



---

## Appeal Decision

Site visit made on 20 March 2019

**by Rajeevan Satheesan BSc PGCert MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11<sup>th</sup> April 2019

---

**Appeal Ref: APP/Z2260/W/18/3218754**

**Land Formerly Used as Club Union Convalescent Home, Reading Street, Broadstairs CT10 3AZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Horn against the decision of Thanet District Council.
  - The application Ref F/TH/18/0142, dated 25 January 2018, was refused by notice dated 21 September 2018.
  - The development proposed is erection of 25 dwelling-houses, with vehicle access from Reading Street and Convent Road, pedestrian access from Astor Road, internal access roads and landscaping.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

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

### Preliminary Matters

3. A Unilateral Undertaking (UU) has been submitted by the appellant which would make financial contributions towards social infrastructure, Special Protection Area (SPA) and Special Area of Conservation (SAC) and secure the provision of the affordable housing on the site. The Council has confirmed that this would be acceptable. I have taken the provisions of the UU into account in this decision.
4. I note there is a difference between the design of the dwellings for units 9 and 10, shown on page 30 of the appellant's appeal statement and that shown on drawings GM28-P12A and GM28-P17C. I have considered the appeal on the basis drawings GM28-P12A and GM28-P17C, which were considered by the Council when they made their decision.

### Main Issues

5. Having regard to all the representations received I consider the main issues are the effect of the proposal on the character and appearance of the area, including the setting of the Reading Street Conservation Area (CA), and the setting of the nearby Grade II Listed Buildings at Nos 43-49 Reading Street.

## Reasons

6. The appeal site is an area of private land, identified for housing allocation (estimated capacity of 24 units)<sup>1</sup>, located to the north of properties fronting Reading Street, to the east of properties on Convent Road, and to the south of Foreland Golf Course. The site is also adjoined at the far western corner by the side elevations of properties and road terminus of Astor Road. The site, which includes the plots of 16, 28 and 30 Convent Road, was previously occupied by a 140 bed Club Union Convalescent Home, which the appellant states was demolished in c.2006. Vehicular access to the site would be from both Convent Road (utilising and modifying the existing access running between 28 and 34 Convent Road) and from Reading Street.
7. The site is not situated within a conservation area, however, the northern extent of the CA runs directly along the south/south-eastern boundary of the site and there are a number of nearby Listed Buildings within the locality, the closest being Nos 43-49 Reading Street. There are also number of mature trees within the site that are subject to Tree Preservation Order<sup>2</sup>.
8. St Andrew's Church is the focal point of the CA with its Public House and Post Office with a listed telephone box. The CA, designated in 1973, is surrounded by green wedges to the east and west and the golf course and areas of natural beauty to the north. The main features include the narrow main street, with a number of cul-de-sacs, that have a number of brick and flint faced listed buildings and boundary walls, and cottages of architectural interest, some with a Dutch influence. Most of the buildings are two storeys in height. The architecture and materials, which include pitched roof porch canopies, hipped roofs with tiles, timber detailing and decorative chimneys, landscaped gardens and a small area of public open space all make a positive contribution to the significance of the CA. The existing on-street parking along this narrow road detracts from the character and appearance of the CA.
9. The eastern side of Convent Road is characterised by mainly C20 detached and semi-detached two storey dwellings and bungalows set within regular spaced plots, each containing spacious front gardens, with off-street car parking and / or garages to the side of the dwellings.
10. My attention has been drawn to the previous planning history for this site, excluding the land of 16, 28 and 30 Convent Road, which includes a number of planning permissions granted for the redevelopment of the site with 13 detached dwellings. The latest of these<sup>3</sup> was approved on 18 July 2013 and has since expired. More recently, an appeal was dismissed on 22 August 2017 for 30 dwellings<sup>4</sup> on the same site as the current appeal. The current appeal proposal seeks to overcome the previous Inspector's concerns and is for residential development comprising the erection of 25 dwellings, together with vehicle access from Reading Street and Convent Road, pedestrian access from Astor Road, internal access roads and landscaping.
11. With regards to the northern and eastern parts of the site the previous Inspector raised concerns that "the layout would not create a sense of place that would respond positively to local character or could be effectively

---

<sup>1</sup> Draft Thanet Local Plan to 2031'

<sup>2</sup> TPO 10 (2000)

<sup>3</sup> Council Ref: F/TH/12/0875

<sup>4</sup> Appeal Ref: APP/Z2260/W/17/3173824

- integrated into the existing development in the surrounding area". This was in part due to the previous scheme being dominated by garages, sited in the front gardens or projecting beyond the front elevations, and not all the houses having a direct street frontage.
12. With regards to the western part of the site, accessed from Convent Road, the Inspector considered that this had a much higher density resulting in a cramped and contrived appearance, which was in stark contrast to the more spacious layout on the other side. In particular, the houses were closer together on smaller plots, with no front gardens and very small rear gardens. As a result, the development would appear to be two separate developments, unrelated to the surrounding street scene, rather than an extension to the village with its own sense of identity. The Inspector thus concluded that "the development would be a poor quality design which would fail to respect or enhance the character or appearance of the area".
  13. To overcome the previous concerns, the current scheme has made a number of changes to the layouts, which includes the reduction in the number of units from 30 to 25, achieved by reduction in the number of terrace and semi-detached units proposed, and the omission of flats from the scheme. Thirteen of the proposed units are accessed from Reading Street, and the number of units accessed from Convent Road has reduced from seventeen to twelve. Similar to the previous scheme, two separate vehicular accesses into the site are still maintained, from Reading Street and Convent Road, which would each serve a separate a cul-de-sac. However, it is understood that this is a direct result of there being a highway constraint that seeks to limit the number of vehicle movements onto Reading Street to no more than the thirteen dwellings previously approved.
  14. In the previous scheme there was a poor connectivity between the two distinct parts of the site with soft landscaping acting as a buffer between lower density on the site accessed from Reading Street and higher density of the site accessed from Convent Road. The current proposal addresses this concern with a clear pedestrian and cycle path. In addition, whilst garages are maintained, they are repositioned either to the side or set back from the dwellings such that they would not be visually prominent in the streetscene. Furthermore, the western part of the site is no longer significantly dominated by on-street parking spaces (a specific concern of the previous Inspector).
  15. The proposed layout has reduced the density of dwellings across the site and increased the amount of landscaping around the dwellings particularly within the western section of the site. This has resulted in a more even distribution of dwellings across the site when compared to the previous dismissed scheme.
  16. With regards to the design of the dwellings, a variety of building types have been used across the entire site, which takes inspiration from the local vernacular on Reading Street. The proposed use of more traditional characteristics and materials such as Dutch gables, flat roof dormers, brick and flint elevations, quoin details to windows, chimneys, porch canopies and projecting bay windows would help ensure that the development successfully integrates with the surrounding area. Whilst, the current proposal overcomes a number of the concerns raised by the previous Inspector in terms of the density, landscaping, car parking / garages, the effects on the wider area,

including the setting of the adjacent CA and listed buildings are considered below.

17. With regards to the effect on designated heritage assets, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
18. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 194 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The Framework defines the setting of a heritage asset in terms of the surroundings in which it is experienced.
19. Paragraph 196 of the Framework confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
20. Planning Practice Guidance (PPG) confirms that what matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset, and that, in general terms, substantial harm is a high test and may not arise in many cases. Works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all.
21. The significance of the adjoining CA has been outlined above in paragraph 8. Whilst there may be some views of the development from public vantage points within the CA, particularly at the access points into the site and between the gaps in the properties on Reading Street, I agree with the previous Inspector's findings that the setting of the CA would not be seriously harmed.
22. The southern boundary of the appeal site lies adjacent to an attractive row of C17 two storey terraced cottages known as Nos 43-49 Reading Street (Convent Cottages), which are Grade II listed buildings. The significance of these buildings in heritage terms mainly stems from their architectural interest, built of squared flints, tiled roofs with Flemish curved gable end and three tall brick-built chimney stacks. They form part of a unified scheme of Grade II listed cottages, with a symmetrical façade with 2 paired doorcases with tile clad sloping weather hoods. Each property has three light-casement windows at ground floor level and the first floor has a dormer window cutting through the eaves line. These common feature means they are appreciated as a single building set back from the road, within a communal open area to the front and side of the building. The listing description states that the row of cottages contributes greatly to the character of the village.
23. With regards to the effect of the development on the setting of these cottages the previous Inspector noted that these listed buildings had very small private

- rear gardens and that the appeal site was on higher ground. The open landscape area to the rear of the Convent Cottages, which includes part of the grounds of the former home, forms an important part of the setting of the listed buildings. The previous Inspector considered that the siting of Units 1 and 2 would undoubtedly affect the setting of the cottages due to their bulk, height and proximity to them.
24. In an attempt to overcome the previous concerns raised by the Inspector, the current proposal has relocated and re-orientated the new dwellings further away from the cottages, thereby providing the cottages with more 'breathing space'. However, the current scheme now also proposes an additional detached dwelling on the part of the site nearest to the cottages, with plots 9, 10, and 11 proposed (roughly in the same position as plots 1 and 2 in the previous appeal) which has resulted in a greater number of detached dwellings positioned closer together (particularly units 9 and 10) near to the listed buildings. The Council considers that the scale, design and height of the new dwellings would not be in keeping with those of surrounding properties, and that the dwellings are too bulky and imposing on properties in Reading Street.
25. I note the concerns previously raised by the Inspector were in relation to units 1, 2. However, from my observations, despite the reduction in height of units 9 and 10, the position of the new dwellings on plots 9, 10, 11 and 14 would stand very prominently within the otherwise open setting of Convent Cottages. I consider that the bulk and height of these dwellings, would be over scaled in comparison to the smaller Convent Cottages, which are set on lower ground, making them more sensitive to change. Therefore, whilst the distance from the listed buildings would be greater under the current scheme, the new development would still dominate and overcrowd these adjoining listed cottages. In this respect, it would not be sympathetic to local character and history, including the surrounding built environment and landscape setting, as advocated by the Framework.
26. I therefore conclude that the proposed development would harm the character and appearance of the area and would therefore be an inappropriate development in conflict with Saved Policy D1 of the Thanet Local Plan (2006), which amongst other things, requires new development to respect or enhance the character or appearance of the surrounding area.
27. In giving great weight to the asset's conservation, I consider that the proposals would harm the setting of the nearby Grade II listed buildings, and in this respect, would also not accord with the relevant sections of the Framework, which seek to conserve and enhance the historic environment. In the terms of paragraph 196 of the Framework, the harm that the proposal would cause to the significance of the designated heritage asset, would amount to less than substantial harm. Accordingly, this should be weighed against the public benefits of the proposal, which is considered below.
28. Whilst I acknowledge that there have been past approvals for thirteen detached houses on this site, with houses located close to the listed buildings, I note that these permissions have since expired. As such, they do not constitute a fallback position and therefore have not weighed in favour of the current proposal before me. In any case, I am required to consider the proposal on its own merits.

### *Planning Balance*

29. There is no dispute that the Council cannot currently demonstrate that it has a 5 year housing land supply (HLS). The proposed development would provide a net gain of 25 additional homes, on a site identified for housing allocation<sup>5</sup>, in an existing residential location with access to local shops and services which would make a small, but valuable, contribution towards meeting the district's identified housing needs. Seven of these homes would be affordable which would be secured through the UU. Thus, there would be social benefits which attracts significant weight. There would be a modest economic benefit to the area, in terms of construction jobs, and an equally modest increase in investment in the area following the occupation of the development. I also note that the appellant states that there would be environmental enhancement of the site through the provision of additional and managed soft landscaping and tree planting, and implementation of the recommendations of the Ecological Survey for habitat enhancement.
30. However, the proposed development would harm the character and appearance of the area and would cause harm to the settings of adjacent Grade II listed buildings. This is a matter which must attract considerable importance and weight against the proposal. In terms of the Framework, the proposal would cause less than substantial harm to the significance of the designated heritage assets affected. I must attach considerable importance and weight to that harm which I find would not be outweighed by public benefits and which would not result in sustainable development in the meaning set out in the Framework.

### **Conclusion**

31. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

*Rajeevan Satheesan*

INSPECTOR

---

<sup>5</sup> Thanet District Council Draft Local Plan