

**D03**

**F/TH/22/0219**

PROPOSAL: Erection of 1 No two storey 2-bed detached dwelling with associated parking

LOCATION: 41 Princess Margaret Avenue MARGATE Kent CT9 3EQ

WARD: Cliftonville East

AGENT: Mrs Rachel Humber

APPLICANT: Ms Hatfield-Tugwell

RECOMMENDATION: Defer & Delegate

Defer and delegate for approval subject to the submission of a signed legal agreement securing the SAMM contribution within the 6 months of any resolution, and subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND:**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 20/2540/PL/02A, 20/2540/PL/03B, 20/2540/PL/04B, 20/2540/PL/06 and 20/2540/PL/08 as well as the Planning Statement all received on 14th February 2022, and the Street Scene Perspectives No 1,2,3,4,5 and 9 received on 16th February 2022.

**GROUND:**

To secure the proper development of the area.

3 The two roof light windows on the rear roof plane hereby approved shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and shall be installed prior to first occupation of the development hereby permitted and permanently retained thereafter.

**GROUND:**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

4 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation of any part of

the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

**GROUND:**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

5 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes, unless otherwise agreed in writing by the Local Planning Authority.

**GROUND:**

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

6 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

**GROUND:**

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

7 Prior to the first occupation of the development, the area shown as off street parking for one vehicle shall be operational. The area approved shall thereafter be maintained for that purpose.

**GROUND:**

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF.

8 Prior to the first use of the vehicular access hereby approved visibility splays of 2m x 2m shall be provided to the access on to Magnolia Avenue as shown on drawing no. 20/2540/PL/02A received on 14th February 2022, with no obstructions over 0.6m above carriageway level within the splays, which shall thereafter be maintained.

**GROUND:**

In the interest of highway safety in accordance with the advice contained within the NPPF.

9 Prior to the first occupation of the development of the development, the secure cycle parking facilities, as shown on approved drawing no. 20/2540/PL/02A received on 14th February 2022 shall be provided and thereafter maintained.

**GROUND:**

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

10 Prior to the first occupation of the development hereby approved, a 1.8m fence shall be provided between the application site and no. 41 Princess Margaret Avenue, in accordance with the submitted plan numbered 20/2540/PL/02A, received 14th February 2022.

**GROUND:**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

11 No further roof alterations, erection of outbuildings or extensions, whether approved by Class A, B, C or E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

**GROUND:**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

**INFORMATIVES**

Please ensure that you check the above conditions when planning to implement the approved development. You must clear all pre-commencement conditions before development starts on site. Processing of conditions submissions can take up to 8 weeks and this must be factored into development timescales. The information on the submission process is available here:

<https://www.thanet.gov.uk/info-pages/planning-conditions/>

Please be aware that your project may also require a separate application for Building Control. Information can be found at:

<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

**SITE, LOCATION AND DESCRIPTION**

41 Princess Margaret Avenue is an extended two storey detached dwelling set on a corner plot fronting Princess Margaret Avenue to the east and abutting Magnolia Avenue to the north. The dwelling contains a meaningful front and large rear garden area, with a substation to the rear of the garden.

The surrounding area is characterised by two storey detached dwellings to the north, and single storey detached dwellings to the south of regular form and design, fronting Princess Margaret Avenue, and single storey detached dwellings along Magnolia Avenue to the west. However, although these have a similar scale and use of palette, they can vary in shape, orientation with some benefiting from later additions to the front elevations.

Most have moderate linear plots, which follow an established building line with areas of front amenity space, larger rear gardens, and separation between properties. Corner properties have space to their side and rear, providing separation and a spacious character as you turn the corner.

### RELEVANT PLANNING HISTORY

F/TH/20/1283 Erection of 1 No. two storey 3 bed detached dwelling with associated parking. Refused on 11.12.2020 for the following reasons:

*The proposed development, by virtue of its location, layout, scale, design, the subdivision of the existing plot and the relationship with adjacent neighbours, would result in a cramped and discordant form of development within the street scene. The development shall introduce a modest dwelling of a disproportionate design and scale to the surrounding built environment, whilst also considerably reducing the degree of separation between the corner property and frontage development to Magnolia Avenue and creates a pair of restricted plots with limited spacing to their boundaries, significantly out of keeping with the surrounding regular pattern of development. The proposal would therefore result in a poor quality form of development which would be of character with the local distinctiveness of the surrounding built environment, contrary to Policy QD02 of the Thanet Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.*

*The proposed dwelling, by virtue of its location, the siting and arrangement of the first floor rear elevation rooflight serving bedroom 3, and its proximity to, and relationship with, the rear gardens of the adjacent neighbours to the south Nos. 37 and 39 Princess Margaret Avenue would result in unacceptable levels of overlooking and subsequent loss of privacy, significantly harmful to the amenities enjoyed by the occupiers thereof, contrary to Policy QD03 of the Thanet Local Plan and paragraph 127 of the National Planning Policy Framework.*

*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 Policy SP29 of the Thanet Local Plan, Paragraph 176 and 177 of the NPPF and the Habitats Directive.*

### PROPOSED DEVELOPMENT

Following the previous refusal of the proposed three bedroom detached dwelling with associated parking to the rear of the plot belonging to No. 41 Princess Margaret Avenue, the

current proposal has taken into account the previous reasons for refusal and sought to remedy the concerns with a revised scheme.

The proposed 1 no. two storey, detached dwelling, has reduced the total number of bedrooms previously proposed from three to two, with the proposed size now having a total width of approximately 6.95m, eaves height of approximately 2.6m, ridge height of approximately 6.4m and depth of approximately between 9.21m and 7.95m

It will also have a wider area of grassed amenity space to the front than previously proposed, including the provision for one parking space, reduced from two and in line with the reduction in proposed bedrooms. It will also have a secure area of grassed private amenity space, with separate bin and bicycle storage to the east, as well as a small area of hard standing to the south and west.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan**

HO1 - Housing Development  
SP29 - SAMM Plan  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
TP03 - Cycling  
TP06 - Car Parking

## NOTIFICATIONS

Letters were sent to the neighbouring occupiers and a site notice was posted near the site. 4 public representations have been received, all of which were letters of objection which raised the following concerns:

- This is a road of bungalows of a similar style, with front and back gardens with no current backland development. The proposal would have minimal separation distance to all boundaries of the site, and the building would dominate the area.
- The development would breach the established building line of properties and the size of the building would result in a cramped form of development.
- Do not understand the need for a 2 bedroom 2 storey property for the applicant's parents, when the existing dwelling could be extended. There is no shortage of accommodation available for elderly people with the Palm Bay estate.
- The proposed development would increase noise and disturbance though increase of traffic to and from the site.
- Pedestrian and highway safety concerns regarding restricted vision and lack of adequate parking and therefore the potential to increase on road parking.
- The front of the building is set forward of the current building line and will impact the amount of sunlight into our front garden and daylight into the north facing frontage of our property.

- It will completely take away privacy. This 2 storey build will face/look directly into our master bedroom, our sitting room, and our garden.
- We have a swimming pool in our garden and we will constantly be over-looked and lose our privacy.
- It would also block our view and there will be a considerable loss of light. We do not want it over-shadowing our outdoor area.
- Another concern is the noise and disturbance it will bring whilst under construction.
- The proposed development would result in the infilling of a characteristic gap in the street scene which ensures a degree of spaciousness.
- The proposal fails to respect the surrounding linear pattern of development.
- The level of built form is excessive for the site.
- The proposed dwelling fails to respect the character and nature of the surrounding form and pattern of development.
- The dwelling will be two storey incorporating a front dormer, at odds with the surrounding single storey development.
- The development will significantly harden the existing green and landscaped garden.
- Conflict with local plan
- General dislike of proposal
- Impact on biodiversity interests at the site
- More open space needed on development

## CONSULTATIONS

**KCC Highways** - It would appear that this development does not meet the criteria to warrant involvement from the Highway Authority.

**Southern Water** - Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Request informatives are attached to the decision should permission be granted.

## COMMENTS

The application has been called to Planning Committee by Cllr Leys for Members to consider the impacts of the proposed development and potential impact on the streetscene; the potential impacts of the development in terms of overlooking and loss of privacy for neighbours; and the potential harm to the biodiversity of the site.

### **Principle**

Policy HO1 of the Thanet Local Plan states that residential development on non-allocated sites within the confines of the urban area can be granted where it meets other relevant Local Plan policies. The application site is located within the urban confines of Margate and forms part of the rear garden of 41 Princess Margaret Avenue. As such, the proposed development would accord with Policy HO1.

Policy QD02 of the Thanet Local Plan states that 'residential development on garden land will be permitted where not judged harmful to the local area in terms of the character and

residential amenity, the intrinsic value of the site as an open space is not considered worthy of retention, and will not conflict with any other requirements of other design policies and Policy HO1'.

The principle of the development is therefore considered to be acceptable, subject to the consideration of all other material planning considerations, including the impact upon the character and appearance of the area and neighbouring living conditions.

### **Character and Appearance**

The application proposes to erect a two storey detached dwelling within the rear portion of the rear garden of 41 Princess Margaret Avenue. The dwelling will front Magnolia Avenue and will be designed with a front gabled projection, with a barn hipped roof and a central dormer window to the front elevation serving the first floor accommodation.

The dwelling will be sited to the west of the plot and will be provided with a wider front garden area than previously proposed, 1 No. Off-street parking space to the front of the dwelling, and an area of grassed private amenity space to the east side of the dwelling, enclosed by 1.8m high boundary treatment.

The National Planning Policy Framework states that development should be sympathetic to local character and the surrounding built environment, establish and maintain a strong sense of place, and that permission should be refused for development of poor design which fails to take the opportunities available to improve the character and quality of an area. Policy QD02 of the Thanet Local Plan outlines that the design of all new proposals must respect or enhance the character or appearance of the area particularly in scale, massing, rhythm and use of materials.

Following the previous refusal, the proposed dwelling will now be set back from the front boundary by approximately 4.5m at its closest point, some 1m further away than the refused application.

Whilst it has kept the same distance of 0.5m to the western side boundary as the former application, and total separation distance of 6.12m to the side elevation of No. 28 Magnolia Avenue with a electricity substation between them, it will now have a reduced projection on the plot, projecting only 1.10m forward of this at the nearest point (and approximately 2.38m at the furthest point), with a much larger area of grassed amenity to the front.

This set back appears to fit comfortably on the building line between No. 28 Magnolia Avenue and the rear corner of No. 41 Princess Margaret Avenue, rather than projecting beyond it as in the previous application.

Taking this together with the separation distances noted above, the property appears less cramped on the site and more in keeping with the size, depth and open nature of the neighbouring front amenity spaces and gaps between the plots along Magnolia Avenue.

Although the proposed dwelling has reduced in depth from approximately 10.18m to 9.18m, (having reduced the previously proposed front projection), the width remains the same and has maintained the same sized side garden with a width of 6m.

Whilst it is acknowledged that the proposed footprint is smaller than the overall scale of surrounding buildings, its increased set back from the road has made this less obvious. When looking at the different layout and orientation of neighbouring property No. 28 Magnolia Avenue and No 26 further along on the corner with Victor Avenue, and the variances to some of the front elevations along Magnolia Avenue, such as at the front and side roof dormers at No. 29, and the later front additions at Nos, 27, 19 and 15, which has altered their scale and appearance, it becomes clear that the modest width is, on balance, not significantly harmful to the visual amenities of the locality.

Furthermore, when looking at 'proposed streetscene perspective no. 4', it is clear that the barn hipped roof is actually slightly taller than Nos. 28 and 26 Magnolia Avenue to the west, and this appears to help with the gradual transition of roof heights from the tallest at No. 41 Princess Margaret on the end, followed by the application site, and then No. 28 and finally No. 26, rather than the current, more dramatic drop.

When looking at No. 39 Magnolia Avenue, directly opposite, it is noted that their eastern side elevation ends approximately in line with the eastern side elevation of the proposed dwelling, with the garden boundary fence from No. 43 Princess Margaret Avenue leading along Magnolia Avenue to their shared common boundary.

No. 41 Princess Margaret Avenue's side /garden boundary fence will also continue to run along Magnolia Avenue until it meets the edge of the amenity space belonging to the application site, for approximately 18.5m. Given that the application site will be grassed here and open to the front, with fencing of the same height as that belonging to No. 41, set behind, the appearance of garden usage and fencing to this section of Magnolia Avenue will remain.

Finally, the lack of garden to the rear of the proposed dwelling and reduction of garden to No. 41 needs to be considered, having been raised in the previous refusal.

Although most of the plots along the southern end of Princess Margaret Avenue have deep gardens, No. 41's is not as large as that belonging to No. 39 Princess Margaret Avenue to the south, given the location of an electricity submeter and its access route to the rear. However, it is approximately 8m larger than that belonging to No. 43 Princess Margaret Avenue which is located to the north, on the opposite corner with Magnolia Avenue.

Therefore, the allocation of the rear section of No. 41's garden for the proposed new dwelling, would still allow for a substantial rear garden to be retained, without causing significant harm to the pattern of rear amenity space along Princess Margaret Avenue, and is therefore considered to reduce the sense of harm previously raised here.

Whilst it is acknowledged that there is limited amenity space to the rear of the new dwelling, given that there will now be an increased amount of grassed amenity space to the front, and

6m width secure amenity space to the east, the lack of amenity space to the rear is not likely to be acknowledged from the street view.

When taking this into consideration along with the arrangement of the private amenity spaces to the corner properties further along Magnolia Avenue, which could be described as side or rear gardens, the side garden proposed for the application site is not considered to be significantly out of character to warrant refusal.

It is considered that the amendments made to the proposal following the previous refusal have addressed a number of the concerns previously raised, and whilst the plot is still disproportionate to the generous plot sizes within the immediate locality, on balance, the impact upon the character and appearance of the area is acceptable, and in accordance with Policy QD02 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

The proposed dwelling shall be provided with approximately 6.12m separation distance to the adjacent dwelling to the west, No. 28 Magnolia Avenue, and will only project 1.10m forward of its front elevation. Taking this together with the fact there are only two minor windows proposed to this side elevation, with one on the ground floor serving a kitchen, which will be screened by the electrical substation, and the other serving the first floor landing, a non-habitable space, and given that No. 28 does not appear to have any windows within its side elevation, the proposed works are not considered to result in any harmful overlooking or loss of privacy. Given the distance the impact upon light and outlook is also acceptable.

The proposed door openings to the eastern elevation, by virtue of their ground floor position, and separation distance to the deepest projection on the rear elevation of No. 41 Princess Margaret Avenue of 13.8m, and 1.8m boundary fence, is not considered to result in harmful overlooking.

The rear elevation at first floor/roof level contains 2 no. rooflights, which given the removal of the bedroom previously proposed in favour of a dressing room, and subsequent increase in bathroom size, has meant the proposed rooflights will be much smaller than previously proposed, measuring approximately 0.65m x 0.78m. Although there is only 1m gap from the rear elevation to the garden boundary with No. 39 Princess Margaret Avenue to the south, there is 3.17m total separation distance between the cill of the rooflights and the boundary. Taking this together with their setting of 1.73m above internal floor levels and that they will not serve habitable rooms, they can be conditioned to be obscure glazed and are therefore not considered to create any harmful overlooking or loss of privacy to the neighbouring amenity spaces belonging to No. 39 Princess Margaret Avenue to the south and No. 28 Magnolia Avenue to the west.

The proposed window to the ground floor front projection, and the first floor dormer, will be set back approximately between 4.6m and 6.26m from the front boundary and will be between approximately 20.32m and 21.98m away from the front elevation of No. 39 Magnolia Avenue on the opposite side of the public highway. Given this distance they are unlikely to create any harmful overlooking or loss of privacy to this occupier.

The proposed dwelling will meet the relevant Nationally Described Space Standards for a 2 bed two storey dwelling in accordance with Policy QD04. All primary habitable rooms will be served by front facing windows which provide adequate light, outlook and ventilation.

The dwelling will be provided with a modest private side garden measuring approximately 6m x 9.55m which is considered to provide adequate doorstep play space in accordance with Policies G104 and QD03 of the Thanet Local Plan, and is capable of accommodating sufficient refuse and cycle storage the provision of which has been identified on the submitted plans.

The impact upon the amenity and existing and future occupiers is therefore considered to be acceptable, and in accordance with Policy QD03 of the Thanet Local Plan.

### **Highways**

The development proposes 1 No. off street parking space to the north east of the frontage, and would involve the formulation of a vehicular access to access this space with a 2m x 2m visibility splay. To the west and east of this parking space will be open fronted landscaped garden areas, with low front boundary treatments. This arrangement is considered to provide adequate visibility splays to serve these parking spaces, and Highways have raised no concerns.

The vehicular movements associated with a singular additional vehicular access to 1 No. off street parking space are not considered to materially alter or increase the existing vehicular movements. Given the separation distance of approximately 35m to the junction, the characteristics of the area, and the visibility available, which will be secured by condition should consent be granted, the development is not considered to result in harm to highway safety.

The proposed provision of 1 No. off street parking spaces is considered to provide sufficient off street parking provision to serve the proposed 2 bed dwelling within this suburban location. The proposed development is therefore considered to be acceptable in terms of highway safety and highway amenity, in accordance with Policy TP06.

The development also includes an area of hardstanding to the rear of the off-street parking space, located behind a gated, secure 1.8m privacy fence, allocated specifically for bin and bicycle storage, and which is considered sufficient for bicycle storage in accordance with Policy TP03.

### **Contributions**

The third reason for the previous application being refused was the lack of any Unilateral Undertaking to provide the required financial contribution.

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 produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, 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. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

The required financial contribution to mitigate harm from the development from increased pressure on the SPA is £320 for a 2 bedroom residential unit. Whilst a draft legal agreement has not yet been submitted, the agent has confirmed agreement to the payment of this financial contribution, which will need to be secured through a signed legal agreement.

It is therefore recommended that members defer and delegate the application for approval subject to the submission of the signed legal agreement securing the financial contributions.

### **Conclusion**

The proposed development is located on land to the rear of No. 41 Princess Margaret Avenue, located entirely within the urban confines and as such complies with Policy H01. Following the previous refusal, the submitted plans have addressed a number of the concerns raised, and whilst the plot is still disproportionate to the generous surrounding plot sizes, the proposed dwelling sits comfortably within the streetscene, and as such the impact upon the character and appearance on the immediate locality is, on balance, considered to be acceptable, with limited impact upon neighbouring living conditions and highway safety.

It is therefore recommended that members defer and delegate the application for approval subject to safeguarding conditions and the submission of a signed legal agreement securing the SPA contribution.

### **Case Officer**

Tanya Carr

TITLE:

F/TH/22/0219

Project

41 Princess Margaret Avenue MARGATE Kent CT9 3EQ

