

**A01**

**R/TH/18/0499**

PROPOSAL: Application for the approval of reserved matters to outline planning permission OL/TH/14/0404 (erection of 12no. dwellings) for erection of a 3 storey 4 bed detached dwelling

LOCATION: Plot 13 Land Adjacent To Clifftop North Foreland Avenue BROADSTAIRS Kent

WARD: Kingsgate

AGENT: Mr David Weir

APPLICANT: Mr P Mansfield

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby approved shall be carried out in accordance with the submitted drawings numbered PR262.02 Rev A, PR262.03 Rev B, PR262.04 Rev B, PR262.05 Rev B and PR262.06 Rev B, received on the 1st August 2018.

**GROUND;**

To secure the proper development of the area.

2 Prior to the first occupation of the development hereby approved visibility splays of 2.4 by 25m shall be provided to the access on to North Foreland Avenue with no obstructions over 0.6m above carriageway level within the splays, which shall thereafter be maintained.

**GROUND;**

In the interest of highway safety.

3 The area shown on the approved plans for vehicle parking and manoeuvring 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 vehicles 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 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.

5 Prior to 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 samples.

**GROUND;**

In the interests of visual amenity in accordance with Policy D1 and D7 of the Thanet Local Plan

6 The hedgerow on the west boundary of the site as shown on drawing PR262.03 Rev B shall be retained during and after construction of the dwelling.

**GROUND:**

In the interests of visual amenity and biodiversity in accordance with Policy D1 and D7 of the Thanet Local Plan

**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 site lies on the west side of North Foreland Avenue, a private road within the North Foreland Estate. The land to the west of North Foreland Avenue formerly comprised the kitchen gardens known as 'Stella Maris' being previously associated with the Stella Maris Convent on North Foreland Road.

**RELEVANT PLANNING HISTORY**

In 2012, an outline planning application was submitted for the erection of 13no. detached dwellings (OL/TH/12/0550) with all matters reserved. This application was refused in June 2012.

In 2013, an outline planning application was submitted for the erection of 10no. detached dwellings, with all matters reserved (OL/TH/13/0473). This application was refused in June 2013.

Subsequent to the determination of the 2013 outline application, an appeal before the Planning Inspectorate on the 2012 outline planning application (for 13no. dwellings on the site) was dismissed, however not for the reasons cited by the Local Planning Authority save

for one of the reasons, that some of the protected trees on site would be lost, which would harm the character and appearance of the surrounding area.

Following that appeal decision, an outline planning application was refused for the erection of 12no. detached dwellings with all matters reserved (OL/TH/14/0404) in August 2014 on grounds of impact on biodiversity. Planning consent was granted on appeal following this refusal in March 2016. All conditions on this outline application remain in force as do all contributions and other matters secured via the undertaking for that application.

### PROPOSED DEVELOPMENT

This application is a reserved matters application for the erection of a single detached 4 bed dwelling.

The proposed dwelling is of a modern flat roof design and would be three storey in height.

The ground floor would accommodate an entrance hall, store, wetroom, pantry, utility room and an open plan kitchen, dining and living area together with a double garage. The first floor would house the master bedroom suite (including dressing area and ensuite) together with 2 further bedrooms both ensuite. The second floor would contain a further bedroom with ensuite and a living area.

The property would be served by an amenity area mainly to its rear and there is space for cycle and refuse storage within the site.

Vehicular and pedestrian access to the site would be taken from North Foreland Avenue, with a small amount of the existing hedge being removed to facilitate this.

### DEVELOPMENT PLAN POLICIES

Saved Policies Thanet Local Plan 2006

- D1 - Design Principles
- D2 - Landscaping
- D7 - Area of High Townscape Value
- TR12 - Cycle Parking
- TR16 - Car Parking
- SR5 - Doorstep Play Space
- SR11 - Private Open Space

### NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice displayed near the site and the application was publicised in a local newspaper.

Fifteen letters have been received objecting to the application for the following summarised reasons.

- Proposed dwelling is enormous both in height and width;
- Site has already been the subject of 3 planning applications and 2 planning appeals;
- Planning consent was granted with strict ecological, design and constructions assurances - currently application does not follow these;
- Reserved matters for the properties in the former Stella Maris Gardens should be considered as as whole rather than as individual units;
- Impact on ecology;
- Site is within an Area of High Townscape value;
- The steep gradient to the front of the proposed dwelling exacerbates its height and would lead to a sense of enclosure to the bungalows on the opposite side of North Foreland Avenue;
- Would dominate the houses in North Foreland Road;
- Design of the proposed dwelling is angular and industrial with stark walls unlike other properties in North Foreland;
- Only 2 other properties in North Foreland have a flat roof;
- The balconies to the front will overlook the bungalow opposite;
- Proposed materials unlikely to weather well in a coastal location;
- Loss of views;
- Estate has been arrange the historic lighthouse which will be adversely affected by the proposed development;
- Overdevelopment of the plot and excessive hard surfacing;
- Will set a precedent for other development on North Foreland;
- Seeking to maximise profit;
- Covenants on the estate prevent gardens from being built on;
- More open space needed on the new development;
- Noise nuisance;
- Unnecessary to have a 3 storey building;
- Development to the Broadstairs and St Peters Town Design Statement;
- Loss of solitude and quiet enjoyment of the area and private gardens;
- Contrary to saved local plan policies D1 and D7;
- Impact on drainage/flooding;
- Have 8 windows on the flank elevation of my house facing the southern boundary of the proposed development (4 serving habitable rooms).
  - Loss of privacy and sunlight;
- The proximity of the swimming pool to our rear balcony will prevent our use of the balcony; and
- The proposed dwelling should be of a more modest scale in a centralised position within the plot.

**Broadstairs Town Council:** Object for the following summarised reasons - evidence and concerns raised by the local community; poor design; out of keeping in an area of High Townscape Value, loss of natural environment and trees.

**Broadstairs Society:** They object to the application on the effect on local ecology, that it is out of keeping with area, overdevelopment, traffic and highway issues. They also state that in an Area of High Townscape Value where the aim should be to stop town cramming and preserve the established character and that until the Local Plan is revised and approved this

should still stand. They state that the development will adversely affect the character of the local area.

## CONSULTATIONS

**Environment Agency:** No comment

**Southern Water:** No comment

**KCC Highways:** No comment

## COMMENTS

This application is called to Planning Committee at the request of Council Bayford to allow Members to consider design of the proposed dwelling given the application site's location in an Area of High Townscape Value.

Whilst there are other applications for dwellings in North Foreland Avenue currently under consideration, this application must be assessed on its own merits. The main considerations for Members are the impact of the proposed development on the character and appearance of the area, the living conditions of existing residential occupiers, the standard of accommodation offered for future residents and highway impacts.

### **Principle**

The principle of residential development on the site has been agreed under the Inspector's appeal decision in March 2016.

This application is, therefore, to consider the details in terms of layout, scale and appearance of the proposed dwelling together with the means of access to the site and its landscaping.

### **Character and Appearance**

The site lies within an Area of High Townscape Value. Saved policy D7 of the Local Plan states that within such areas, and sites immediately adjoining, the conservation or enhancement of the local character will be the primary planning aim. In furtherance of this aim, development will be allowed only where the design, scale of development, separation between buildings, use of materials and landscaping are complementary to the special character of the area.

The proposed dwelling is modern in form with a flat roof. Concerns have been raised that this approach is at odds and out of place with the character and appearance of the area and the existing properties within the North Foreland area. It is, however, noted that the individual design of properties within the area varies considerably, with a wide range of styles, proportions and materials. It is, therefore considered that this property would add to the variety that currently exists within the area and it is noted that the proposed dwelling would be constructed of a variety of materials currently found within the North Foreland area

(such as slate, glass, render and timber) as well as other materials such as metal cladding. No objection is therefore raised to the contemporary approach adopted for the proposed dwelling or its proposed materials. It is, however, considered appropriate that a condition is imposed to requiring samples of the proposed materials to be submitted and agreed.

The proposed dwelling would have a footprint of approximately 200sqm. Officers had concerns with the application as originally submitted in relation to the dominance of the 1st floor of the building and the width of the proposed dwelling within its plot. Amended plans have now been received which have reduced the width of the dwelling by 0.5m on each side.

The main house would be set in from the application site's northern boundary by 2.6m and from the southern boundary by 3.3m at its closest point. It would sit approximately 17 metres from the rear of the application site. It would be set back from North Foreland Avenue by over 15.5 metres and, whilst the garage would be closer to the road, there would still be a distance of 10 metres between them. It is considered that the degree of separation between the proposed dwelling and the application site boundaries is comparable with the spaces around other dwellings in the North Foreland Area. It is, therefore, not considered that the proposed dwelling would have an adverse effect on the spacing and openness of the area and would not appear cramped within its boundaries. Whilst it is acknowledged that the first floor will still be the dominant feature of the property, given the reduction in the width of the dwelling and the increased separation to the boundaries it is not considered that this element would have an adverse effect on the character or appearance of the Area of High Townscape Value. It is also noted that the proposed development would seek to retain existing landscaping along the boundaries which will help to integrate the proposed dwelling into the area and minimise the impact on the openness of the area.

The dwelling is predominantly 2 storey in height (approximately 8.3 metres with an element of 3 storey (2 metres high) giving the dwelling a height of 10.3 metres at its highest point. Properties within this part of North Foreland Avenue are a mix of single storey, two storey and three storey and it is not considered that the proposed three storey dwelling would be out of keeping with this or appear overly dominant or incongruous in its context.

The hedgerow to the front boundary of the site is a distinctive feature along this part of North Foreland Avenue and it is welcomed that the applications seek to retain this feature (other than where gaps will need to be created to gain access to the plot). It is considered appropriate that this is secured via a planning condition.

It is, therefore, considered that the proposed dwelling would not have an adverse impact on the character or appearance of the area and the application meets the criteria of saved policies D1 and D7 of the Local plan.

### **Living Conditions**

The overall impact of the 12 additional units was assessed at the outline stage and found to be acceptable. The detailed impact of the proposed dwelling now proposed does, however, fall to be assessed.

The dwelling has been designed with nearly all windows and doors facing to the rear or the front of the property to minimise the any potential for overlooking or other adverse effects on the residential amenity of adjoining occupiers.

Concerns have, however, been raised by local residents that the proposed dwelling would dominate the properties in North Foreland Road. Given the separation distances between these properties, their relative orientation and the level change between them it is not considered that there would be any issues of overlooking or other adverse effect on the residential amenity of the occupiers of the properties in North Foreland Road which back on to the application site.

Local residents have also expressed concerns that the height of the proposed dwelling would cause a sense of enclosure to the bungalows on the opposite side of North Foreland Avenue as well as the potential for the balconies to the front of the proposed dwelling resulting in a loss of privacy to the bungalows. Given the distance between the proposed dwelling and the bungalow on the opposite side of North Foreland Avenue (approximately 30m from the closest part of the proposed dwelling to front boundary of Sycamores) it is not considered that the height of the proposed dwelling would create a sense of enclosure for the occupiers of the bungalows. It is also noted that there are other parts of North Foreland Avenue where similar relationships exist with larger properties opposite smaller properties on the opposite side of the road. It is not considered that the proposed balconies to the front of the proposed dwelling would result in a loss of privacy to the bungalows as any views from the bungalows would be to their semi-private front gardens.

Concerns have also been raised by the occupier of the adjoining property - Clifftop in relation to loss of privacy and light to his property particularly to their northern boundary (in which he has 8 windows (four serving habitable rooms) due to the proximity of the proposed dwelling given the proximity and height of the development and the location of the proposed swimming pool (adjacent to their rear balcony) would lead them to not being able to use that balcony. Each issue will be considered in turn.

It is appreciated that any development on the application site will have an impact on Clifftop, it therefore falls to determine the level of the impact. The height of the proposed dwelling (including the three storey element) is some 10.3 metres. This is of a similar height to Clifftop itself, although it is noted that Clifftop has a more traditional appearance with a pitched roof. There are a total of 8 windows in the northern wall of Clifftop, four of which serve habitable rooms. Having visited the site it is noted that nearly all of the rooms are served by two windows (with both a window in the side and either the front or the rear elevation). The windows in the side are, on the whole, the secondary windows with the larger windows being to the front/rear. There is, however, one room on the ground floor which is only served by a side window. Given the separation distance between the proposed dwelling and Clifftop, following the revisions to the scheme, (4.6m from flank wall to flank wall) it is not considered that there would be a significantly loss of light/privacy or sense of enclosure from the proposed dwelling to warrant a recommendation for refusal.

The proposed swimming pool is of a domestic scale and would be likely to be used by the occupiers of the proposed dwelling and their family and friends. Whilst there is the possibility that the use of the swimming pool could result in some noise, disturbance and

activity at the application site it is considered that this would be a rare occasion and would be no different to any other social gathering in a residential dwelling which could make use of the associated garden. As such, it is unlikely that levels of noise above that associated with a residential dwelling would be likely to occur on a regular basis as a result of the swimming pool and if noise levels were to become problematic there are other bodies in place to deal with this issue. Whilst there is the potential for some mutual overlooking into the rear gardens of the proposed dwelling and of people using the rear balcony at Clifftop due to the changes in level, it is not considered that it would be sufficiently harmful to warrant a recommendation for refusal.

The proposed dwelling would provide large rooms with a high level of light and ventilation. It would also be served by off street parking and private residential amenity space which allows for cycle and bin storage. As such, it is considered that the proposed dwelling would provide a good standard of accommodation for residential amenity for future occupiers.

### **Transportation**

North Foreland Avenue is a private road, subject to relatively low speeds. Traffic generation, in relation to the proposed development of 12 dwellings, was accepted (when granted on appeal) as unlikely to have a significant safety on the adopted highway network.

Due to the location of the site, the majority of trips generated by any development will be by car, as the site is not with close proximity of local services and facilities to promote non-car use. The appeal decision which granted the outline consent included a condition 8 that the reserved matters submission should include the provision of areas for 3 off street car parking spaces and maneuvering and turning spaces for each dwelling. The proposed dwelling is set within a large plot and includes a double garage it is considered that this could accommodate three cars. Cycle parking could be accommodated within the garden serving the proposed dwelling or within the proposed double garage.

Condition 9 of the outline consent required that vehicular sightlines (2.4m by 25m) should be provided for all new junctions and accesses to ensure the safe use of individual accesses within the private roads. The required visibility splays can be achieved and it is considered appropriate that the provision and maintenance of the visibility splays are secured via a condition.

### **Biodiversity**

Biodiversity was considered at length and found acceptable during the consideration of the outline consent which secured the acceptability of 12 residential dwellings. It is not considered that the proposed dwelling, which is the subject of this application, would have any adverse effect on biodiversity in the area as it adheres to the Inspectors appeal decision.

### **Drainage/Flooding**

Concerns have been raised by local residents in relation to the impact of the proposed development on flooding and drainage within the North Foreland Estate.

In granting the outline application for the 12 dwellings, the Inspector did not raise any concerns that the proposed dwellings would create issues in relation to flooding or drainage. Conditions were, however, attached to that consent (conditions 6 and 7) requiring details of foul and surface water drainage to be submitted and agreed prior to the commencement of development. These conditions remain in place and will need to be fully discharged before any development works commence.

## **Conclusion**

This application is a reserved matters application for the erection of a single dwelling following the grant of an outline planning application for 12 dwellings in 2016. The proposed dwelling is modern in design, but it is noted that there is a wide variety of styles, proportions and design of dwellings on North Foreland Avenue and it is not considered that the proposed design is out of keeping with the character or appearance of the area which is a designated as an Area of High Townscape value. There are good separation distances between the proposed dwellings and the application site boundaries and it is considered that the proposed dwelling would not compromise the spaciousness of the Area of High Townscape Value. The proposed dwelling would provide a good quality standard of accommodation for future occupiers and would not have an adverse impact on the residential amenity of adjoining occupiers, ecology or highways.

It is, therefore, recommended that the application be approved.

## **Case Officer**

Annabel Hemmings

TITLE:

R/TH/18/0499

Project

Plot 13 Land Adjacent To Clifftop North Foreland Avenue BROADSTAIRS  
Kent

