote or reinforce local distinctiveness (paragraph 61). It goes on to state that permission should be refused for development of poor design where it fails to improve the character and quality of an area and the way in which it functions.

The application site is within the Westgate-on-Sea conservation area and as such paragraph 132 of the NPPF applies, stating that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation."

The site is currently an area of garden land to the rear of number 17 Sea Road, converted into a number of apartments. The application proposals a single two storey dwelling within the rear garden along the western boundary. In this location the proposed building will be visible from Egbert Road due to the lack of any defined boundary apart from an existing low brick wall marking the boundary between the application site and the neighbouring property with several trees breaking the view up. There will be glimpsed views from Sea Road itself between the existing buildings.

The neighbouring property has a single storey hipped garage at its southern end along a similar line to that of the proposed building. This garage is visible further from the west from

the parking court to the rear of San Remo. The proposed building will be visible from this location and along Egbert Road, but in many views will be seen against the existing backdrop of this garage.

A dwelling in this location would not complement the existing pattern of residential development within the conservation area. There are examples of built development to the rear of buildings further along Sea Road to the west, however these are not locations within the conservation area and do not therefore provide context to its character and appearance. It is accepted that in principle the proposal does not result in a cramped appearance in regards to layout, however the appearance of the proposed dwelling and the two storey nature when viewed from Egbert Road adds to the overall mass even when viewed in the context of the neighbouring garage in front. It is true that a 2 metre boundary fence erected on the common boundary would alter the way in which the proposed building is viewed, however it is not considered that this can sufficiently soften the appearance such that it would be acceptable within the conservation area.

Based on the above, it is considered that the proposed development would result in significant harm to the Westgate Conservation Area as a designated heritage asset and is therefore contrary to the NPPF.

#### Living Conditions

The nearest neighbouring property to the application site is Barclay Court on Egbert Road, located directly to the south of the application site. The design of the proposed building means that the roof pitches away from the block of flats. There are two velux windows proposed in the rear roof slope, however these would not result in any overlooking of the neighbouring properties. At ground floor level there are bedroom windows, however these are screened from the neighbouring building by the existing boundary wall. Whilst the proposed new building would therefore alter the outlook from the neighbouring building this would not result in an unacceptable impact to living conditions for the current occupants.

The windows at ground and first floor looking north towards the rear of 17 Sea Road are all to habitable accommodation (bedrooms at ground floor and a living room and balcony at first floor). Given that there is a separation distance of approximately 30 metres between the two buildings and 1.8m high fencing proposed there would not be significant harm to the privacy of the occupants of either building.

Sufficient amenity space would remain for the occupants of 17 Sea Road, as well as for the occupants of the proposed new dwelling to ensure compliance with saved policy SR5 of the local plan.

The living conditions are therefore considered acceptable for both new and existing residents.

#### Highways

The existing property has the benefit of off street parking to the front of the site. The proposal seeks to provide an additional two off street spaces to the rear of the site for the new dwelling. This is considered to be sufficient to comply with the adopted maximum

parking standards. The proposals also include provision for secure cycle parking to comply with saved policy TR12.

The proposal is therefore considered to be compliant with saved policies of the Local Plan in regards impacts on the highway network.

#### Conclusion

Whilst the proposed development does not result in a cramped appearance or unacceptable impacts on living conditions, the scheme is not considered to respect the character and appearance of the conservation area with regards the pattern of build development. The public benefit of providing an additional dwelling is not considered sufficient to outweigh the severe harm that would be caused to Westgate-on-sea conservation area as a designated heritage asset. It is therefore recommended that Members refuse this application.

#### **Case Officer**

Iain Warner

TITLE: F/TH/16/0367

Project Land Rear Of 17 Sea Road Westgate On Sea Kent

Scale:

