

R03

FH/TH/19/0812

PROPOSAL: Retrospective application for the erection of a single storey garage with pitched roof and gable ends, together with

LOCATION: formation of a vehicular access and erection of 1.8m high fencing to front elevation.

26 North Foreland Road BROADSTAIRS Kent CT10 3NN

WARD: Kingsgate

AGENT: Mr Ivan del Renzio

APPLICANT: Mrs Marianne Elliott

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The proposed garage, by virtue of its scale and prominent siting to the front of the property, forms a dominant and incongruous element within an area characterised by large plots with open frontages, detrimental to the pattern of surrounding development and the character of the area, contrary to Policy D1 and D7 of the Thanet Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.

SITE, LOCATION AND DESCRIPTION

26 North Foreland Road is a detached dwelling setback and at an angle and below the level of the road. The property has garden space on all sides with mature planting and a small outbuilding sits back from the road along the boundary with No 28. The front boundary has a mix of mature landscaping and a tall wooden fence.

North Foreland Road is a residential street which accommodates large detached dwellings that sit comfortably within large plots. There are a variety of dwelling sizes and styles which are set back and at a lower level than the pavement edge. The front boundary treatments also vary in style and material but generally are tall fences and walls with some landscaping.

RELEVANT PLANNING HISTORY

FH/TH/19/0125 - Part retrospective application for the erection of a single storey garage with pitched roof and gable ends. Refused 28 March 2019. Dismissed at appeal 16 October 2019 due to the impact of the development upon the character and appearance of the area.

FH/TH/18/1126 - Part retrospective application for the erection of single storey side extension and single garage, together with the formation of a vehicular access. Granted 11 January 2019

PROPOSED DEVELOPMENT

This is a retrospective application for the erection of a detached garage, 1.8m fence and formation of a vehicular access.

The garage in question has been subject to two previous applications all of which initially proposed the garage in the same location as this current application.

When the initial application was assessed officers raised significant concerns regarding the location of the garage immediately adjacent to the front boundary of the site as it was considered to create a highly prominent and incongruous form of development that was out of keeping with the pattern of development and resulted in significant harm to the open and spacious character of the area. This application was subsequently amended to alter the orientation and move the location of the garage to the southern boundary of the site. The amended garage was set back from the highway by 5.5m creating a subservient form of development that was not prominent or highly visible in the street scene.

The second application was a resubmission of the initial application, with the garage located in the original location and the side elevation located immediately adjacent to the front boundary of the site. The erection of the garage was substantially complete when this application was submitted. This application was refused for the reasons set out to the applicant and their agent during the first application and was recently dismissed at appeal by the Planning Inspectorate as “the development represents an unduly dominant and incongruous feature which is incompatible with the prevailing character and appearance of the area”.

This third application is retrospective and seeks to overcome the concerns of both officers and the Planning Inspector. Consent is now sought to retain the garage (in the same location as previous application (FH/TH/19/0125) and that considered at the recent appeal, together with the formation of a vehicular access and erection of 1.8m high fencing to front elevation. The garage is single storey in design with a pitched roof with gable ends and constructed from materials to match the main dwelling.

As part of this application planting is proposed to the front of the site between the fence and the garage. The proposed planting is to match the hedging that was on the site prior to the commencement of development and the remaining hedging currently visible on the southern section of the front boundary. This is the only element of this application that was not in place when the Planning Inspector considered the previous application.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006)

D1 - Design

D7 - Areas of High Townscape Value

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site. Seven letters of support have been received raising the following points:

- Materials are in keeping with the existing house
- No harm to the openness of the area
- No trees have been removed
- The garage is located behind a fence
- Garages to the front are a feature of the area

Broadstairs and St Peter's Town Council - No comment

CONSULTATIONS

KCC Highways - No objections in respect of highway matters.

COMMENTS

This application is brought before members at the request of Cllr Trevor Roper to allow Members to consider the impact of the development upon the character and appearance of the area.

Principle

The application site is located within a residential area of Broadstairs. The principle of the erection of an outbuilding/garage within the curtilage of an existing residential dwelling is considered acceptable, subject to the detail of the scheme.

Character and Appearance

The application property lies within an Area of High Townscape Value (AHTV) (Saved Policy D7). This policy states that within these areas the conservation or enhancement of the local character will be the primary planning aim and 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. This AHTV is characterised by large properties set within spacious plots and these buildings differ in terms of scale, design and material. There are a variety of dwelling sizes and styles which are set back and at a lower level than the pavement edge. The front boundary treatments also vary in style and material but are generally tall fences and walls with some landscaping.

The garage is located close to the centre of the plot in front of the main dwelling with its side wall parallel to the wooden boundary fence and sits at the same level as the road immediately adjacent to the front boundary. The level of the site falls away from the road and the main dwelling is situated below the road level. The angled location of the main dwelling and the set down from the level of the road create an open and spacious area that makes a significant contribution to the character and appearance of the Area of High Townscape Value. Both officers and the Inspector considered that the siting the garage directly in front of

the main dwelling and immediately adjacent to the front boundary of the site creates a highly prominent and incongruous form of development that competes with the main dwelling in appearance of scale and significantly diminishes the open and spacious character of the area. With the Inspector finding that "It is clearly visible from the street scene as the side wall and tall pitched roof protrude significantly above the wooden fence and it is not screened by any planting. The height, positioning and bulk of the garage screens the dwelling from the road".

As stated previously, there is a mixture of tall landscaping and front boundary fences visible within the area and, therefore, the fence that has been erected is not considered to have a significantly harmful impact upon the character and appearance of the area. The garage, however, protrudes significantly above the wooden fence with the gable ends, upper sections of the walls and the roof clearly visible. The fencing was in situ when the previous application was considered by the planning inspector as part of the appeal, however they did not consider that the fencing was sufficient to mitigate the impact of the garage. Therefore whilst the fencing itself is not considered to be harmful to the character and appearance of the area, it does not sufficiently diminish the harmful impact of the garage upon the character and appearance of the area.

The applicant has stated that soft landscaping would be planted between the fence and the garage to match the remaining hedging along the front boundary of the site. The Inspector made reference in his appeal decision that the appellant had stated "that further planting of hedges would be provided to screen the proposal" but could not consider this additional planting as he had no details before him. The additional planting proposed by the applicant has been included in this application and officers have, therefore, had chance to consider it. The proposed hedging would match the hedging that currently remains on the southern section of the front boundary. This hedging is below the height of the eaves of the garage and therefore the proposed planting would still leave roof and gable ends would still be clearly visible from the public realm in particular from the north.

Furthermore, it would take a significant period of time for a hedge to become mature and established to this height, and there are no means through the planning system to ensure that any soft landscaping is maintained in this location or to the proposed height. Therefore any planting could be removed at any time and any mitigating effect it may have cannot be relied upon.

It was acknowledged in the report for the 2018 application (reference FH/TH/18/1126) that the amended location of the garage would result in the loss of some small trees, however due to their size it was considered that these trees were not suitable for a TPO. It can be seen from Google Streetview images that a significant amount of soft landscaping and small trees have been removed to develop the garage in the location in which it has been constructed. Had the garage been constructed in the approved location, it is considered that the garage would have had a reduced impact upon the soft landscaping on the site when compared to the location in which it has been constructed.

Vehicular accesses are visible at regular intervals along North Foreland Road. The introduction of gates into the boundary treatment and a dropped kerb is considered to result in limited visual change to the character and appearance of the area.

Throughout the consideration of the previous applications officers attention have been drawn to other garages located forward of the dwellings in the immediate area, however these are generally set down from the road and not located directly immediately in front of the main dwelling allowing for views through the site to the main property. Where the garages are set adjacent to North Foreland Road they are set at a substantially lower level limiting their visibility and prominence with the street scene. These were also highlighted to the Inspector during the recent appeal. In his decision he states "The appellant has drawn my attention to several existing garages along North Foreland Road which sit forward of the dwellings they serve. In each instance the garages sit at a lower level than the appeal proposal and sit within the corner of the plots. The appellant also states that the garage at no. 10 is a particularly important comparable. However, this garage is also set at a lower level than the road and is positioned in the corner of the plot allowing the main front elevation of the dwelling to be visible." It is, therefore, considered by virtue of the design and location of the garage it creates a prominent and incongruous feature that has a significant impact upon the open and spacious character of the street scene and is contrary to policy D1 and D7 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

The garage measures 6.2m deep, 4m wide, 2.5m to the eaves and 4.2m in total height. There is a separation distance of 8.4m to the northern boundary and 15.8m to the southern boundary of the site from the garage. A garage door is located in the front elevation, a pedestrian door in the rear elevation and a window in the eastern side elevation. Given the location of the garage, the single storey design and the separation to the neighbouring properties it is considered that the garage would not result in any significant overlooking, loss of light or sense of enclosure.

The new fencing along the front boundary of the site is taller than the previous fencing that was in place, however due to its location is not considered to result in any significant harm to the living conditions of the neighbouring residential property occupiers.

The dropped kerb and vehicular access is considered to make limited alterations to the property and any noise and disturbance from an access to a single dwelling is not considered to be significantly harmful.

It is therefore considered that the development would therefore comply with policy D1 of the Thanet Local Plan and the National Planning Policy Framework in terms of impact upon neighbouring residents.

Transportation

The new vehicular access onto the highway had been completed prior to the submission of this application. North Foreland Road is wide and straight adjacent to the application site allowing for good visibility. Whilst the fencing along the front boundary is high, the access is wide allowing for some views along the pavement. The KCC Highways Officer has raised no objection to the application and it is considered that the proposed development would not

result in any significant increase in demand for on street parking or harm to highway safety to warrant refusal of the application.

Other Matters

Whilst policy D7 of the Thanet Local Plan is not being carried forward into the new local plan, this does not alter the requirement for development to take opportunities to improve the quality and quality of an area and the way it functions as set out in paragraph 130 of the NPPF. Therefore, it is considered that this proposal is poor design and has been found by both Officers and an Inspector as having a detrimental impact on the character and appearance of the area. The application, is, therefore, considered to be contrary to paragraph 130 of the NPPF and saved Policy D1 of the Thanet Local Plan.

Conclusion

The Council has considered two previous applications for a garage on the front boundary of this site and has consistently raised significant concerns regarding the impact of this development upon the character and appearance of the area. The first application was amended to move the garage to a more suitable location, set back from the highway and adjacent to the southern boundary of the site. Planning permission was subsequently granted for this amended application. A second application was submitted for the garage in the original location and the proposed garage was substantially complete when this application was submitted. This application was refused for the same reasons that original application was amended. This second application was appealed by the applicant and dismissed by the inspector who considered the garage to be significantly harmful to the character and appearance of the area. The only difference between this application and the previous applications in relation to the garage that were previously considered by the Council and the Planning Inspector is the addition of planting to the front elevation. As outlined above, the proposed planting is not considered to mitigate the appearance of the garage, and the applicant has approval for a garage in a location that the Council considers to be more suitable. It is therefore recommended that members refused this application for the following reason:

The proposed garage, by virtue of its scale and prominent siting to the front of the property, forms a dominant and incongruous element within an area characterised by large plots with open frontages, detrimental to the pattern of surrounding development and the character of the area, contrary to Policy D1 and D7 of the Thanet Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.

Case Officer

Duncan Fitt

Background Papers:

Annex A – FH.TH.19.0125 Planning Appeal Decision

TITLE: FH/TH/19/0812

Project 26 North Foreland Road BROADSTAIRS Kent CT10 3NN

