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## Appeal Decisions

Site visit made on 12 October 2020

**by Nicola Davies BA DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 October 2020**

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### **Appeal A Ref: APP/Z2260/W/20/3247840**

#### **14 St Johns Avenue, Ramsgate CT12 6HE**

- 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 Mrs S Lane against the decision of Thanet District Council.
  - The application Ref F/TH/19/1743, dated 18 December 2019, was refused by notice dated 13 February 2020.
  - The development proposed is erection of new two bedroomed detached house.
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### **Appeal B Ref: APP/Z2260/W/20/3251852**

#### **14 St Johns Avenue, Ramsgate CT12 6HE**

- 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 Mrs S Lane against the decision of Thanet District Council.
  - The application Ref F/TH/20/0296, dated 26 February 2020, was refused by notice dated 27 April 2020.
  - The development proposed is erection of 2 storey detached dwelling.
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### **Decision**

1. Appeals A and B are dismissed.

### **Preliminary Matters**

2. As set out above there are two appeals at this address. Given that the nature of the proposals is similar, I have dealt with both proposed developments in this single decision letter.
3. Policies D1 and D2 of the Thanet Local Plan 2006 referred to by the Council in its reasons for refusal have been superseded by Policies QD02 and QD03 of the Thanet District Council Local Plan (the Local Plan) 2020 which has been adopted since the appeals were submitted. Policies QD02 and QD03 of the new Local Plan were only cited within the refusal reasons within the Council's decision notice relating to Appeal B. However, as the Council's refusal reasons in both appeals are almost identical, it would be appropriate to consider both appeals against Policies QD02 and QD03 that form the Council's current development plan and policy context. Both main parties were given the opportunity to comment on the relevance of the new Plan policies.

### **Main Issues**

4. The main issues in these cases are the effect of the proposal upon: -
  - a) The character and appearance of the area;

- b) The living conditions of existing adjoining occupiers at 14 St Johns Avenue; and
- c) The Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI).

## **Reasons**

### *Character and appearance*

- 5. Part of this residential estate comprises houses constructed around the 1950s that are characterised by three or four different housing designs, being mainly two-storey semi-detached properties within the vicinity of the appeal site. Over recent years the area immediately west of the appeal site has been redeveloped. This new housing is of modern design forming mainly terraces of two and two and a half storey properties. This has created two locally distinctive styles and forms of development either side of the appeal site and within the surrounding area. Both the older and modern layouts have a sense of spaciousness.
- 6. The appeal site forms part of a gap between the older and newer developments. This gap is important as it provides sufficient separation that facilitates a visual transition between the respective estate design styles.

### *Appeal A*

- 7. The detached dwelling would be located in the side garden of 14 St Johns Avenue. The design of the proposed dwelling would not reflect that of the properties either side or elsewhere within the vicinity of the appeal site. Its narrow appearance and close proximity to the side boundary of the site and the existing dwelling, No 14, would create a dwelling of cramped appearance within its plot. Being a detached property, the dwelling would have an uncharacteristic appearance when viewed in the context of the properties within the surrounding area. As such, a narrow detached dwelling would be markedly out of keeping with the distinctive character and appearance of the properties either side, as well as the existing development in the surrounding area. Furthermore, I do not consider its design appearance would create a development that would represent an appropriate visual transition between architectural styles. Consequently, taking these matters collectively the proposed dwelling would be visually harmful to the character and appearance of the area.
- 8. In addition to the above, the proposed dwelling would occupy part of the important gap and remove a significant part of the existing space between the older and newer developments that facilitates the current successful visual transition between developments within the estate street scene. This would be a further harm arising from the proposal to the character and appearance of the area.
- 9. I have been directed to a dwelling granted planning permission adjacent to 73 St Johns Avenue and a location plan and a photograph of that property has been provided. The development in that area is more varied to that surrounding the appeal site and the design of that dwelling has taken cues from an adjoining property. This has resulted in a development that would sit comfortably visually between older and newer developments. I have also been

referred to a development adjacent to 89 St Johns Avenue. However, that site relates to a corner plot. This site has an entirely different context. Therefore, I do not consider those developments highlighted are directly comparable to proposal Appeal A that is before me.

### *Appeal B*

10. Apart from the recessed green painted element the design and form of the main part of the proposed dwelling would not reflect that of the properties either side or elsewhere within the vicinity of the appeal site. The low eaves and roof dormer positioned on the eaves, would have the appearance of a one and a half storey dwelling. Therefore, the proposal would have an uncharacteristic appearance when viewed in the context of the properties in the area.
11. Furthermore, although detached by design, the recessed element would give the visual impression of attachment to No 14 and create a development that would read as a terrace with No 14 and its adjoining semi-detached property. In this context and given the limited plot width compared to that of No 14 and its adjoining property, the dwelling would have a narrow squeezed into the site appearance. The siting of the proposal close to No 14, together with its mix of modern materials and design features, would not create a dwelling that would visually integrate with No 14 and its adjoining semi-detached property, or indeed the more recent development to its west.
12. Consequently, both architecturally and physically the proposed dwelling would be noticeably out of keeping with the distinctive appearance of developments either side and within the surrounding area. Similarly to Appeal A, it would occupy the important gap and remove a significant part of the existing space between the older and newer developments that facilitates the current successful visual transition between developments within the estate street scene.
13. For these reasons, I conclude that both proposed developments (Appeals A and B) would be harmful to the character and appearance of the area. The proposals would, therefore, conflict with Policy QD02 of the Local Plan that seeks, amongst other matters, development to relate to its surroundings, form and layout and to strengthen links to the adjacent areas, paying particular attention to the context and identity of its location, scale, massing, rhythm, layout and use of materials.

### *Living conditions*

#### *Appeal A*

14. To the side of No 14 are a number of windows. Although the proposed dwelling would be set back from the front building line of No 14 it would be within close proximity to the windows at the side of this property.
15. The dwelling would be clearly visibly and dominant in the outlook from the internal living spaces of No 14 and would create a sense of enclosure within habitable rooms. Even if the rooms benefit from more than one window the development would be dominant in the outlook from the side windows. It would also likely reduce sunlight to these rooms. Such internal living spaces are environments in which the occupiers of No 14 are likely to spend a significant amount of their time and are living spaces that the occupiers should

reasonably expect to enjoy. The proposed development, being dominant in outlook and reducing sunlight to habitable rooms, would have a detrimental effect upon the living environment of the existing occupiers at No 14. For this reason, the proposed development would be harmful.

16. The Appeal A proposal would, therefore, conflict with Policy QD03 of the Local Plan that seeks, amongst other matters, development to be compatible with neighbouring buildings and not to lead to unacceptable living conditions through loss of natural light or sense of enclosure.

#### *Appeal B*

17. This proposed dwelling would be set back further from the front building line of No 14 more so than that of the dwelling proposed within Appeal A. Whilst the dwelling would project forward of the side recess at No 14 this would not be so far as to be prominent in the outlook from habitable rooms. Furthermore, the dwelling would not significantly impede sunlight to the internal living spaces of No 14.
18. Whilst I have found in favour of the living condition in respect of Appeal B, for the above reasons, I conclude that the proposed development would be harmful to the living conditions of the existing adjoining occupiers at 14 St Johns Avenue in relation to Appeal A.

#### *SPA and SSSI - Appeals A and B*

19. The Council has identified a likely significant impact upon the Thanet Coast and Sandwich Bay SPA and Sandwich Bay and Hacklinge Marshes SSSI as a result of increased recreational activity arising from new residential development and related population growth. The need for mitigation has been acknowledged by the appellant. A willingness to secure a financial contribution by means of a Unilateral Obligation to subsidise the District wide mitigation strategy has been provided. Notwithstanding this, given that I am dismissing the appeals for other reasons it has not been necessary for me to consider this matter in any further detail or require an appropriate assessment to be undertaken to assess the development's effect upon the integrity of the protected habitats.

#### *Other matters*

20. A dwelling would make a small contribution to meeting the District Council's housing requirements. Notwithstanding this, the Council has recently adopted its new Local Plan and, as such, has an up to date development plan with a settlement hierarchy in place to deliver new development in a sustainable way.

#### **Conclusion**

21. Having regard to the above findings, appeals A and B should be dismissed.

*Nicola Davies*  
INSPECTOR