

**A03**

**F/TH/18/0211**

PROPOSAL:                   Erection of a 2-storey 3-bed detached dwelling

LOCATION:                    Land Adjacent 38 Poets Corner MARGATE Kent

WARD:                      Margate Central

AGENT:                     Ms Clare Wright

APPLICANT:                Mr C King

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 proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 18-460-3B Received 13/05/18 and 18-460-1A Received 13/05/18.

**GROUND;**

To secure the proper development of the area.

3       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

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

**GROUND;**

In the interest of highway safety.

5 The height of any boundary enclosure where it adjoins the highway/footpath shall not exceed 600mm above existing ground level.

**GROUND;**

In the interest of highway safety.

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

**GROUND;**

In the interests of highway safety.

7 The first floor windows (serving the landing and bathroom) in the side elevations of the dwelling hereby approved shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and shall be installed prior to first occupation of the development hereby permitted and permanently retained thereafter.

**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.

8 No further extensions, alterations or additions to the roof, or the erection of garden buildings/structures, whether approved by Class A, B, C, or E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

**GROUND;**

To ensure a satisfactory external treatment and in the interests of the visual amenities of the locality in accordance with Policy D1 of the Thanet Local Plan.

9 Prior to the commencement of development details of the measures to protect the public sewers shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

**GROUND;**

To prevent pollution in accordance with the advice contained within the National Planning Policy Framework.

**SITE, LOCATION AND DESCRIPTION**

Poets Corner is characterised by predominantly two storey terraced dwellings, with the application site being garden land of an end of terrace dwelling on the north western side of the road. The end of terrace properties Nos. 38 and 41 are larger and set further forward than numbers 39 and 40. The corner properties leading into Poets Corner, namely Nos 29 and 30 St Peter's Footpath, and Nos 41 and 38 Poets Corner have larger gardens and a sense of openness.

On the opposite side of the road the terrace is more extensive in nature, rather than the terrace of four which no. 38 is part of. To the northern site boundary is an access that exits onto Church Road. This is primarily used by occupiers of properties in Osborne Terrace and Milton Avenue which have their rear gardens facing this access.

### RELEVANT PLANNING HISTORY

F/TH/17/0044 Erection of a 2 bed detached bungalow. Refused 06/03/17 Appeal dismissed

CD/TH/16/0486 Application for a Lawful Development Certificate for a proposed detached outbuilding (garage) to side. Lawful.

F/TH/15/1007 Erection of 1no. 2 storey dwelling with associated parking and access. Refused 30/11/15

F/TH/07/1580 Erection of 2 No. attached 3 bed roomed dwellings with parking. Refused 09/01/08 Appeal dismissed

F/TH/07/0599 Erection of a pair of semi-detached dwellings. Refused 03/07/07

### PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a two storey hipped roof three bedroom dwelling. The proposed dwelling is positioned in the plot so that it follows the line of the dwellings in the mid terrace position Nos. 39 and 40; with the exception of the front entrance porch. The rear wall would extend marginally past that of the adjacent terrace of four dwellings. An off street parking space is provided at the front of the site and grassed amenity space at the front and rear of the dwelling and patio connecting the two areas. Beyond the rear of the proposed dwelling there would be 2 more parking bays.

In terms of appearance the dwelling has bricks quins and a soldier course above the window openings and a lean-to roof over the front entrance porch. Materials are detailed to be yellow stock brickwork and red brick detailing with grey eternity slates and Upvc windows.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan 2006- Saved Policies**

- H1 - Residential development
- H4 - Windfall sites
- TR12 - Cycling
- TR16 - Car Parking Provision
- D1 - Design Principles
- SR5 - Play space

## NOTIFICATIONS

6 Representations were received following the submission of amended plans. The points raised are summarised below:

- Proposal is for personal gain
- Encroachment to the privacy of neighbours
- Eyesore
- Property being developed on the site of a tip which had to be shored up
- Highway issues
- Conflict of pedestrians and vehicular traffic using the footpath/alley
- No dropped kerb for vehicle access
- Two disabled bays outside No.33 and 35
- Lack of vision splays from the Milton Avenue side due to a 2 metre brick wall
- Understand that No.38 is being converted into a HMO

7 letters of representation were received in relation to the initial plan. The concerns raised can be summarised as follows:

- The alley is a footpath and not a road
- Never been a garage or workshop to the rear of the site
- Indication of a footpath on the present proposal plan is inaccurate as it fails to show telegraph poles which stand inside the paths perimeter and omits the back gates of the residences
- Lack of on street parking
- Use of parking area would cause unnecessary disturbance
- No dropped kerb for vehicle access
- Two disabled bays outside No.33 and 35
- Use of the footpath/alley would be dangerous
- Understand that No.38 is being converted into a HMO
- Loss of light
- Lack of vision splays from the Milton Avenue side due to a 2 metre brick wall

## CONSULTATIONS

**Southern Water:** If permission is approved it is requested that a condition is attached requiring the developer to detail the measures which will be undertaken to protect the public sewers. Furthermore an informative is requested in relation to connection to the public sewerage system.

**Kent County Public Protection:** The proposed development directly affects Public Right of Way TMX25. The existence of the right of way is a material consideration.

I have no objection to the application but do have concerns about the Public Right of Way being driven down to access the parking to the property. To my knowledge the path is narrow and if a car came down there would be nowhere for a pedestrian to walk around. I would also have concerns about site lines coming from the property entrance.

Recommended Informatives:-

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.
3. There should be no closeboard fencing or similar structure over 1.2metres erected which will block out the views.
4. No hedging or shrubs should be planted within 1.0 metres of the edge of the public path.

## COMMENTS

The application has been called in by Cllr. Johnston on the basis that the proposal would represent an over-development of the site.

### **Principle**

The proposed dwelling would represent development on non-previously developed land, being private residential garden land, which would be contrary to policy H1 of the Thanet Local Plan. 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).

The National Planning Policy Framework (NPPF) states that Council's should set out policies in relation to garden land, and therefore the draft policy is considered relevant and has weight given the guidance in the NPPF. Regard must also be had for the fact that there is a current need for housing in Thanet and, on this basis; the NPPF indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development.

In this case, the proposal is for one dwelling, at a site which lies within the urban confines with access to local amenities, and is considered to be sustainably located within the district. The development of this site for housing could therefore be accepted in principle subject to the detailed consideration of all other material considerations including the impact upon the character and appearance of the area.

### **Planning History**

The application site has a detailed planning history. An application for a pair of semi-detached dwellings was refused in 2007 (F/TH/07/0599) which was followed by a similar refusal for an application for two attached dwellings in the same year (F/TH/07/1580). The second application was subsequently appealed, with the appeal dismissed in 2008 (ref: 2068737). The Inspector found against the proposal on the design of the building as proposed, (which is a matter that the appellant stated has been addressed through the proposal for a single, detached, low bungalow;) and through the loss of open space, although the Inspector did state that 'infilling the gap at one end of the terrace in the manner now proposed would be harmful and result in an over-cramped form of development'.

An application for a detached 2 storey dwelling was submitted in 2015 (F/TH/15/1007) and subsequently refused. This dwellinghouse had a larger footprint in comparison to the adjacent terrace and not aligned in terms of its siting. This was refused on the basis of its design, location, scale and proximity to adjacent buildings, and would represent a cramped and congested form of development and result in the loss of an important space that provides relief within the street scene.

More recently; in 2017 (application reference F/TH/17/0044) an application was submitted a one bedroom bungalow on the site. This was refused on the basis that its design, location, scale and proximity to adjacent buildings would represent a cramped and congestion form of development and have no physical affinity to the prevailing character of the area. The second reason for refusal related to conflicts between the resulting residential traffic and pedestrians. The subsequent appeal was dismissed. Reference to which is made within the report.

### **Character and Appearance**

The Government attaches great importance to the design of the built environment and sets out in paragraph 56 of the National Planning Policy Framework (NPPF); good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Saved policy D1 of the Thanet Local Plan 2006 requires new development to provide high quality design which respects or enhances the character or appearance of the surrounding area, particularly in scale, massing and rhythm.

The proposed two storey dwelling has a similar depth to the existing two storey terraced properties adjacent, and has a comparable; but greater width. The proposed dwelling would be a two storey detached dwelling with a traditional design.

The prevailing form and character of dwellings in the area are two storey terrace properties. There are a some examples of detached dwellings within the immediate vicinity; no. 30 St. Peters Footpath, no.36 Poets Corner.

The most recent appeal decision relating to planning reference F/TH/17/0044 he noted in terms of the character of the area that it comprised;

“2 main periods of development, older terraces and the later housing such as the appeal premises and its neighbours in the terrace and on Osborne Terrace and St Peter’s Footpath. To that should be added much more recent infill development such as the two houses on the opposite side of Poets Corner and two more on an infill plot to the north-east, that latter having similarity with the appeal site in terms of its relationship with the grain of existing development.

In that connection, roads such as Byron Avenue and Milton Avenue, and their rear access alleyways, meet Poets Corner at an angle, resulting in a ‘saw-tooth’ arrangement of triangular spaces along the latter road, such as at the side of number 38, the appeal site, and that now occupied by the infill plot just referred to. Those recent buildings sit well in this

context as small, two-storey houses one set back from the other, each with its own roof form and echoing the single dwelling on the further side of that alleyway.”

The Inspector in his consideration of this scheme also considered noted that development of a separate dwelling could be acceptable in principle but that this would have an effect on openness since this space could be reduced by permitted development rights for outbuildings extensions associated with any dwelling.

“...a separate single dwelling would perform a similar role in the street-scene to that of the new dwellings further to the north-east”.

In his consideration he noted that that whilst there was terraces, pairs or detached two storey development it is their pitched rooflines which provide a unifying element.

In this case, the amended scheme is a detached dwelling and takes reference from the development within close proximity to the site in terms of its siting and footprint. In terms of design the two storey dwelling would have a pitched roof over, which would integrate well within the street scene. Given the size of the site and previous concerns about loss of openness and visual integration it is considered that permitted development should be removed for this site to preclude roof extensions/alterations, extensions and outbuildings.

The scheme is therefore considered to be acceptable in terms of the requirements of policy D1 and the NPPF.

### **Living Conditions**

As the proposed dwelling is two storey it has the potential to impact upon neighbour amenity, in terms of overlooking, loss of light or an overbearing impact.

The proposed dwelling would share a common garden boundary with the donor dwelling no. 38. In terms of other dwellings, the site is separated by a highway, footpath or alley way. Windows are positioned in all four elevations including two first floor side windows. These both serve non habitable rooms and can be conditioned to secure obscure glazing to preclude overlooking. The distance of separation between front windows facing other dwellings are sufficient not to result in harm. Rear facing windows are sufficient distance away from neighbouring properties or their respective amenity space not to result in material harm.

Given the orientation and distance of separation between other dwellings I am satisfied that there will be no material harm in terms of loss of light, overshadowing or be overbearing.

The proposed development would result in a smaller private amenity space for no. 38 Poets Corner. The resulting amenity space provided to no. 38 and the proposed dwelling would be sufficient for each dwelling. Accordingly the scheme would be in accordance with the requirements of policy SR5.

## **Transportation**

In terms of parking it is noted that 1 space is shown to be provided for the proposed new dwelling in accordance with the adopted parking guidelines.

The previous application (F/TH/17/0044) was also refused on the grounds of potential conflict with users of this footpath. The Inspector noted that there was no physical prevention of vehicular access and further stated:

*“The footpath does not appear to serve any better purpose than Byron Avenue as a through route, other than to the rear gates of properties, and is unattractive and not as defensible a space as the road with its properties facing onto it. It was however witnessed in use at the site inspection, but not by any great number of pedestrians.*”

The proposal would have sightlines, secured by condition, and taking account of the ability to control the boundary treatment and the short length over which the additional traffic would pass, as well as the seeming low pedestrian use, no real conflict would be likely. Good design could still allow priority to pedestrians and cyclists as sought in paragraph 35 of the Framework.”

Taking into account the conclusions made by the Inspector it is considered that conditions can be added to secure the required pedestrian visibility splays.

## **Conclusion**

The Council accept that they cannot demonstrate a five year supply of deliverable housing sites. The proposal would deliver a much needed dwelling and this would be an important benefit of the scheme. Considerations over the character and appearance of the area are important parts of the policies of the Development Plan and the Framework. The amendments to the scheme from the previous application for a single storey dwelling are considered to bring the scheme more in-line with the character and appearance of the area. It is concluded that the level of harm does not significantly and demonstrably outweigh the benefits. Whilst there is other appeal history it is noted that some of these decisions were made when the Council had a five year housing land supply. It is considered that the scheme would integrate within the street scape, having the same orientation as the terrace, but not seek to attach to it and thereby not unbalancing its appearance. The design and scale is also reflective of adjacent properties. There is no material harm to neighbour amenity or future occupiers of the dwelling and no adverse transport impact. I am satisfied the proposal meets the requirements of Local Plan policies as well as the NPPF. On this basis it is recommended that the application is approved conditional.

## **Case Officer**

Gill Richardson

TITLE: F/TH/18/0211

Project Land Adjacent 38 Poets Corner MARGATE Kent

Scale:

