

R11

F/TH/15/0485

PROPOSAL: Erection of a single storey dwelling

LOCATION: Land Rear Of 4, Cherry Tree Gardens, Ramsgate

WARD: Northwood

AGENT: Mr M Gerlack

APPLICANT: Mr & Mrs Smith

RECOMMENDATION: Refuse

For the following reasons:

- 1 The proposed dwelling, by virtue of its siting within the rear garden of the existing dwelling, neither respects nor enhances the character of the surrounding area, being out of keeping with the prevailing character and established pattern of street frontage development in Cherry Tree Gardens, and the surrounding area and as such is detrimental to the character and appearance of the area, contrary to Thanet Local Plan Policy D1 and paragraphs 58 & 64 of the National Planning Policy Framework.
- 2 The proposed dwelling, by virtue of its layout would result in poor outlook for the potential future occupiers resulting from severe lack of outlook which would fail to provide a good standard of amenity for future occupiers, contrary to Thanet Local Plan Policy D1 and paragraph 17 of the National Planning Policy Framework.

RELEVANT PLANNING HISTORY

In 2015 permission was refused for the erection of a single storey dwelling and this is a material consideration in the determination of the current application which proposes a dwelling in the same location as that previously refused.

In 2014 two planning permissions were granted for extensions to the main dwelling, these applications have not been implemented.

In 2005 the Council granted (under reference CU/TH/04/0921) a certificate of existing lawful use of a single storey building in the rear garden as additional living accommodation (single family occupation) and this building remains in residential use.

SITE, LOCATION AND DESCRIPTION

The application site comprises the rear garden of No. 4 Cherry Tree Gardens, Ramsgate.

The existing dwelling is a single storey, four bedroom, pitched roof detached property which benefits from off street parking to the front of the site and a large rear garden.

There is, within the rear garden of the existing dwelling, an annex to the main house which provides additional residential accommodation.

There are also outbuildings and a swimming pool within the rear garden. The rear boundary of the site abuts Jackey Bakers Recreation Ground. Part of the land on which the proposed dwelling is to be sited, originally formed part of the recreation ground, within the ownership of Thanet District Council. This land was subsequently purchased by the home owner.

PROPOSED DEVELOPMENT

The applicant has applied for permission for the erection of a dwelling within the rear garden, at the southern boundary. The dwelling would be single storey, with a flat roof and comprise three bedrooms, a lounge, kitchen/dining room and a bathroom. The proposed dwelling would be constructed of blockwork and timber boarding, a flat roof with built up bitumen covering and UPVC windows and doors.

The applicant has submitted a supporting statement which asserts that they have a 'fallback' position and states that the Lawful Development Certificate relating to another building within the site and personal circumstances of the occupants adds support to their application.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2006 (Saved Policies)

H1 - Residential Development Sites
H4 - Windfall Sites
D1 - Design Principles
TR12 - Cycling
TR16 - Car Parking Provision
SR5 - Play Space
EP13 - Groundwater Protection Zone

NOTIFICATIONS

Letters were sent to neighbouring occupiers and a site notice posted near the site. No representations have been received in response.

Ramsgate Town Council recommend that the TDC Planning Committee undertake a site visit as part of the consideration of this particular application.

CONSULTATIONS

Southern Water - no objection, subject to an informative.

Kent County Council Highways and Transportation have not been consulted as the proposed development does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

COMMENTS

This application has been called to Planning Committee by Cllr Konnor Collins, to allow further consideration by Members following the submission of additional information not available to the previous Planning Committee.

Principle

The proposal would represent development on non previously developed land which would be contrary to Policy H1 of the Thanet Local Plan; However the National Planning Policy Framework (NPPF) requires Local Planning Authorities to review policies to ensure that

these take into account policies contained within the NPPF. Policy H01 of the draft preferred options Local Plan, which is subject to further consultation, states that new housing development may be acceptable on residential garden land if it is in keeping with the character and amenity of the local area.

Therefore, the main considerations in the assessment of the application are the impacts of the proposed dwelling on the character and appearance of the area, the living conditions of any future occupiers of the site and the local highway network.

Character and Appearance

National and Local Planning Policy requires all new development to respect the character and appearance of the surrounding area within which it would be located and to respond appropriately to the existing layout of buildings, streets and spaces to ensure that adjacent buildings relate to each other. Cherry Tree Gardens and the surrounding roads have a very strong uniform pattern of street fronting residential development. The only buildings found within rear gardens are utility/non-residential outbuildings which is typical in gardens of houses within urban areas.

The proposed dwelling would not front the street, instead it would be located at the end of the rear garden of No. 4 Cherry Tree Gardens. The dwelling would have no direct independent access other than pedestrian access through the existing bungalow itself. For these reasons the siting of a dwelling in this location would be very much at odds with the existing pattern of residential development in the area. The proposed dwelling would therefore be out of keeping and harmful to the character and appearance/amenity of the area.

Living Conditions

The proposed dwelling would be sited towards the southern corner of the rear garden in between two existing single storey outbuildings. The standard of accommodation afforded to future occupiers of the dwelling is very poor. The development would provide three bedrooms, a lounge, kitchen/dining room and a bathroom. However, none of the bedrooms would have any outlook and their only natural light and ventilation would be provided by a single rooflight to each of these rooms and any future owners of the proposed dwelling would have to access the public highway through a separate dwelling. As such the standard of accommodation would fall well below that required by Thanet Local Plan Policy D1 and paragraph 17 of the National Planning Policy Framework.

Transportation

The application does not make off street car or cycle parking provision, however there is on street parking available within the vicinity and it is considered, on balance, that any additional car parking demand could be absorbed. I am therefore satisfied that the proposed development is unlikely to cause harm to highway safety or the local highway network.

Other Matters

In response to the points raised within the supporting planning statement submitted by the applicant:

The applicant has advised that the two occupiers of the existing dwelling have health issues and may have future care needs. It is, however, noted that the existing dwelling is four bed roomed and there is currently ancillary living accommodation within an existing building in the garden.

The personal circumstances and familial benefits, no matter how significant they may seem or the lack of local or national policy supporting communal domestic development in the manner proposed, are not material planning considerations and conditions relating to occupants or familial links are not attached to planning permissions as these cannot be readily enforced. Likewise, the identity of likely users is not a relevant planning consideration and is not, therefore, something which can form the basis of the determination of this matter. It is the use of the proposed development that is the subject of consideration.

The fact that a Lawful Development Certificate was granted for another building to be used for residential purposes is not relevant to the application. As Members will be aware applications for Lawful Development Certificates are not planning applications and therefore a Local Planning Authority does not consider planning merit or national or local planning policies and therefore the comparison cannot provide any support for this application. Accordingly, questions of ancillary or incidental use within a planning unit are irrelevant in the granting of a Lawful Development Certificate.

The applicant has suggested that he could build the building under permitted development rights and therefore there is a fallback position that should be taken into account. However, it is not considered that such a fallback position exists in this case as the applicant clearly stated that the building that has been constructed is to be a habitable residential unit of accommodation.

Conclusion

The acceptability of residential development on non-previously developed garden land depends upon whether the proposed dwelling is in keeping with the character and amenity of the local area. In this case, the siting of the proposed dwelling within the rear garden of an existing residential property neither respects nor enhances the character of the surrounding area, is out of keeping with the established pattern of street frontage development in Cherry Tree Gardens and the surrounding area and would cause harm to the character of the area and is therefore contrary to Thanet Local Plan Policy D1 and policies within the National Planning Policy Framework.

In addition, the proposed development, by virtue of its layout and outlook would provide a very poor standard of amenity for future occupiers, contrary to Thanet Local Plan Policy D1 and the National Planning Policy Framework.

It is therefore recommended that the application is refused.

Case Officer

Helen Johnson