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## Appeal Decision

Site visit made on 19 January 2016

**by Andrew Steen BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 12 February 2016**

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**Appeal Ref: APP/Z2260/W/15/3136925**

**Mount Lavina, 195 Canterbury Road, East, Birchington, Kent CT7 9AH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr Simon Day against the decision of Thanet District Council.
  - The application Ref F/TH/15/0029, dated 3 March 2015, was refused by notice dated 17 July 2015.
  - The development proposed is the erection of a mansard roof to create 2 no. self contained flats.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a mansard roof to create 2 no. self contained flats at Mount Lavina, 195 Canterbury Road, East, Birchington, Kent CT7 9AH in accordance with the terms of the application, Ref F/TH/15/0029, dated 3 March 2015, and the plans submitted with it, subject to the conditions listed in the schedule to this decision.

### Application for costs

2. An application for costs was made by Mr Simon Day against Thanet District Council. This application is the subject of a separate Decision.

### Main Issue

3. The main issue in this appeal is the effect of the proposed mansard roof on the character and appearance of the area with particular regard to the Birchington Conservation Area.

### Reasons

4. Mount Lavina is a modern block of flats at the eastern end of the Birchington Conservation Area that has been designed to closely reflect the design of neighbouring Georgian buildings. At present, it has a flat roof behind a parapet that extends around the front and sides of the building. The neighbouring Georgian buildings are similar, although 191-193 Canterbury Road have pitched roofs to the rear of their parapets. The neighbouring property at no. 197 is a listed building.
  5. The remainder of the conservation area contains a variety of buildings of a mix of styles and ages. There are other buildings of similar design, including others with a pitched roof behind a parapet, including The Queens Head public house
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- and Strawberry Fields. A number of buildings have dormer windows in their front roofslopes.
6. The proposal would provide a new pitched roof behind the parapet. This reflects those similar roofs at 191-193 Canterbury Road and elsewhere in the conservation area as described above. This would increase the height of the building, which is already higher than nos. 191-193 and 197, but the design behind the parapet would ensure that the pitched roof would be partially obscured from view and would be subservient to the front façade of the building such that it would not dominate surrounding buildings. The mature tree to the front of the building would further obscure the proposed roof from view.
  7. The proposed roof would reflect the character and appearance of the surrounding area, would preserve the character and appearance of the Birchington Conservation Area and would not harm the setting of neighbouring listed building. The proposal complies with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework that require development to be of a high quality that respects or enhances the character and appearance of the surrounding area and to sustain and enhance the significance of heritage assets.
  8. I note the comments of neighbours regarding the impact of the development on their living conditions. Any effects from the construction period would be short-term and could be mitigated by careful construction management. Impacts from the new flats on existing occupiers of the building are likely to be minimal given the limited number of additional dwellings created. The flats contained within the new roof are unlikely to increase any overlooking of neighbouring occupiers beyond that existing at present and given the design of the development, set behind the parapet walls, would not increase any dominating impact of the existing building on neighbouring gardens.
  9. Concern has been raised regarding the lack of parking at the property. However, the highway authority confirms that sufficient parking is provided to meet the needs of the property and there is no reason to consider that the amount of parking would lead to an adverse impact on highway safety. Storage is provided for bins and bicycles on the site that would meet the needs of the development. There is no firm evidence that any drainage problems would be caused or increased from the proposed development.
  10. The flats are managed by the Residents' Association and the freeholder lives elsewhere. Comments imply that the development may not be able to take place without consent from the Residents' Association, but ownership matters of this type are a private matter between the relevant parties and not within my jurisdiction.

### **Conditions**

11. A condition listing the approved plans is required for the avoidance of doubt and in the interests of proper planning. A condition is required for samples of materials and further details of the joinery to be submitted to ensure that they would maintain the character and appearance of the area. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity.

## **Conclusion**

12. For the above reasons and taking into account all other matters raised I conclude that the appeal should succeed.

*Andrew Steen*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: ML01, 01, 02A, 04PRE, 06, 07, 08, 09, 10, 11, 12.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of the development hereby approved joinery details of all new external windows, including sections drawn at a scale of 1:5, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.