

**R02**

**F/TH/19/1335**

PROPOSAL: Part-retrospective application for the change of use from garage to a 2-bed dwelling together with the erection of bike and bin stores

LOCATION: 2 Bridge Road MARGATE Kent CT9 5JN

WARD: Westbrook

AGENT: Mr M Gerlack

APPLICANT: Mr Robert Smith

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The dwelling, by virtue of the small plot size, large set back from the highway, poor relationship with Bridge Road and dwellings contained therein, and the enclosed nature of the site, fails to respect the surrounding pattern of development and the character and appearance of the area, to the detriment of the visual amenities of the locality, contrary to the aims of saved policy D1 of the Thanet Local Plan and paragraphs 91, 127 and 130 of the National Planning Policy Framework.

2 The provision of the two bedroom dwelling, by virtue of its limited size, has resulted in an unacceptable standard of residential accommodation for occupiers and future occupiers of this site. The provision of this dwelling is therefore contrary to the aims of saved policy D1 of the Thanet Local Plan, draft policies QD03 and QD04 of the Draft Thanet Local Plan, the Nationally Described Space Standards and the aims of paragraphs 117 and 127 of the NPPF.

3 The proposed development will result in increased recreational pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to paragraphs 170, 176 and 177 of the NPPF and the Habitats Directive.

#### SITE, LOCATION AND DESCRIPTION

Bridge Road is a residential street in Margate connecting Canterbury Road and Westbrook Avenue. Land levels incline to the north where the road spans over the railway tracks below. There is a fairly consistent pattern of development within the streetscape, particularly to the western part of the street, with largely detached dwellings set in fairly consistent sized plots

and a regular building line. To the eastern side of the street there is less uniformity, however there remains consistency in terms of the pattern of development and relationship with the street frontage. The general character of this area is one with open frontages, save for where properties sit on corner plots with side elevations facing Bridge Road.

The application site comprises a small rectangular piece of land that was formerly part of the curtilage of No. 190 Canterbury Road, a large corner plot wrapping around into Bridge Road. It sits north of No. 190 and has been subdivided with the former garage being converted into a 2 bed dwelling. The building is set back from Bridge Road by some 19.5m and has large double gates enclosing the site, with white boarding affixed to the gates adjacent to the highway. Either side of the gates the site is bounded with a low brick and flint wall that has timber close boarded fencing erected above with trellis on top of this. The overall height appears at around 1.8-2m. Limited views into the site therefore exist from the street. A letterbox is located on the right hand wall opposite the entrance gates.

Beyond the entrance, a gravelled area hosts a timber clad outbuilding shown on the plans to be for bike storage. Although this is shown as a pitched roof structure, the roof form is flat. Bins are also stored in this area. The area also appeared to be used for storage. Beyond this a second means of enclosure provides access to the dwelling. This is in the form of timber fencing with trellis, and a gate with an overall height of around 1.8m. Trellis is affixed along the length of the southern boundary with No. 190 Canterbury Road.

In front of the dwelling is an area of hardstanding that appears to be in use as a courtyard amenity space. Tables, chairs, and a BBQ were evident at the time of visiting the site and some items appeared to be stored in the area.

### RELEVANT PLANNING HISTORY

CU/TH/19/0487 - Application for a Certificate of Lawful Development for the existing use as single dwelling (Use Class C3). Certificate refused on 29 July 2019 for the following reason:

“The Local Planning Authority is not satisfied, on the balance of probabilities and given the limited and insufficiently precise information and evidence provided, that the site has been used as a single dwelling, falling with Use Class C3, for a continuous period of 4 years or more prior to the application being made.”

F/TH/15/0219 - Erection of 1No. two storey detached dwelling. Refused 08 June 2015 for the following reason:

“The proposed development, which would be sited on non-previously developed land, by virtue of its design, limited plot size and its relationship with adjoining properties would comprise a cramped, congested and incongruous form of development, out of keeping with the prevailing open and established visual and spatial character of the streetscene, and significantly detrimental to the character and appearance of the area, contrary to Thanet Local Plan Policies H1 and D1 and paragraphs 58 and 64 of the National Planning Policy Framework.”

F/TH/13/0265 - Erection of two storey dwelling fronting Bridge Road. Refused on 08 May 2013 for the following reason:

“The proposed development, which would be sited on non-previously developed land, by virtue of its design, limited plot size and its relationship with adjoining properties would comprise a cramped, congested and incongruous form of development, out of keeping with the prevailing visual and spatial character of the streetscene, and significantly detrimental to the character and appearance of the area, contrary to Thanet Local Plan policies H1 and D1 and the National Planning Policy Framework.”

The refusal was appealed and the Planning Inspectorate dismissed the appeal.

### PROPOSED DEVELOPMENT

The application is for the part-retrospective change of use of a garage to a 2 bed dwelling together with the erection of bike and bin stores. Some building works have been undertaken to assist the change of use, including the provision of new openings, internal works and a single storey rear extension, and other facilitating and associated works such as the provision of boundary fences and gates and a proposed new bin store. At the time of the Officer site visit no bin store had been erected. A building was in-situ which appeared to look like the proposed bike store but did not appear to be in use as such at that time.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan 2006**

D1 - Design Principles  
D2 - Landscaping  
H1 - Residential Development Sites  
H4 - Windfall Sites  
SR5 - Play Space  
TR12 - Cycle Parking  
TR16 - Car Parking Provision

### NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site. No representations have been received.

### CONSULTATIONS

**KCC Highways:** The footway outside the property is about 2.4 metres wide so vehicular visibility wouldn't appear to be an issue, it's an existing access anyway that won't be experiencing many vehicle movements. There appears to be space for 2 vehicles on the hardstanding which should be adequate.

**TDC Environmental Health:** Initially raised potential concerns about how the foul and grey water (relatively clean waste water) drainage for the building is managed and requested

further information from the applicants on this issue. Drainage details were provided by the appellant's agent on an amended plan and Environmental Health confirmed that these details addressed their concerns.

**Southern Water:** Southern Water requires a formal application for a connection to be made to the public foul sewer. The Council's Building Control Officers should be asked to comment on the adequacy of soakaways to dispose of surface water.

## COMMENTS

This application is reported to Planning Committee at the request of Councillor Ashbee to allow Members to consider the impact of the development on the character and appearance of the area and the living conditions of the occupiers.

### **Principle**

The site is located within the built up area and was part of a side garden to No. 190 Canterbury Road. The scheme proposes the conversion of an existing building, which lies within the urban confines. Saved policy H1 of the Thanet Local Plan states that on non-allocated sites, such as this one, residential development will only be supported on previously developed land within the built confines. The site previously forms private residential garden land prior to being subdivided from the host building no.190 Canterbury Road. Draft policy H01 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 QD02 (General Design Principles). 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.

The site sustainably located to public transport links and local services within the urban confines and therefore residential development could be acceptable in principle subject consideration of all other material issues, including the impact upon the character and appearance of the area, living conditions of neighbouring and future property occupiers, flood risk and drainage and highways matters.

### **Analysis**

An application was previously made for a lawful development certificate in April 2019 (CU/TH/19/0487 refers) for the same development. This was considered by the Council and refused on 29 July 2019 for the following reason:

The Local Planning Authority is not satisfied, on the balance of probabilities and given the limited and insufficiently precise information and evidence provided, that the site has been used as a single dwelling, falling with Use Class C3, for a continuous period of 4 years or more prior to the application being made.

This application follows the Council's refusal of that application. The site is stated by the applicant to be in intermittent use by three or four individuals and is used as a base for

intermittent stays when visiting and caring for family members. It is also stated to be the registered address of the applicant.

### **Character and Appearance**

Paragraph 127 of the National Planning Policy Framework (NPPF) states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Paragraph 91 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places that promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages.

Saved policy D1 of the Local Plan outlines that all new development is required to provide high quality and inclusive design, sustainability, layout and materials. The design of all new proposals must respect or enhance the character and appearance of the area, particularly in scale, massing, rhythm and use of materials, incorporate a high degree of permeability, retain open space and gaps in development, and incorporate new landscaping.

Number 2 Bridge Road is around 50sq.m in size and is a single storey detached brick building with bi-folding doors to the front entrance and a pitched roof. Whilst brick appears around parts of the outside, the southern flank appeared to have some metal fixtures and breeze blocks are also evident around parts of the site. It sits roughly in line with the adjacent annexe at No. 190 Canterbury Road and is set in from both boundaries by less than 1m to the north and south. Internally the doors open straight onto a lounge, kitchen and dining area combined. A 0.7m wide hallway connects two bedrooms and a bathroom. 'Bedroom 1' appears to have been extended externally into the 'courtyard' area to the rear. This is not visible from any public vantage points. A door beyond the hallway connects to a small space used for storing materials and domestic paraphernalia, including a hot water tank. This area has a cover over it connected to the rear wall of the dwelling but has some open elements.

The way the site is currently enclosed from Bridge Road means that there is no active frontage or relationship with the street. The site appears enclosed completely, with the white boarding over the gates creating a physical separation from the street with no views in or out of the site, contrary to the aims of inclusive design set out in saved policy D1(1) of the Thanet Local Plan and the aims of paragraph 91 of the NPPF. The gates remain locked when no one is staying at the site and there is no doorbell at the entrance to the site or way of gaining the attention of anyone inside it. The boundary treatments and arrangement create a stark and incongruous feature to the detriment of the open character and pattern of development of this part of the streetscene, breaking the predominant rhythm of openness in contrast with the low boundaries and landscaped frontages found elsewhere. The dwelling is

set a long way back from the street, at some 19.6m, and has no obvious affinity with it, at odds with the prevailing pattern of development in the area.

The two-fold entrance system and high means of enclosure both from Bridge Road and once inside the site between the parking area and the dwelling further serves to separate the site from the resultant street, and creates a space more akin to a private rear amenity area to the front of the site that would, even if the boundary treatment arrangement across the site were amended, fundamentally change the relationship with the rest of the street and undermine the aims of saved policy D1 and paragraph 91 of the NPPF.

It is acknowledged that owing to the set back of the site from the boundary with the highway that the majority of space is to the front of the dwelling, however it does not automatically follow that this is a space that should be expected to be enclosed or have the same relationship to the application site as a rear garden. The layout and use of space of this site has been dictated by the small size of the plot and indicates that it was not and is not capable of successfully hosting a well designed dwelling with the appropriate relationship to Bridge Road, only ever being designed to be an ancillary outbuilding to a larger dwelling in a sizeable plot, as it was originally when associated with No. 190 Canterbury Road.

The front facade of the dwelling does not have the characteristics of a typical entrance, being more akin to a side or rear access onto a garden. Officers have concerns that the varied materials including brick, metal and timber do not marry well. The pattern of fenestration across the dwelling appears confused, with no formal front door and a door in the southern flank that does not serve anything and is not openable, and only thin strip windows serving habitable rooms.

The development as a whole is considered to be of poor design. The small size of the plot and limited space to its rear has resulted in an inversion of the typical pattern of development of this area. As set out above, the main amenity space serving the property is to the front and enclosed to allow privacy to its users. This is at odds with the prevailing character and appearance of the area that typically has properties with rear gardens and low boundaries to the front gardens allowing open views into them. It has also led to the need to locate larger outbuildings such as that proposed for cycle storage to the front of the site, at odds with the wider streetscape, including a proposed 2m high structure for bin storage.

There are no other examples in the surrounding area with the fronts of dwellings set behind high boundary gates or walls in this way. The dwelling is set some distance back into its plot, to the detriment of the prevailing pattern of development. The front facade does not incorporate any of the typical design features of other properties in Bridge Road and the development overall fails to respect the pattern, rhythm and use of materials appropriate to this area. The development is not considered to function well or to add to the quality of the area, failing to provide a high quality and inclusive design. It is not considered to be visually attractive and the layout is detrimental to the relationship with the street. The works do not contribute to creating a sense of place and it appears that the re-use of a former ancillary outbuilding in a restricted plot to provide habitable living accommodation in this location has led to compromises in terms of design, resulting in an unacceptable development contrary to the aims of saved policy D1 of the Thanet Local Plan and the aims of paragraphs 91 and 127 of the NPPF.

## Living Conditions

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 127 of the NPPF requires that developments should ensure a high standard of amenity for existing and future users and indicates the importance of using the Nationally Described Space Standards to assess this in the context of new dwellings. These have been incorporated into draft policy QD04 of the Council's Draft Local Plan 2019.

Saved policy D1 of the Thanet Local Plan outlines that new development should be compatible with neighbouring buildings and spaces, and should not lead to unacceptable loss of amenity through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light, or sense of enclosure, which is echoed in draft policy QD03 of the Draft Local Plan. Saved policy SR5 aims to ensure sufficient doorstep play space and amenity.

The dwelling as arranged is single storey, and whilst it is in close proximity to all neighbouring boundaries to the north, east and south, it is set to the rear of the site behind high boundary treatments, or adjacent to blank neighbouring flank walls, with no overbearing impact, loss of light or opportunities for overlooking. Therefore the works are not considered to result in harm to the living conditions of neighbouring occupiers.

Draft policy QD04 of the Council's Draft Local Plan reflects the prescribed standards set out in the Nationally Described Space Standards. Draft policy QD04 requires that a 2 bed 3 person (2b3p) single storey dwelling should have a gross internal floor area of 61sq.m. The current dwelling is around 50sq.m, 11 sqm or so below the standard set out.

The plans provided initially indicated a two bedroom dwelling, with one bedroom occupied by a carer, and a clothes drying area to the rear of the site beyond a covered yard. On visiting the site it was noted that no care is given across this site. Initial plans had also not incorporated the extension to 'Bedroom 1'. Amended plans were provided to show the current layout.

The Nationally Described Space Standards break down the technical requirements that must be met for new dwellings. They require that single rooms have a floor area of at least 7.5sq.m with a minimum width of 2.15m. Bedroom 2 measures approximately 3.8sq.m and has a width of 1.6m approximately. This room falls below the standard required for habitable spaces. It is served by a small window and does not benefit greatly from light, ventilation, or outlook.

Double rooms, such as Bedroom 1 are required to have a minimum floor area of 11.5sq.m and a minimum width of 2.75m. The room shown on the submitted plans with the extension, has a floor area of approximately 13.28sq.m and width of 2.4sq.m. This has a long thin window serving the room with more light than the first room and some better ventilation given the size of the opening, however it does not benefit from any outlook. Given both habitable rooms are located in close proximity to the boundary and are north facing, the rooms appear poorly lit generally.

There is no internal storage space which has resulted in essential hot water tanks being located outside the dwelling in a make-shift covered area. The kitchen, lounge and dining area are all combined in a relatively small area of around 17.4sq.m. From this space the outlook would be over the front courtyard to the existing high boundary treatment, with no natural surveillance possible across the very front of the site.

Overall the dwelling is of an insufficient size and standard to accommodate comfortable living conditions. Although the extension to Bedroom 1 has meant that this room now is a sufficient size to meet the requirements of the space standards, this is the only space that complies with the standards set out, and still suffers from poor light and outlook. Overall the development offers a poor level of amenity and poor standard of accommodation for occupiers of the site.

In terms of amenity and play space, all useable space is located to the front of the site. The Council does not have any policies on the size of playspaces or amenity areas for new dwellings. It is noted that whilst space is provided in accordance with policy SR5 of the Thanet Local Plan, this is to the front of the dwelling which is overlooked by neighbouring properties either side, though this is set behind high boundary treatments. Space is also therefore available for clothes drying facilities.

In terms of refuse and waste, a new bin store is proposed to the front of the site. This would be around 1.2m wide by 2m high. It would be set back and unlikely to result in harm to neighbouring occupiers given the high boundary treatment with No. 190 Canterbury Road. It would be around 1.8m in length. The Council's Guidance for Waste and Recycling Storage requires in Section 7b states that new dwellings with no side or rear access require sufficient space for the storage of a black bin (180 litre), a blue bin (240 litre), a red sack (80 litre), a brown food caddy and a green bin (240 litre). Sufficient space is available for this.

Overall the size and standard of accommodation provided is poor, with habitable space falling below the standards required nationally, and many spaces fail to incorporate appropriate light, outlook and ventilation. As a result the development is considered to be contrary to the aims of saved policy D1 of the Thanet Local Plan, draft policies QD03 and QD04 of the Draft Thanet Local Plan, the Nationally Described Space Standards and the aims of paragraphs 117 and 127 of the NPPF.

### **Flood Risk and Drainage**

Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from those areas at highest risk (whether existing or future).

Reference to the Environment Agency's flood map suggests that the site is within Flood Zone 1, and is thus at a low risk of flooding. The existing building appears to have been in situ for some time and the increased footprint resulting from the rear extension is not considered to have a materially greater impact in terms of surface water. As a result there would be no risk of flooding affecting property of the welfare of residents (existing or future).

occupants) arising from the development on the site and surface water discharge from the development can be adequately managed to ensure no additional risk of flooding.

## **Highways**

The site is served by an area of hard surfacing to the front of the site which could accommodate up to two vehicles. Additionally parking is unrestricted on Bridge Road and it is therefore considered that there would be no significant increase in demand for parking if the development were to be approved in accordance with the aims of saved policy TR16.

Some turning space is available within the site itself. The screening used over the existing entrance gates makes visibility in this location difficult, however the site is set back over the public footpath, which KCC consider wide enough to allow for sufficient visibility splays to be maintained without harm to highway users or pedestrians and as a result there is not considered to be any new harm in terms of highway safety.

## **Planning Obligations**

European sites are afforded protection under the Conservation and Habitats and Species regulations 2010 (as amended the Habitat Regulations) and there is a duty placed upon the competent authority (in this case TDC) to have regard to the potential impact that any project may have on those sites. Projects (therefore planning applications and prior approval) can only be permitted having ascertained that there will be no adverse effect on integrity of the protected area, either alone or in combination with other projects or plans.

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified. Thanet District Council has produced the Strategic Access Management and Monitoring Plan (SAMM) which focuses on the impacts of recreational activities on the Thanet Section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. The Council has carried out an appropriate assessment on the development in accordance with the Conservation of protected species and Habitat Regulations.

To enable the Council to be satisfied that the proposed development will avoid a likely significant effect on the designated sites (due to an increase in recreational activities) and to comply with the Habitat Regulations a financial contribution is required to contribute to the district wide mitigation strategy. This is currently in the form of £320 per 2 bedroom dwelling which is usually secured by an undertaking from the applicant to pay the required contribution. An undertaking was requested but not received. In the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to paragraphs 170, 176 and 177 of the NPPF and the Habitats Directive.

In the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to paragraphs 170, 176 and 177 of the NPPF and the Habitats Directive.

## **Conclusion**

It is acknowledged that this is an already developed site and that there is some support in the NPPF for the reuse of brownfield sites to make effective use of land, particularly where the Council does not have a 5 year-supply. However in recent appeal decisions, Inspectors have been clear that this should not be to the detriment of the character of the area, or where any adverse impacts would significantly and demonstrably outweigh the benefits. In this case the harm caused to the character of the area, the unsatisfactory living conditions of occupiers of the site and future occupiers, and the harm to the Special Protection Area without the appropriate mitigation, are considered to outweigh these benefits and for the reasons given above, the application is recommended for refusal.

## **Case Officer**

Vicky Kendell

TITLE:

F/TH/19/1335

Project

2 Bridge Road MARGATE Kent CT9 5JN

