

A01

F/TH/18/0176

PROPOSAL: Erection of 2No semi- detached 3 storey houses with associated car parking following demolition of existing chalet

LOCATION: bungalow

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 05 and 06 both received on the 18th April 2018.

GROUND:

To secure the proper development of the area.

3 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.

4 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 06 (received 18/04/18).

GROUND:

In the interests of highway safety.

5 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.

6 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.

7 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.

8 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.

9 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.

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

GROUND:

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

11 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

12 No development shall commence on site excluding demolition of existing building until full details of the surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.

GROUND:

To prevent pollution, in accordance with the advice contained within the NPPF.

INFORMATIVES

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations

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

F/TH/17/1174 Erection of three storey building containing 4 No 2 bed flats and 2 No 1 bed flats with associated car parking following demolition of existing house. Refused by the Planning Committee, decision issued 16/11/17.

The reason for refusal was:

The proposal, by virtue of its depth and scale, would appear cramped, incongruous and obtrusive within the streetscene and when viewed from the public footpath, out of keeping with the character and appearance of the Area of High Townscape Value resulting in significant harm to the amenity of the area, not outweighed by any public benefits, contrary to Thanet Local Plan Policies D1 and D7 and paragraph 17 of the National Planning Policy Framework.

This decision is currently subject of a Planning appeal.

PROPOSED DEVELOPMENT

The application seeks planning consent for a pair of 4 bedroom semi-detached houses with off-street parking in-front of the dwellings and private amenity spaces to the rear. The dwellings face onto the road frontage; Cliff Road. A central access is proposed off Cliff Road with a shared drive and turning area in front of each property, the existing access will be closed.

The proposed building is set back from the road by a minimum of 21 metres, approximately 2 metres from the adjacent to the public footpath and 1.2 metres from the boundary with Bay House.

The proposed building is two and a half storeys, with traditionally designed pitched roofs with an overall height of 9.2m. The building has been designed to appear as a single entity from the front, but their internal layouts are largely the same. At ground floor level there is a W.C., study and utility room of a hallway which also leads to an open plan kitchen/dining/family room. At first floor there are three bedrooms, family bathroom and lounge. The second floor comprises the master bedroom which has a walk-in wardrobe leading into an en-suite.

Soft landscaping to the rear garden is to be retained. With concrete block paved turning area and access and block paved footpaths to each house.

The supporting statement details that the proposed building would be constructed in blockwork with a self-finished white render with a grey interlocking concrete tile finish to the pitched roof with a self-finished grey fascia. 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

16 letters of representation have been received in respect of the submitted original plans submitted under this reference number. The concerns can be summarised as follows:

- Contrary to policy D7 relating to Areas of High Townscape Value
- Unlike any other residence
- Proposal is too large/bulky and would be cramped with the plot
- Insufficient considerations given to neighbours privacy, loss of light and will be overbearing
- Should maintain the building line
- Undesirable car park to the front
- Should only be a single dwelling - not flats or semi-detached dwellings
- No merit in demolishing existing bungalow
- Many properties have covenants to retain them as single dwellings
- Represents town cramming
- Tunnelling effect of the public footpath
- Outlook of Bay house adversely affected
- Sets a precedent
- Represents unsustainable development
- Proposal if permitted could be adopted to form flats
- Impact upon highway safety

Following the receipt of revised plans third parties were advised and 10 representations have been received raising the following concerns:

- Would not preserve character of area and is therefore contrary to Policy D7
- Impact negatively on neighbours
- Development too high
- Increase in traffic and pollution
- More open space needed
- Over-development
- One-for one development only

- Affect local ecology
- Why is such a large parking area required
- Inadequate parking provision
- Set precedent
- Not consist with previous decision made by Council at Thalatta

CONSULTATIONS

Birchington Parish Council: Object due to overdevelopment in an area of high townscape.

Natural England: Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. As your authority has measures in place to manage these potential impacts through the agreed strategic solution, subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential effects of the development on the site(s) and that the proposal should not result in a likely significant effect.

Natural England has not assessed this application for impacts on protected species.

Southern Water: Seeks appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required. An informative should also be added in terms of connection to the public sewerage system.

Environment Agency: This application has a low environmental risk; we therefore have no comments to make.

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, not in keeping with surrounding properties 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 National Planning Policy Framework (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 (AHTV) 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 AHTV, 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. An existing bungalow occupies the site, it is considered that this makes no significant contribution to the AHTV to warrant its retention.

The proposal is for a two and a half storey building. The proposed overall height of the proposal is 9.2m. The existing dwelling to the ridge is 6.9m; a difference of 2.3m. The

dwelling 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 2m from the boundary with the footpath. It is therefore considered that the height and width of the building are not out of keeping in the street scene.

These distances of separation to the boundary are comparable to "Thalatta" and "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 it is considered 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 west 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 approximately 15.3m in depth, a lesser depth than the existing building.

The location of the proposed replacement building is shown to be on a similar footprint of the existing building, but does not extend so far back into the plot. The depth of the building is also similar to those that flank the site. "Bay House" have a depth at its greatest of approximately 18m, the proposal being 15.3m. The design of the building has a slightly staggered effect, with a gable feature element which is off set and a flat roof dormer window giving visual interest within the side elevations. The depth of the building has been reduced from the earlier refusal, which was of a particular concern to Members when viewed from the adjacent public footpath. In terms of built form, the proposed building is detached and has separation to the site boundaries, akin to those of adjacent plots. The scale and form of the proposal fits in well with the surrounding development of detached properties on Cliff Road and The Parade.

The NPPF is clear in setting out that policy 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 proposal shows a two and a half storey traditionally designed building. Buildings occupying this street are individually designed. It is therefore not considered necessary for a new building on this plot to directly replicate an adjoining property. The building has been designed to have the appearance of a single dwelling following concerns raised by officers; the building is in fact a pair of semi-detached dwellings. In terms of materials to be utilised the external walls will be white rendered, window and door openings in uPVC with a grey concrete tiles. The balconies would be provided by stainless steel handrails and balustrades,

powered coated aluminium posts and glass panels. These materials are considered to be in keeping with the area. The proposed replacement building is of a traditional design, rather than the contemporary design which was previously sought (see planning history). The overall height has increased to that previously sought, in order to utilise a pitched roof, however when viewed in the context of the street in does not appear unduly out of place. 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. The proposal is therefore considered to promote local distinctiveness and reflects local character and the identity of Cliff Road.

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 two and a half storeys 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 the kitchen and study and utility room door at ground floor level, with a bathroom window at first floor level. These windows will look towards the side elevation of "Bay House" and are approximately 8.4 metres from that dwelling. The ground floor windows are not considered to result in material harm, as existing boundary treatments would limit views with no overlooking, in addition it is considered no worse than the current window arrangement.

With regard to the bathroom window at first floor, this is a non-habitable room (a room in which a resident would not spend a considerable amount of time within) and therefore it does not result in any unacceptable impacts with regards loss of privacy to "Bay House". Given the use of the rooms I do not consider it necessary to condition the use of obscure glazing.

The western elevation has the main entrance door to one unit and windows at ground floor serving a study and kitchen, again the existing boundary treatment would deal with any potential for overlooking.

A window at first floors serves a stairway which is a non-habitable room. I am therefore satisfied that no significant harm will occur through overlooking and resulting loss of privacy to "Thaletta".

The balconies to the front of the building would have views out to either side, but these would be to the front gardens of neighbouring properties to either side which are not private spaces.

In terms of the increase in height and footprint of the proposed building in comparison to the existing dwelling, it is considered that, given the distance of separation between the proposal and Thaletta which is separated by a public footpath, the development will not result in an overbearing impact on Thaletta.

With regard to the relationship Bay House there is an adequate degree of separation and due to the way in which the proposed building is designed the roof pitches away from this property. This property is to the east of the proposed building. Given the orientation some evening sun will be lost through overshadowing, however the property would be unaffected in terms of morning and afternoon sun. Given the separation distance and design of the proposal, it is not considered that this is significant to result in harm to living conditions to warrant refusal.

The scheme proposes a substantial rear garden for each dwelling, 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.

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 two off-street parking spaces per dwelling, which is considered appropriate in this location.

It is considered that the proposal is acceptable subject to conditions to secure vehicle parking spaces, access specification and pedestrian visibility splays. Whilst a Construction Management Plan was previously recommended in the previous application, given the scale of development now proposed it is not considered necessary for the condition to be attached.

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.

Third parties are concerned about the introduction of a pair semi-detached properties no saved policies with the Local Plan prohibit this. Member's attention is drawn to a recent appeal decision at 97 Kingsgate Avenue, Broadstairs (Planning reference number F/TH/17/0592). This case was similar to this case in that the proposal was for a change of use and associated works of a single dwellinghouse a terrace of three dwellings within an Area of High Townscape Value. The Inspector noted:

"I accept that the existing development within the vicinity of the appeal site does not host terraced properties. However, I cannot conclude that the type and style of the proposed development would be harmfully out of keeping with the local character of the area taking into account the designation that is in place."

It is my view therefore that a reason for refusal on this basis could not be substantiated.

Third parties have also raised issues about covenants being attached to this parcel of land, it is confirmed to Members that these are not planning considerations. Furthermore third parties consider that if this proposal is permitted it could set a precedent, Members are also advised that every case is treated on its own merits.

Conclusion

In determining the previous application, Members raised strong concerns about the depth and scale, of the building which would result in a cramped, incongruous and obtrusive within the streetscene and when viewed from the public footpath, out of keeping with the character and appearance of the Area of High Townscape Value resulting in significant harm to the amenity of the area. The design and style of the building has completely altered from this refused scheme and to try and address the previous reason for refusal.

The application seeks to replace an existing dwelling with two dwellings; the built form will increase to the current situation. In this case the site is considered sustainable in its location, which is flanked on three sides by existing residential development, the previous refusal is therefore considered acceptable.

The design of the replacement pair of semi-detached dwellings draws reference from the design of dwellings in the locality, whilst maintaining the variety of design and appearance within the street scene. The building will sit comfortably in its setting, not appearing obtrusive in size and would be in keeping with the scale and form of development in the street scene. Therefore the proposal will not result in harm to the special interest of the AHTV or character and appearance of the area.

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/18/0176

Project

Seafields Cliff Road BIRCHINGTON Kent CT7 9LS

Scale:

