

A01

F/TH/17/1174

PROPOSAL: Erection of three storey building containing 4 No 2 bed flats and 2 No 1 bed flats with associated car parking following
LOCATION: demolition of existing house

Seafields Cliff Road BIRCHINGTON Kent CT7 9LS

WARD: Birchington North

AGENT: Mr Anthony O'Connor

APPLICANT: AOC Ramsgate Ltd

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

GROUND:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 07A (received 15/09/17), 08A (received 15/09/17), 09A (received 15/09/17) and 11 (received 15/09/17).

GROUND:

To secure the proper development of the area.

3 The ceilings and floors that separate the residential units, hereby approved shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 50 decibels. The weighted standardized difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 16283-1:2014.

GROUND:

To safeguard the residential amenities in accordance with Policy D1 of the Thanet Local Plan.

4 The area shown on the submitted plan as vehicle parking spaces and turning 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.

GROUND:

Development without adequate provision for the parking or turning of cars is likely to lead to parking inconvenient to other road users and detrimental to amenity and in pursuance of policy D1 of the Thanet Local Plan.

5 No residential unit shall be occupied until a scheme for the parking of cycles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

GROUND:

To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport.

6 Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan numbered 09A (received 15/09/17).

GROUND:

In the interests of highway safety.

7 The development hereby approved shall incorporate a bound surface materials for the first 5 metres of the access from the edge of the highway.

GROUND:

In the interests of highway safety.

8 The gradient of the vehicular access shall not exceed 1:10 for the first 1.5 metres into the site from the highway boundary and shall not exceed 1:8 thereafter.

GROUND:

In the interests of highway safety.

9 Prior to the first occupation of the units hereby permitted pedestrian visibility splays of 2metres by 2metres behind the footway on both sides of the dwelling access with no obstructions over 0.6m above footway level shall be provided and thereafter maintained.

GROUND:

In the interest of highway safety.

10 Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.9 metres above the level of the adjacent highway carriageway.

GROUND:

In the interest of highway safety.

11 Prior to the commencement of the development hereby approved a Construction Management Plan shall be submitted to include the following:

- a) Routing of construction and delivery vehicles to/from the site
- b) Parking and turning areas for construction and delivery vehicles and site personnel
- c) Timing of deliveries
- d) Provision of wheel washing facilities
- e) Temporary traffic management/signage

GROUND:

In the interest of highway safety.

12 A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The landscape management plan shall be carried out as approved.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan

13 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837: 2005 using the following protective fence specification:-

- o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority.

The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed.

At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area.

Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point.

There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policies D1 and D2.

14 The refuse storage facilities and clothes drying facilities as specified upon the approved drawing 09A and received 15/09/17 shall be provided prior to the first occupation of the units hereby approved and shall be kept available for that use at all times.

GROUND:

To secure a satisfactory standard of development and in the interests of the amenities of the area, in accordance with policy D1 of the Thanet Local Plan.

15 Prior to the commencement of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

GROUND:

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan

16 All new window and door openings shall be set within reveals not less than 100mm.

GROUND:

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan

17 The first and second floor windows in the east and west-facing elevation serving the kitchens of flat 4, 5 and 6, en-suite, bathroom to flat 6 and living/dining area of flat 6 of the building hereby approved shall be provided and maintained with obscure glass and be top hung only.

GROUND:

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy D1 of the Thanet Local Plan

18 Prior to occupation of any residential units to which they relate the privacy screens to the balconies and patio areas shall be fitted and maintained with a 2 metre obscure privacy screen as detailed on drawing numbered 07A (received 15/09/17). The screens shall thereafter be maintained.

GROUND:

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy D1 of the Thanet Local Plan.

INFORMATIVES

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are

obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.

Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

SITE, LOCATION AND DESCRIPTION

The application site is located on the southern side of Cliff Road, Birchington; the site overlooks a green swathe and Grenham Bay. To the western boundary of the site is a footpath that links Cliff Road with Sea View Avenue.

The site is enclosed to Cliff Road by a wall, with a hedge behind, with brick piers to either side of the existing vehicular access. The site is hard surfaced at the front with only soft landscaping provided along the boundaries. A detached chalet bungalow occupies the site currently; this has a hipped roof over and flat roof dormer windows to all three elevations. The property has a flat roof store and garage to the western side and small flat roof projection on the eastern side.

The wider area comprises a mix of dwelling types, which are detached, but not one design style prevails.

RELEVANT PLANNING HISTORY

None.

PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a three storey contemporary designed flat roof building to accommodate four 2 bedroom flat and two 1 bedroom flats with parking and amenity area.

The proposed building is set back from the road by a minimum of 21 metre, approximately 2.4m from the western boundary and 1.4 metres from the eastern boundary.

The proposed building has an overall height of 8.6 metres, at the top of the third floor, which has a smaller floorspace than the lower two levels. The ground floor includes to one bedroom flats at the front of the building accessed off the communal entrance which is located on the side elevation and a two bedroom flat at the rear, all of the ground floor flats have access to their own patio area. The first floor has two, 2 bedroom flats, the front flat has access to a balcony area and the second floor has a two bedroom unit area with a balcony area to the front.

A communal garden is shown to the rear of the proposed building which is to be maintained by a management company together with two rotary clothes lines, with a pathway leading to this area. A bin storage area is shown to the front of the proposed building.

The existing vehicular access is to be closed and a new vehicular access formed to the west side on the road frontage. The area in front of the building will be constructed in block paving for the parking of residents vehicles. Seven parking spaces are provided to the front of the proposed building.

The supporting statement details that the proposed building would be constructed in blockwork with a self-finished white render with a concrete flat roof with a self-finished grey facia. The windows are to be large paned windows or sliding folding patio doors and self-finished in grey upvc or similar. Balconies are provided and finished with clear plate glass and stainless steel handrail and posts.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan Policy (2006) Saved Policies

- H1 - Housing provision
- H4 - Windfall sites
- TR12 - Cycling
- TR16 - Car parking provision
- D1 - Design principles
- D2 - Landscaping
- D7 - Areas of High Townscape Value
- SR5 - Doorstep and local play space

NOTIFICATIONS

Thirty two letters of representation have been received in respect of the submitted planning application. The concerns can be summarised as follows:

- Existing property is in good order
- Site is within an Area of High Townscape Value which the Local Planning Authority is required to maintain and where possible enhance this area. The proposal does not by virtue of its height, mass, scale and design

- Proposal is contrary to Policy D1 and D7 and accordingly should be refused
- Inappropriate over-development for an established road of detached individually occupied properties
- Proposed building looks overbearing given the size and position of the plot
- Could set a precedent
- Neighbour amenity issues- significant loss of privacy, overshadowing, light, noise and traffic
- Parking provision is insufficient and will spill out onto neighbouring streets
- Increase in traffic will disrupt the use of the footpath that runs to the side of "Seafields"; due to park cars
- Similar proposals have been refused in the area reference is made specifically to planning reference F/TH/08/0440
- Some of the second bedrooms are small in area
- Separation between properties would be adversely affected
- No buildings in Cliff Road occupied as multiple occupation/flats and would change the nature of Cliff Road
- Disruption, noise and dust during construction
- Loss of view from balcony
- Loss of front garden land to car parking
- Limit of two storey height was set following development at "Cranworth" and "Wyndcliffe"

CONSULTATIONS

Kent County Council Highways and Transportation No objection subject to conditions relating to vehicle parking spaces, cycle storage, access specification, pedestrian visibility splays and a Construction Management Plan.

Recycling and Waste Manager: No objection but state that the storage area would be better closer to the entrance to the property as there would be less likelihood of parked causing access issues.

Environmental Health Officer: I have reviewed the application for the construction of a new block of flats at this location. I do not consider there to be any air quality or contaminated land issues at this site and have the following comments on noise: -

The drawings show that the layout places bedroom areas above and below living areas, which is undesirable. I would therefore recommend a condition to safeguard the aural amenity of the occupiers.

Natural England: The application sites are in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore have the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application sites are in close proximity to:

. Thanet Coast & Sandwich Bay Special Protection Area (SPA) and Ramsar site, part of which is also designated as the Tankerton Slopes and Swalecliffe Special Area of Conservation (SAC).

The above site is also designated at a national level as the Thanet Coast Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In advising your authority on the requirements relating to the Habitats Regulations Assessment (HRA), and to assist you in screening for the likelihood of significant effects, based upon the information provided, Natural England offers the following advice:

The proposals are not necessary for the management of the European sites

Subject to appropriate financial contributions being made to strategic mitigation, the proposals are unlikely to have a significant effect on these sites, and can therefore be screened out from any requirement for further assessment

When recording your HRA, we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects:

Appropriate financial contributions should be made to:

o the Thanet Coast and Sandwich Bay SPA SAMM Plan being developed in conjunction with Thanet District Council.

This strategic mitigation will need to be in place before the dwellings are occupied.

Natural England is satisfied that the proposed developments being carried out in strict accordance with the details of the applications, as submitted, will not damage or destroy the interest features for which the SSSI named above have been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining these applications. Should the details of these applications change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England

COMMENTS

This application is reported to planning committee as it has been called in by Councillor Coleman-Cooke due to concerns regarding the change of the street scene and grounds of over-development.

Principle

In considering the planning application under section 38(6) of the Planning Act, any determination must be made in accordance with the development plan (in this case the Thanet Local Plan) unless material considerations indicate otherwise. The NPPF sets out at paragraph 215 that due weight should be given to relevant policies in existing plans according to the degree of consistency with the policies within the NPPF.

In this instance part of the development is within the existing garden area of "Seafields" and is considered therefore to represent non-previously developed land. In accordance with policy H1 the erection of a building for residential purposes on that part of the site would therefore be in conflict. This policy constraint, however, 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. Furthermore, Policy H01 -

Housing Development in the Draft Local Plan paragraph 3 states that permission for new housing development will be granted on residential gardens where not judged harmful to the local area in terms of the character and amenity considerations set out in Policy QD01 (Design principles). In this case the site is within an urban area along an established residential street frontage with an existing residential dwelling on part of the site. The undeveloped part of the plot does not provide a significant contribution to the amenity or character of the area, accordingly the development of the site is not considered to be detrimental in principle and would be consistent with the NPPF and represents an acceptable departure to policy H1.

The development of this site for housing could therefore be acceptable subject to the detailed consideration of all other material considerations including the impact upon the character and appearance of the area, the impact on living conditions of neighbouring properties and highways safety.

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.

Cliff Road is designated as an Area of High Townscape Value where the conservation or enhancement of the existing local character is the primary planning aim. Policy D7 sets out that new development will only be permitted where the design, scale of development, separation between buildings, materials and landscaping compliment the special character of the area.

In order to assess the impact the proposed development would have on the Area of High Townscape Value, it is necessary to understand the existing character of the area. The existing pattern of development is a mix of detached dwelling types, but no one design style prevails. The main part of the special character of the area is derived from the open spaces to the front of the sites, and separation distances between the individual buildings, although at this point in the street scene it is noted that dwellings between “Mistral” to “Seafields” are sited much closer together than those further to the east in Cliff Road (beyond “Chesapeake”) or to the West in The Parade. In terms of design features balconies are a strong feature in many of the surrounding buildings, to maximise the clear views to the north.

The proposal is for a three storey building. The proposed overall height of the proposal is 8.6m. The existing dwelling to the ridge is 6.9m; a difference of 1.7m. The dwellings which flank the site have heights of approximately 8 and 10m. The existing dwelling extends across the width of the side, although it is appreciated that to the sides this is by subservient elements; garage/store and W.C. and porch. The proposed building is approximately 1.4m from the boundary with “Bay House” and 2.4m from the boundary with the footpath.

These distances of separation to the boundary are comparable to “Thalatta” and greater than “Seacroft”. “Bay House” has a much greater distance of separation to its boundaries especially to the western side however “Fort Grenham” is built on the eastern boundary and approximately 1.2m off the western boundary. “The Gables” is approximately 2.2m from the western boundary and 1.7m.

The proposed building still maintains a large open space to the site frontage, which is a characteristic of this part of Cliff Road and The Parade.

Given the pattern of development at this point in the street scene and given the existing relationship to boundaries of the current building on site I consider that there is an appropriate distance of separation between the proposed building and site boundaries.

It is acknowledged that the application site is narrower than other plots to the east but has a similar width to those to the east, which it would also be seen in conjunction with. The existing building due to the limited width of the site has a depth of approximately 18m to maximise accommodation. The proposed depth of the proposed building is just less than 20m in depth, not unlike that of the existing building.

The proposal shows a three storey bespoke modern designed building that is contemporary and suited to its environment; each house is individually designed. It is therefore not considered necessary for a new building on this plot to directly replicate an adjoining property. There are other examples of three storey flat roofed modern buildings within the immediate area to the application site “Bay House”, “Fort Grenham” and “Villa Valri”. The proposed building will be seen within this context.

In terms of materials to be utilised the external walls will be white rendered, window and door openings in uPVC with a grey flat roof over. The balconies would be provided by stainless steel handrails and balustrades, powder coated aluminium posts and glass panels. The use of these external materials can be found locally.

The proposed replacement building is of a contemporary design. The shape of the building responds to the shape of the site. The flat roof design of the building helps to keep the building as low as possible with the three storey element set back and in from the lower floors. For the most of the units the principle living accommodation is located at the front of the building to take advantage of the best views with. Balconies to the upper two floors on the front elevation are included within the scheme; which are also a feature of dwellings on Cliff Road and The Parade. The use of materials will not give a bulky appearance. In this regard the proposal is considered to promote local distinctiveness and reflects local character and the identity of Cliff Road.

The location of the proposed replacement building is shown to be as much as possible on the footprint of the existing building, although it is acknowledged that it has a slightly greater footprint. The depth of the building is greater than those that flank the site. “Bay House” have a depth at its greatest of approximately 18m, the proposal being 20m. The design of the building has a tiered effect, with some recessed elements and window openings giving visual interest within the side elevations. I am of the view that this articulation will lessen the perceived depth of the building from Cliff Road.

The NPPF is clear in setting out that planning 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.

In this case the design of the proposed replacement building has taken reference from other examples found in the vicinity, whilst not seeking to directly replicate them, as this would be at odds with the individuality of buildings within the area of High Townscape Value. The design and site layout reflects the features and constraints of the site. Despite the increase in footprint, the proposed building is not considered to dominate the site or lead to an unacceptable loss of space around the built form.

Whilst it is accepted that there would be a material change for residents surrounding the site, it is considered that the development would assimilate into the environment without causing material harm.

In terms of built form, the proposed building is detached in form and has a separation to the site boundaries, akin to those of adjacent plots. The scale and form of the proposed fits in well with the surrounding development of detached properties on Cliff Road and The Parade.

In summary it is considered that the proposed development fits well within the site. It respects the form and character of the surrounding development within the street scene and will be in harmony with the building characteristics of the Area of High Townscape Value.

Living Conditions

The site is screened to some degree due to existing soft landscaping along the site perimeter and the current roadside hedge. The existing vegetation is not protected and could be removed without the need for consent from the Local Planning Authority. However, the layout has been planned so that much of the existing landscaping and planting can be retained.

The proposed development is three storey in height. The building has a small floor area, as it is set in from the lower floors. The top of the main roof of the proposal sits below that of the adjoining property of "Thalatta" but slightly higher than "Bay House".

On the eastern elevation of the building, facing "Bay House" there are windows serving an en-suite, bedroom, bathroom and kitchen at ground floor level, with further windows at second floor level serving an en-suite, bathroom and kitchen. These windows will look towards the side elevation of "Bay House" and are 8.8 metres from that dwelling. The ground floor windows are not considered to result in material harm, as existing boundary treatments would limit harm, in addition it is considered no worse than the current window arrangement.

With regard to the windows on the second floor, two of these windows serve non-habitable accommodation (a room in which a resident would not spend a considerable amount of time within) and therefore do not result in any unacceptable impacts with regards loss of privacy.

The third window serves a kitchen, this is a secondary window and the applicants agent has confirmed that this will be fitted with obscure glazing and top hung.

The western elevation has the main entrance door to the proposed units and windows at ground floor again the existing boundary treatment would deal with any potential for overlooking.

Windows at first and second floors serve two kitchens and a living/dining area, they are all secondary windows. There are also two windows serving the communal stairwell, a non-habitable space. All of these windows serving habitable areas are shown to be obscure glazed and top hung thereby ensuring no overlooking and resulting loss of privacy.

The balconies to the front of the building are fitted with a 2 metre privacy screen (toughened opaque glass) to the sides to ensure that there is no scope for overlooking of the properties to either side.

There is a distance of approximately 29 metres to the dwelling to the rear of the site; number 14 Sea View Road. To the rear of the proposed building Juliette balconies are proposed at the first and second floor level, by their very nature they do not allow the occupier to step out. There are windows serving bedrooms and living/dining rooms facing towards number 14. Given the distance of separation I consider that no material harm will result to the occupiers of properties at the rear of the site.

The proposal will have a different impact to that of the building that currently occupies the site; whilst there is an increase in height, the building is a greater distance from the boundaries of the site. Given this I consider the sense of enclosure experienced from neighbouring occupiers will not be so detrimental as to result in an unacceptable relationship that would warrant refusal. The proposal will maintain an appropriate separation distance between buildings such as not to appear overly dominant when viewed from the adjoining properties.

The scheme proposes a communal rear garden, providing play and amenity space for the upper floor flats. The size of the amenity areas are considered appropriate for the intended uses and are compliant with the requirements of policy SR5 of the Local Plan.

Once constructed, the proposal will result in additional vehicle movements, but this is compatible with surrounding residential development and unlikely to result in significant amenity issues.

Whilst there will be additional noise generated by the development of flats, it is considered that a residential use in this locality would not be detrimental to the enjoyment of the existing home owners in the locality.

Transportation

The proposal seeks to provide a new vehicular access closer to the boundary with the public footpath to replace the existing access on the boundary closer to "Bay House". In terms of parking the scheme seeks seven parking spaces.

KCC Highways and Transportation have confirmed that there is no objection to the proposal subject to conditions to secure vehicle parking spaces, cycle storage, access specification, pedestrian visibility splays and a Construction Management Plan.

Third parties comments are concerned about the potential for parked cars along Cliff Road, which could result in highway harm due to pedestrians trying to cross between parked vehicles when emerging from the footpath to the side of the site. It is acknowledged that there is currently no parking restrictions on this part of Cliff Road, therefore this could currently occur. Given that seven parking spaces are provided for six flats, in line with KCC Standards, I consider this appropriate and any overspill would not be sufficient to result in a material harm to highway safety.

Whilst local residents consider that the proposal will result in additional traffic detrimental to highway safety, the KCC Highways raises no objection to the scheme subject to conditions; therefore a refusal could not be sustained on highway safety grounds on the basis of the submission.

Other Issues

Natural England in their consultation response request a SAMM contribution, however, as the development is for less than 10 units a contribution is not required currently.

A bin storage area has been incorporated into the scheme that has a close physical relationship with the building. Whilst the waste and recycling officer may prefer this to be closer to the road it would make this element more prominent within the street scene. It is considered that the distance from the highway is not unreasonable.

Third parties have likened this scheme to another scheme at “Cranworth” and “Wyndcliffe” (planning reference F/TH/06/0850) which was for the demolition of “Cranworth” and construction of 10 flats and 3 houses plus all associated works. This scheme was refused on the effect of the proposals on the character and appearance of the locality. The subsequent appeal was dismissed. However this was assessed in accordance with Planning Policy Statements and Guidance which has been superseded by the NPPF and housing policies within the Local Plan are considered to be currently out-of-date due to the lack of a 5 year supply of housing land.

As such the test is whether development of the land would result in significant and demonstrable harm to the character of Birchington.

In the appeal the Inspector noted that “Cranworth” occupied a corner plot and the property was an imposing building which made a significant contribution to the local character. He also noted that the open nature of the garden was apparent in both short and medium range views. He also considered that this as important to the wider character and appearance of the area because it provides an appropriate setting for the scale of the house. He considered the proposed flats would impinge on the open space of the garden to an unacceptable degree and would be very prominent in views from The Parade, Cliff Road and the cliff top, reducing the sense of spaciousness.

In terms of design he noted that the flats would rise to three storeys with long roof slopes down over two storey sections either side and to the north-west the roof would be dominated by bulky dormer windows. He considered that the design and scale of this roof form would not be well related either to the Tudorbethan or Modern Movement examples within the Area of High Townscape Value. In terms of the front elevation he considered the proportions and detailing would not reflect those found elsewhere in the Area of High Townscape Value.

With the current submission it is considered that this site is not in such a prominent location; sited between two dwellings and not on a corner plot. The space to the front of the proposal would be similar to that of the existing. The design is considered to reflect those modern dwellings to the east of the site referred to as part of the “modern movement” design of buildings, and would not appear out of character. On this basis it is not considered that development of the site would result in significant and demonstrable harm to the character of the Area of High Townscape Value that outweighs the benefits of providing housing. It is also confirmed that each application should be judged on its own planning merits.

Conclusion

The site is non-previously developed land beyond the village confines and is therefore considered contrary to the aims of saved Policy H1. This policy constraint, however, 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. 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 site is considered sustainable in its location, which is flanked on three sides by existing residential development.

It is considered that the proposal can be delivered in a manner that is in keeping with the established character and pattern of the neighbouring residential development and will not result in unacceptable impacts upon the Area of High Townscape Value. On balance the need for housing in sustainable locations such as this site outweighs the need set out in saved Policy H1 of protecting non-previously developed land. All matters of planning importance may be addressed via condition and the proposed development would go towards meeting the shortfall of housing within the District. It is therefore recommended to Members that this application is approved, subject to safeguarding conditions.

Case Officer

Gill Richardson

TITLE: F/TH/17/1174

Project Seafields Cliff Road BIRCHINGTON Kent CT7 9LS

