

R07

OL/TH/16/0724

PROPOSAL: Outline application for the erection of 5no. dwellings including access and layout, following demolition of existing dwelling and
LOCATION: former garden nursery outbuildings

15A Tothill Street Minster RAMSGATE Kent CT12 4AG

WARD: Thanet Villages

AGENT: Mr Phil Dadds

APPLICANT: Mr Bill Willsmer

RECOMMENDATION: Refuse Permission

For the following reasons:

- 1 The proposed development would represent an unacceptable form of backland development which would fail to respond to local character, significantly harming the established spatial characteristics and appearance of the area, contrary to Thanet Local Plan D1 and paragraph 58 of the National Planning Policy Framework.
- 2 The proposal fails to respect the setting of a designated heritage asset; a Grade II listed building known as 17 Tothill Street, as it would appreciably reduce the sense of space that remains around the listed building and would be of a form and siting that would challenge and compete with the listed building causing harm to the significance of that setting, contrary to the aims and objectives of the National Planning Policy Framework, paragraph 129 and 131 and Policy D1 of the Thanet Local Plan (2006).

SITE, LOCATION AND DESCRIPTION

The site is located on the eastern side of Tothill Street, Minster, approximately 115m south of the junction with Foxborough Lane. The site includes a detached two storey dwelling and its associated residential curtilage, together land that was a former garden nursery. Part of this site is hard surfaced with some low level buildings in situ and part of the area is largely overgrown; the northern end. To the east of the site boundary is agricultural land and to either side of the site are residential properties that front Tothill Street. Number 17 Tothill Street is a Grade II listed building.

RELEVANT PLANNING HISTORY

TH/87/0744 Residential development Withdrawn 26/05/88

PROPOSED DEVELOPMENT

The proposal involves the demolition of an existing two storey dwelling and other low level buildings. The layout proposed shows an area of soft landscaping to the southern side of the Grade II property; no.17 Tothill Street beyond which is the access and two visitor parking spaces. The soft landscaping strip continues around the rear of the listed building, beyond which is a turning area and the five dwellings with two garage blocks arranged in a loose knit semi-circle arrangement.

REPRESENTATIONS

Five letter of representation received. The following concerns are outlined:

The site is not on previously developed land
Other developments in depth do not have multiple units and therefore have less traffic generated
Highway safety issues
Inadequate parking
Detrimental to the listed building
Impact on residential amenity
Concern about noise during construction
Infestation of Japanese knotweed on site
Other sites available for housing
Other-development of the site
Concern how emergency vehicles would access the site
Existing property is acceptable and not out-of-keeping
Objection in relating to landscaping against objectors boundary
As this is an outline application and therefore cannot be fully assessed

Minster Parish Council: REFUSE This site is located in a linear frontage development onto Tothill Street. The character of the area is dominated by frontage development with large open gardens adjacent to open countryside, there are no houses set back behind this frontage in the immediate vicinity.

Policy D1 of the Thanet Local Plan 2006 states that a new development proposal will only be permitted if it:

A. Respects or enhances the character or appearance of the surrounding area, particularly in scale, massing, rhythm, and use of materials appropriate to the locality;

B. Is compatible with neighbouring buildings and spaces and does not lead to unacceptable loss of amenity through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light, or sense of enclosure;

This proposal is clearly contrary to that policy in that it fails to respect the character and appearance of the surrounding area as it ignores the existing massing and rhythm of adjacent development, proposing two storey buildings on slightly higher land to the rear of the existing established frontage development.

The pattern of the development proposed also ignores the existing street pattern which comprises development tangential to the highway, introducing development at a 45 degree angle to the street, a contrivance in order to seek to overcome loss of amenity to existing frontage houses.

Even with houses angled at 45 degrees the location of houses in close proximity to the rear of the frontage house will severely compromise their outlook and result in loss of amenity by virtue of overlooking, particularly from plots C and D into the rear gardens of numbers 17 and 19 Tothill Street.

This proposal is clearly one that contravenes the aspirations of paragraph 53 of the National Planning Policy Framework which states.

"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

In this case policy D1 of the Local Plan 2006 provides the policy context for resisting this inappropriate development.

In addition to concerns relating to the design per se there is also significant concern that the development severely compromises the setting of number 17 Tothill Street, a listed building identified by English Heritage of Historic importance. It does not appear that a Heritage Statement has been submitted with the application that considers the impact of the scheme on the setting of the Listed Building and it is questioned whether the application is therefore valid.

Paragraph 128 of the NPPF states that:

"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

In this case it is clear that the setting of this building has been detrimentally affected by virtue of the enclosure of the garden by modern development in close proximity that undermines its existing character. In addition the creation of a modern wide access road adjacent to the building will detrimentally affect the character of the street scene within which the Listed Building is located by introducing a large gap that is out of character with the otherwise compact frontage.

For information I attach a copy of the English Heritage Plan identifying that 17 Tothill Street is listed. It is acknowledged that there is a proposed residential site to the east of the application site and that there is the potential for development to the rear of the application site. Any proposals for this site will be required to take into account the setting of existing Tothill Street frontage buildings and will be set further away from the existing buildings, thereby reducing any impact. This proposal is therefore very different to the application submitted which will directly impact upon the character of the existing frontage.

The site has a poor vehicular access. There is no footpath making pedestrian access difficult, also the access has poor visibility and relies upon neighbouring land to remain clear

of obstruction which is outside the applicants control. This makes the development less sustainable and creates a highway safety hazard on an already difficult and tortuous main access road into Minster Village. We would be grateful for confirmation of the visibility splays required for the junction which surely require the application to include land in adjacent garden ownership.

We are also aware that there is a problem with Japanese knotweed which has not been addressed in the application.

CONSULTATIONS

KCC Highways: NO OBJECTION I refer to the additional information submitted by the applicant on 26th July and particularly the comments regarding vehicle and pedestrian movements associated with the use of the site in the past. A similar use of the site could recommence without the need for planning consent and therefore generate similar movements and use of the access, at a level at least the same as is likely to be generated by the proposed 4 additional dwellings (5 new dwellings with the existing dwelling removed). As such, and whilst I still have concerns about the poor visibility at the access, it would not be reasonable to recommend refusal on highway grounds, conditions are therefore recommended relating to loading/unloading and turning facilities for commercial vehicles during construction, parking for site personell and vistors during construction, wheel washing, measures to prvent the discharge of surface water to the highway, provision and permeante retention of parking and vehicle turning spaces and the use of a bound surface for the first 5 metres of the access from the edge of the highway.

Environmental Health Officer: Concern that new residents of planned adjoined premises would be open to issues of acoustic transmission between dwellings and that demolition / construction practices will have a detrimental effect on surrounding premises and therefore pre-commencement conditions are recommended relating to noise insultation and a construction management plan.

Environment Agency: NO OBJECTION subject to conditions relating to contamination

Conservation Officer: Initial Comments In my opinion the proposed development to the rear of existing frontage development on Tothill Street would be out of keeping with the character of the area. The development would also intrude into, and would thus not preserve, the setting of the listed building No 17 Tothill Street.

The setting of a heritage asset often includes land which has a visual relationship with the building, and this is certainly the case in this instance. The rear of the listed building looks across the development site, from which it is clearly visible. This setting makes a positive visual contribution to the significance of the listed building and enhances the ability to appreciate that significance.

Despite some outbuildings and garages within the proposal site the listed building can be appreciated and understood in its setting at the edge of the settlement. That contribution in my view relates to the proximity of the open land to the asset and may be their historical

relationship. The proposal, whichever illustrative plan is pursued, would affect that important view of the asset and would visually compete with and distract from it.

In NPPF terms, the harm to the asset would be less than substantial. However given the importance of the setting to the appreciation of the asset, I give this harm considerable importance and weight. The proposal would conflict with the statutory duty to give special regard to the desirability of preserving the setting of the listed building. Therefore the harm to the setting of No 17 Tothill Street would conflict with the policies and statutory duty summarised above. I accept that the provision of housing could be beneficial, but I consider this benefit does not outweigh the harm to the setting of the heritage asset.

I also note the Design and Access Statement fails to acknowledge the fact that No 17 is a listed building.

Further comments No 17 Tothill Street is a two storey building built in 1765 with regular fenestration including sashes and wooden casement windows. The upper floor rear rooms face in the direction of the proposal site. The significance of this listed building lies in its aesthetic and historic interest.

The rear garden of the house is comparatively limited. This has had the result that the house itself is relatively close to the boundary with the proposal site. In my view the proposal site forms part of the setting No 17 Tothill Street, a listed building. Using the definition in the NPPF this is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Therefore there is no need to attempt a definitive finding on the overall extent of the setting and it is therefore clearly apparent to decide that the proposed development is within the setting of the listed building.

The setting of a heritage asset often includes land which has a visual relationship with the building, and this is certainly the case in this instance. The listed building, which is sited at a slightly lower level, looks across the appeal site, from which it is clearly visible. In particular the rear upper rooms are clearly visible from the proposal site, and the setting makes a positive visual contribution to the significance of the house and enhances the ability to appreciate that significance. Despite some development including garages and sheds on the proposal site, due to their low key nature the house can be appreciated and understood in its rural setting.

When the listed building was built, it sat in its own gardens including the part of the proposal site and farmland beyond. There did not appear (from various historic maps) to have been any attempt to develop the proposal site when it was built. The interpretation of the historic maps can be difficult but on the balance, I consider that the proposal site has had an historic relationship with No 17, and retains some elements which can still be understood as an open land. It is clear that the site is now within the setting of the heritage asset and makes a significant contribution to the significance of the asset and the ability to appreciate it. That contribution relates to the proximity of the open land to the asset and their historical relationship.

The proposed development, in my view with the proposed illustrative plans and scale if pursued, would affect an important view of the asset from the rear and would visually

compete with and distract from it although the application is in outline with only indicative layout and reserved matters.

The applicant states that "the proposed dwellings on plots A and B have been re-aligned and moved to the south. This means that they will only be glimpsed when seen from Tothill Street, as demonstrated by a photomontage 1, while at the same time increasing the degree of openness within the main body of the site. Although an impression of openness is gained when standing within the main body of the application site, a comparison of the existing and proposed images in photomontage 1 reveals that there is no, actual perception of any degree of openness from Tothill Street, due to the siting and size of the existing, frontage property and narrow width of the access. In contrast, the removal of this dwelling, coupled with the re-alignment of the proposed dwellings on plots A and B, together with the siting of the low, open, car port structure to one side of the widened entrance drive, will bring this perception of openness fully into the public domain, significantly enhancing the visual amenities of the locality and the setting of the listed building. It is also evident from the layout plan and the proposed view into the site from Tothill Street, in photomontage 1, that only part of the dwelling on plot C will be visible, and while it will be seen as a partial backdrop to the adjoining listed building, a comparison between the existing and proposed images in photomontage 1 clearly demonstrates that the setting of the listed building will be substantially enhanced. This will result, firstly, from removal of the existing dwelling, which dominates not only the street scene but also detracts from the setting of the listed building, and secondly, from the creation of a widened, landscaped entrance drive, better revealing the significance of the designated heritage asset".

In my opinion the harm caused by the introduction of the housing development within the setting of this heritage asset would not be reduced. In particular the applicant has not demonstrated how the views from the heritage asset would be affected by the proposed units C, D and E which in my view would obstruct and impinge on the open aspects of the setting of the listed building to the rear.

Since the development does not impact on the listed building itself, the impact and the resulting effect on the setting and significance of the listed building could be regarded as to be "less than substantial harm". Therefore, in Framework terms, the harm to the heritage asset would be less than substantial. However given the importance of the setting to the appreciation of the asset, I give this harm considerable importance and weight.

The proposal would therefore conflict with paragraphs 14, 132 and 134 of the Framework and the statutory requirement duty to give special regard to the desirability of preserving the setting of the listed building.

ANALYSIS

The application is brought to Planning Committee as a departure from policy H1.

Principle of Development

The land, subject of this application comprises a detached two storey dwelling, its associated residential curtilage, together with land associated with a former garden nursery business

and associated outbuildings. With regard to the NPPF's definition of previously developed land, this excludes agricultural or forestry land. The site is therefore part previously developed land and part non-previously developed land. The site also lies within the built-up confines of Minster.

Policy H1 of the Thanet local Plan only makes for provision of new residential development on previously developed land. The proposal would see the majority of the proposed development on non-previously developed land which would be contrary to Policy H1 of the Thanet Local Plan; however this needs to be considered having regard to the fact that there is a current need for housing in Thanet.

Emerging policy H01 of the draft preferred options document starts that the Council will grant permission for new housing development on residential gardens where it is judged not to be harmful to the character and amenity of the area.

However, the Council does not currently have a five-year supply of deliverable housing sites, housing applications such as this, should be considered in the context of the National Planning Policy Framework's (NPPF's) presumption in favour of sustainable development.

This is because local policies relating to the supply of housing are no longer considered up-to-date (para 49). Paragraph 14 of the NPPF states that where relevant local policies are out-of-date, planning permission should be granted unless: any adverse impacts of doing so would 'significantly and demonstrably' outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

In this case the application site lies within a residential area of Minster and in principle the proposed development is considered acceptable, subject to the detailed considerations below.

Character and Appearance

Residential development along Tothill Street is traditional and predominantly linear in nature, with the exception of a comprehensive residential development to the south of Minster Services (Hill House Drive) and a small scheme of converted agricultural buildings, known as Laurensfield. Development within Tothill Street appears to have been consolidated over the years by infilling giving a mix of housing styles and ages within close proximity to the site. A strong characteristic of the area is dwellings located close to the road, creating a corridor effect.

This proposal seeks to demolish an existing two storey dwelling and introduce development on the application site which sits to the rear of 15 and 17 Tothill Street.

Whilst this is an outline application, the means of access and proposed layout are both to be considered at this time, with appearance, scale and landscaping reserved for future consideration. Access will be assessed later in the report under the highway issues section.

In terms of layout, the dwellings are shown positioned in a semi-circle arrangement, entirely to the rear of existing dwellings in Tothill Street. The dwellings are each afforded a private amenity space that appear to provide adequate for the each dwellings; plot D having a more

modest garden, although still considered acceptable. The private amenity spaces associated with the proposed dwelling abut existing agricultural land and the defined edge of the village.

The arrangement of the five houses and garages to the rear, within the main body of the site would not have any visual or physical affinity with the prevailing pattern of development; which comprises residential development fronting Tothill Street, the proposal would extend development into an area of largely undeveloped land. The outcome would be a small enclave of houses, set significantly back from the road behind a shared access and new landscaping across the frontage of the site that would be out of keeping with the predominantly frontage pattern of development which exists and which would significantly harm the form and character of the area.

The applicant has put forward other examples of backland development in Tothill Street and the surrounding area - the Salvation Army Citadel, 3a Tothill Street, the Surgery and dwellings (nos. 63, 63a and 65 High Street) on the opposite side of the road and the land to the rear of 31 High Street. Officers consider that these examples are not directly comparable to this scheme for the following reasons:

- Salvation Army Citadel between 11 and 15 Tothill Street, 33, 53, 59a, Bell Cottage High Street adequately address the street, and is not directly located directly another building.
- 3a Tothill Street, is set back from the road and can be seen from the road, but it appears from the planning history to have an historic use.
- It is considered that the surgery and dwellings on the opposite side of the road 63, 63a and 65 High Street, is dealt with on a more comprehensive scheme and has a different appearance.
- Land rear of 31 High Street appears to have had a previous use as a builder's yard with associated buildings; in this case, given the previous use it was considered appropriate to locate residential development on the site.

It is considered that the layout shown does not demonstrate that five dwellings can be accommodated on the site without detrimentally affecting the character and appearance of the surrounding area.

Nationally, the NPPF seeks a high standard of design, and design that takes the opportunity to improve an area. Some of the key objectives referred to in the NPPF are for development which responds to their local context and creates or reinforces local distinctiveness, are visually attractive as a result of good architecture and appropriate landscaping. Appearance and scale are reserved for future consideration and the details of design would be dealt with at the reserved matters stage.

Heritage Assets

S.66 of the Town and Country (Listed Building and Conservation Areas) Act 1990 requires Local Planning Authority to have special regard to the desirability of preserving the building or its setting. An assessment needs to be made if there is any harm caused to the setting of

the listed building and if that harm is substantial in accordance with paragraph 134 of the National Planning Policy Framework.

To the west of the application site is a Grade II listed building; a designated heritage asset, the proposed development would be located in close proximity to this building. The list description identifies the building dating back to 1765, constructed with brown brick and plain tiled roof, being two storeys and a basement on a plinth with hipped roof and stacks to end left and rear right. At present there is only small scale buildings located on the application site, which are screened by linear two storey development along Tothill Street. It is also noted that the site rises off Tothill Street.

In assessing the proposals impact upon the setting of the Grade II listed building, it is confirmed that the setting of a heritage asset is the surroundings in which a heritage asset is experienced, formed by, amongst other matters the location and siting, form and appearance. At present to the south of the site is a relatively modern two storey detached dwelling that has a gable fronting the road; this building would be demolished as part of the scheme. This dwelling is at a higher level to the listed building and is separated by a vehicular access it follows a similar building line. To the northern side is a well-proportioned semi-detached two storey dwelling with ground floor bay windows. This building sits forward of the listed building, giving it more presence in the street scene.

The area immediately adjacent the building, forms its setting; at present this is formed by a relatively modern dwelling and access driveway to the side. Although it is appreciated that earlier, prior to development taken place in the last 60 years or so the listed building would have been seen as only sporadic development along Tothill Street, with a sense of space around it, especially to the south and east, which would have emphasised the buildings status. Whilst the proposal would remove the modern dwelling to the side it would introduce a more formal access road leading to five, two and two and half storey dwellings on raising land. The proposed access would open the land up and enable views into the rear of the site and the listed building would be seen in conjunction with the proposed dwellings, where currently built form to the rear is not seen due to its small scale and limited nature. Whilst it is appreciated that this is an outline application with all matters reserved with the exception of access and layout, 'cottage images' have been shown on the concept layout, which shows both two and two and a half storey dwellings, which would appear to be taller than the roof ridges of the frontage listed building and this will be exacerbated by being on rising land. The proposed development, of five semi-detached and detached properties would be close enough to the Grade II listed building and be of sufficiently bulky appearance to dominate, over-power and spoil its setting reducing the quality of the spaciousness which contributes to the setting of the historic building. The revised layout is not considered to address these concerns.

Taking into account the above I consider that the development would appreciably reduce the sense of space that remains around the listed building and would be of a form and siting that would challenge and compete with the listed building.

The proposed development would fail to preserve the setting of this Grade II listed building, causing less than substantial harm to its significance as a heritage asset. In accordance with paragraph 134 of the Framework, this harm should be weighed against the public benefit of

the proposal. The proposal would make a contribution, albeit small to the delivery of new market housing within the District where there is an identified need. Furthermore jobs would be provided in the construction phase of the scheme. These benefits, however, would be so regardless of where the new dwellings were built. It is therefore concluded that the benefits associated with the proposal would neither individually or cumulatively outweigh the harm that would be caused to heritage assets.

Living Conditions

As this is an outline application, with appearance and scale reserved, precise details are not given to enable a full assessment to be made in terms of neighbour amenity. Given the site parameters, potential distances and arrangement of dwellings and openings, it is considered that five dwellings could be accommodated on the site without resulting in material harm to neighbouring occupiers providing that fenestration arrangements are sensitively addressed to avoid overlooking.

Highway Issues

The NPPF (paragraph 32) requires new development to provide safe and suitable access for all modes. Initially Kent County Council, Highways and Transportation recommended refusal of the application. This was on the basis of lack of visibility at the access. This issue was raised with the applicant's agent and additional information was provided about the previous use of the site and traffic movements associated with this use. The agent details that there was evidence of at least 15 to 20 vehicle visits each day, representing between 30 and 40 overall, vehicle movements in and out when the site was in agricultural use. It is argued that a single dwelling could generate up to four trips each day. It is stated that five dwellings at four trips per day would represent 20 vehicle movements and given the improved visibility of the relocated access, there can be no question that no harm to highway safety or road conditions would result.

It is however not clear from the evidence provided when the use of the garden nursery ceased and if indeed this could be the fall-back position that an assessment should be made against. Officers have reviewed aerial photographs of the site and this shows the land being clearly cultivated prior to and in 2007 and also this appears to be the case in 2009. In addition investigations have been made with the Council's Business Rates team and they have confirmed that a small holding is not rated, and therefore there are no records for this site.

On balance Highways and Transportation team have withdrawn their recommendation of refusal and proposed conditions should permission be granted. Officers consider that the lawful use of the land to the rear of 15a Tothill Street has not been established but it appears from the information gained that the use as has been in existence until more recent times and therefore on balance an objection can't be sustained.

Other Issues

Officers are satisfied that matters raised by the Environmental Health Officer and the Environment Agency can be dealt with by pre-commencement conditions.

Should permission be approved, landscaping would form one of the reserved matters, aspects of both hard and soft landscaping would therefore be dealt with upon the submission of a reserved matters application.

A third party has raised the issue of access to the site by emergency vehicles; the width of the access is 4.2m it is considered that this is an acceptable width to allow access for an emergency vehicle.

Conclusion

The proposal would make a contribution, albeit limited to the supply of deliverable market housing sites in the District where there is an identified shortfall. The proposal would therefore make a contribution to the Government's objective of boosting significantly the supply of housing as well as result in modest economic benefits. During the application process the agent has managed to successfully address Kent County Council Highways and Transportation teams concerns, and officer on balance consider that some weight should be attached to the historic use of the site and have concluded that this reason for refusal could not be sustained. However it is considered that the proposal would significantly harm the character and appearance of the area, by introducing adhoc backland development and would be harmful to the setting of the designated heritage asset. The harm identified would significantly and demonstrably outweigh the benefits of the scheme. The proposal would not therefore result in sustainable development for which the Framework indicates there is a presumption in favour, accordingly refusal of the scheme is recommended.

Case Officer

Gill Richardson

TITLE: OL/TH/16/0724

Project 15A Tothill Street Minster RAMSGATE Kent CT12 4AG

Scale:

