

**D02**

**F/TH/22/0399**

**PROPOSAL:** Erection of part two storey part one storey building to accommodate 5No 1 Bed and 1No 2 bed flats following  
**LOCATION:** demolition of existing building with associated bin and cycle store  
  
15 Park Lane BIRCHINGTON Kent CT7 0AN

**WARD:** Birchington South

**AGENT:** Mr Robert Britnell

**APPLICANT:** Mr D Brazier

**RECOMMENDATION:** Defer & Delegate

Defer and delegate for approval subject to the satisfactory completion of a unilateral undertaking within 6months securing the required planning obligation as set out in the report and the following safeguarding 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 proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 21-19-05 Rev A received 27 May 2022, 21-19-04 Rev C, and 21-19-07 REV B received 06 June 2022 and 21-19-01 REV D, 21-19-02 REV C, 21-19-02 REV C and 21-19-03 REV C received, 04 July 2022.

**GROUND;**

To secure the proper development of the area.

3 Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents

(g) Dust control measures

(h) Access arrangements

**GROUND**

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

4 Prior to the commencement of development hereby permitted, a land level plan that identifies the existing and finished ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND:**

In the interests of visual amenity and neighbouring amenity, in accordance with Policies QD02 and QD03 of the Thanet Local Plan.

5 Prior to the first occupation of the development hereby permitted, details of the refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage shall be provided in accordance with the approved details and thereafter maintained.

**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.

6 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted

- o the treatment proposed for all hard surfaced areas beyond the limits of the highway

- o walls, fences, other means of enclosure proposed

shall be submitted to, and approved in writing by, the Local Planning Authority.

**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

7 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

8 Prior to the construction of the external surfaces of the development hereby approved samples of the materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples unless otherwise agreed in writing by the Local Planning Authority.

**GROUND:**

To safeguard the special character and appearance of the area as a Conservation Area in accordance with Policy HE02 of the Thanet Local Plan and the advice as contained within the NPPF.

9 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.

10 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.

11 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

**GROUND:**

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

12 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2012 using the following protective fence specification - o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

**GROUND:**

To protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policy QD02.

13 The first floor windows window in the northern and southern elevations serving flats 4 and 5 elevation of the development hereby approved shall be non-opening below 1.73m above the finished internal floor level, and 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 the 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.

**INFORMATIVES**

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

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.

It is the responsibility of the applicant to ensure, prior to the commencement of the development hereby approved, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant

to contact KCC Highway and Transportation to progress this aspect of the works prior to commencement on site

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

For the avoidance of doubt, the provision of contributions to as set out in the unilateral undertaking made on submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.

### SITE, LOCATION AND DESCRIPTION

The application site is located close to the junction with Anvil Close and currently comprises a single storey detached building with a pitched roof and a gable end fronting the road, which sits within an open grassed area. To the north of the site is a public right of way providing access from Park Lane to Linington Road and beyond that is the Birchington Conservation Area. Within the immediate vicinity there are a variety of different dwellings with properties on the western side of the road largely comprising terraced dwellings set close to the highway and dwellings on the eastern side of the road including semi-detached properties set back from the road behind a large grass verge and front gardens enclosed by low fences. To the north of the site the area enclosed by the Conservation Area includes built development that is more tightly knit and enclosed by tall boundary walls.

### RELEVANT PLANNING HISTORY

TH/84/1159 - Renewal of consent for use of hall as a band practice room.

### PROPOSED DEVELOPMENT

The proposed development is the erection of part two storey part one storey building to accommodate 5No 1 Bed and 1No 2 bed flats following demolition of existing building with associated bin and cycle store.

The proposed building is divided into a number of sections with the first floor of the front and rear projections being located within the roof and a narrow two storey section in front of the main two storey section of the building. The proposed front projection would be similar in scale and location to the existing building and the main two storey section would be set along a similar line to the southern neighbour, number 23 Park Lane. Landscaping would be provided around the site with private gardens for three of the units and a communal amenity space at the rear of the site.

An amended plan has been submitted during the application process removing the drop off area at the front of the site and altering the location of the bin collection point. The initial plan also proposed grey panelled sections to the elevations which have been replaced with tile

hanging and the arrangement of the proposed windows has been altered. Internally unit one has been altered to increase the usable floor area.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan**

SP01 - Spatial Strategy - Housing  
SP13 - Housing Provision  
SP14 - General Housing Policy  
SP22 - Size and Type of Dwellings  
SP27 - Green Infrastructure  
SP29 - Strategic Access Management and Monitoring Plan  
SP30 - Biodiversity and Geodiversity Assets  
SP34 - Provision of Accessible Natural and Semi-Natural Green Space, Parks, Gardens and Recreation Grounds  
SP35 - Quality Development  
SP37 - Climate Change  
SP41 - Community Infrastructure  
SP43 - Safe and Sustainable Transport  
SP44 - Accessible Locations  
CM02 - Protection of Existing Community Facilities  
HO1 - Housing Development  
HO21 - Residential use of empty property  
HE01 - Archaeology  
GI04 - Amenity Space/Equipped Play  
GI06 - Landscaping and Green Infrastructure  
SE05 - Air Quality  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and Adaptable Accommodation  
TP03 - Cycling  
TP06 - Car Parking

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site.

Five letters of objection have been received raising the following concerns:

- Close to adjoining properties
- Development too high
- General dislike of proposal
- Increase in traffic

- Increase of pollution
- Loss of light
- Loss of privacy
- Noise nuisance
- Lack of parking
- Need for additional street lighting
- Impact upon protected trees
- Loss of open space
- Proximity of bin store to neighbouring properties
- Odour
- Security concerns
- Proposed amenity space may be used by non-residents

Fifteen letters of support have been received raising the following points:

- There is a need for one bedroom properties in the area
- Development would provide affordable housing
- Site is in a good location
- Site is currently used for fly tipping
- Need for housing
- The site is not public green space it is private land
- Development would improve the economy
- Development would improve the appearance of the area
- Sustainable location

**Birchington Parish Council** - Objects to the application with the following concerns:

- Inadequate parking provision
- More open space needed on development
- Over development
- Loss of green space

## CONSULTATIONS

**Environment Agency** - We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.

**KCC Highways** - Updated comments received 24 June 2022

I can confirm the parking beat survey that has been provided is satisfactory and although a level of off street parking would be preferable, an objection would not be sustainable on highway grounds. On balance, the proposed development is situated close to local amenities and benefits from being within close proximity to bus routes and the rail station.

Following the submission of further details, the applicant has removed the parking area and replaced it with a footpath to provide a pedestrian link to the front of the development. The applicant will need to submit a detailed design plan which shows the exact extent of the

proposed footpath to be agreed with KCC S.278 Agreements Engineer, along with a Stage 1 Safety Audit. A Stage 2 Safety Audit will need to be completed during the Agreement submission. Attached are the supplementary S.278 guidance notes which provide further information regarding the process.

### *Initial comments received*

I refer to the above planning application and confirm I have the following comments to make in relation to the proposals for the erection of part 2 storey part 1 storey building to accommodate 5 No 1 bed and 1 No 2 bed flats.

### Access

The applicant has provided details on drawing 'ground floor plan Rev A' which shows an area to the front of the development for 'cars only'. It is unclear what this area is to be used for and therefore further clarity is required of its purpose. As the trip rates generated for the proposed development are likely to exceed that of its existing use as a carpet warehouse, visibility splays 2.4m x 43m (based on the 30mph speed limit on Park Road) will need to be demonstrated on a scale plan. These splays must have no obstruction over 1.05m, and the splays must only encompass land that is in the control of the applicant or KCC as the local highway authority.

The applicant has also detailed a bin collection area, further details are required to determine if the collection will be made from this point thus expecting a refuse lorry to collect off of the main Park Lane or if this is to be made roadside. Should the refuse vehicle be collecting from the bin collection area, a swept path will need to be provided to demonstrate that a vehicle of this size will be able to access this point. In line with Public Right of Way colleagues comments, the existing PROW TBX16 should not be obstructed in any way. Similarly, planting at the perimeter of the site should be within 1.5 metres of the PROW, and should not exceed 1.2 metres in height. All vegetation is maintainable by the occupiers of the Units or appropriate maintenance company

### Parking

Although the highway authority (HA) does not raise any objection to the principal of development in this location it must be noted that there is already parking stresses in the surrounding area, and any developments must seek to avoid exacerbating this issue. The applicant has provided details of a parking survey however the times and dates in which these surveys were conducted will need to be revised and resubmitted. The dates and times outlined in the beat survey were Thursday 19th October 1300-1400 hours and Sunday 2nd January 2022 between 1820-1900 hours. The survey mentions that due to Covid - 19 restrictions on the dates of the surveys it is extremely unlikely that residents were away from home or on holidays at those times. However, I can confirm restrictions were at these times 'eased' and therefore it is not a true representation of what parking habits on these roads are likely to currently be. I therefore request that the applicant submits surveys, where the data has been collected between the hours of 0100-0200 to enable us to fully assess the residential impact on the street parking. I would like to confirm that the roads included in the report and the 200m radius is sufficient however the times will need to be amended.



**KCC Public Rights of Way** - The proposed development directly affects Public Right of Way TBX16 the location of which is indicated on the attached extract of the Network Map of Kent. The Network Map is a working copy of the Definitive Map. The existence of the right of way is a material consideration.

The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.

The proposed development would impact on the right of way and would result in a significant loss of public enjoyment. On that basis I would ask for the following 4 conditions to be applied in the decision notice.

Currently the land adjacent to the public right of way is open with a spacious impression. The proposal is to plant hedging around the perimeter of the site for the reasons of privacy. "There should be no hedging or shrubs planted within 1.5 metres of the edge of the Public Path."

"Any hedging is maintainable by the occupiers or maintenance establishment for the flats." Ideally, we would not want these hedges to grow over 1.2 metres to detract from the footpath becoming a corridor route.

It appears from the site layout plan that the bin collection will be via the footpath, "Bins should not be stored on the footpath for any length of time or be an obstruction of its use."

"There Should be no parking on the footpath at any time or obstruction of its use, either during or following any approved development."

Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time or obstruct the footpath either during or following any approved development. Without the express permission of the Highway Authority.

**Natural England** - No objection subject to securing appropriate mitigation

**Southern Water** - Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

**TDC Conservation Officer** - 15 Park Lane Birchington is not directly within the Birchington Conservation Area but it is directly adjacent to it and as such has a perceivable implication to its setting and appearance.

Thanet's Local Plan, policy HE02, states within Section 7 'The character, scale and plan form of the original building are respected and the development is subordinate to it and does not dominate principal elevations.' As well as Section 8 which states 'Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.'

NPPF Section 16, Paragraph 197 states, In determining applications, local planning authorities should take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation as well as (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

As well as paragraph 194 which stated when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Guidance under the National Design Guide Section C2, Paragraph 45 highlights that when determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape and paragraph 47 which states Well-designed places and buildings are influenced positively by the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details.

Pre-application advice was undertaken before receipt of this formal application at which point concerns were raised regarding the scale of the proposed and the implication this would have on the adjacent conservation area. Unfortunately it does not appear that these concerns have been adhered to as no amendments have been made to the design or scale of the proposed.

The current street scene of Park Lane hosts many different building forms, including semi detached, detached, terraces and later addition small estates. I am not against the principle of development of this site, as I believe an appropriate form and scale would likely

cohesively blend with the visual environment. However, the proposed scheme is substantial in its height and footprint in comparison to that existing built form of the site. An attempt has been made to gradually increase this scale in the built form of the proposed, moving backwards through the site, however it will be very much visible in the context of the adjacent conservation area, and as such I believe it to cause harm.

The site as it currently stands has a large amount of setting and open space around the property of which I believe will largely be lost by the proposed scheme. Although not a vital aspect of the conservation environment, open spaces allow for glimpse through the site to the historic environment, including the nearby Grade II listed church on Canterbury Road which is considered a positive feature and will be lost. This is a stark contrast to the dense core of Birchington and a relief amongst the street scene.

I can acknowledge that following the raising of some initial concerns on receipt of the applications the material palette of the proposed has been adapted in a minor way. Cladding has been swapped for tile hanging which improves the visual element of the scheme. However no adaptations were made in height or footprint of the proposed building. The positioning of some roof lights have also been swapped.

Section 194 of the NPPF states that when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Reviewing the information that has been submitted through the original design and access statement and the additional heritage statement an attempt has been made to assess nearby assets close to the site, however the implication to the overall conservation area has been largely dismissed. With section 9.7 stating that the proposed will actually improve the conservation area by developing the site. I do not believe this to be the case given the concerns of the scale proposed, as expressed at pre application and now formal application stage.

Submitted proposed plans showing the existing built form around the site would have been incredibly helpful in demonstrating this point in either regard, as they would have shown the relationship between the proposed and the existing street scene and what it could look like in terms of scale. Excluding this style of plans I believe reduces the inferred implication of the scale of the building as such making it look shorter and therefore more acceptable.

I am not against the premise of development on this site in principle, however I do not believe it should be to the detriment of the adjacent conservation area or negatively impacting the nearby historic environment.

Overall I do not believe that this application has fully considered the implications to the nearby historic environment as demonstrated by the size of the proposed development which would undoubtedly have a negative impact on the adjacent conservation area. It would very likely appear as overdevelopment of the site and a substantial increase in size as to what currently exists in terms of built form, ultimately dwarfing the surrounding area and as such appearing out of place. This is in direct contrast Thanet's Local Plan, policy HE02, states within Section 98 of which states 'New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted'. Due to these reasons I object to the proposed and suggest it is reconsidered.

TDC Environmental Health - We have considered the potential for environmental health impacts and offer the following comments.

#### Contaminated Land

Whilst it is noted from the application that the land proposed for development is not suspected to have contamination, given the scale of the plans, we would propose the following:

#### Recommended Condition:

If, during development, significant contamination is suspected or found to be present at the site, then this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters.

#### COMMENTS

This application has been brought before members by Cllr Fellows to consider whether this proposal represents overdevelopment.

#### **Principle**

Policy SP01 of the Thanet Local Plan sets out the spatial strategy for the district and states that the primary focus for new housing development in Thanet is the urban area as identified on the Policies Map. Policy HO1 of the Thanet Local Plan states that permission for new housing development will be granted on non-allocated sites within the confines of the urban area and villages.

A hall would be considered as community facilities and Policy CM02 of the Local Plan seeks to protect against the loss of such facilities. It states that:

"Proposals which would result in the loss of a community facility will not be permitted unless it can be demonstrated:

- 1) there is alternative local provision which is accessible to the local community and the proposal will not undermine the ability of the community to meet its day to day needs; or
- 2) every reasonable attempt has been made to secure an alternative community use and the site is not viable for redevelopment to provide alternative community facilities; or
- 3) alternative provision of at least equivalent, or where possible, improved community benefit is provided in a convenient accessible location to serve the existing community."

Signed affidavits, invoices and council tax bills have been submitted indicating that the property has been used as a carpet warehouse since July 2008. It therefore appears that the building has not been in a community use for a significant period of time and the existing use of the property as a carpet warehouse may be lawful as the use has occurred uninterrupted for more than 10 years. Furthermore the Council has not received any enforcement complaints regarding the change of use. It is therefore considered that given the time that has elapsed that there is sufficient alternative local provision and the loss of this facility would not undermine the ability of the community to meet its day to day needs.

The principle of development is therefore considered acceptable subject to all other material considerations.

### **Character and Appearance**

Paragraph 130 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.

Policy QD02 of the Thanet Local Plan outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

The site is located adjacent to the Birchington Conservation area therefore the Council must take into account Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that in relation to conservation areas, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.' Paragraph 192 of the National Planning Policy Framework requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF requires that where a development causes substantial harm, or less than substantial harm but where the harm is not outweighed by public benefit, permission should be refused.

Policy HE02 of the Thanet Local Plan states that new development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.

The existing site comprises a single storey dark grey pitched roof building set on the southern side of the site, forward of 23A Park Lane. There is no boundary treatment around the northern or western boundaries of the site and a protected tree is located in the north eastern corner. The remainder of the site is grassed. The site is private open space,

however doors currently provide a break between the historic properties and the conservation area to the north and the late residential development to the south. Whilst there is merit to the open space it is considered that this site could be developed provided an aspect of openness is retained.

Development surrounding the application site varies greatly in character and appearance with modern and traditional dwellings all within close proximity to each other and large variations in the arrangement of the properties and their proximities to the highway. Dwellings to the south of the site on the eastern side of Park Lane comprise two storey 20th century semi-detached dwellings and are set back from the road by 19m. Opposite these properties are older terraced dwellings which either, immediately about the pavement, or have small front gardens. Opposite the side is Anvil Close which is a relatively modern development of two storey semi-detached dwellings with high boundary walls enclosing the side and rear gardens. To the north of the site is the Conservation Area where buildings have a variety of forms and orientations. The proposed building would have a varied form, with staggered elevations and roofs adding variety to the design and breaking up the mass of the development. The building would be constructed from plain roof tiles, tile hanging, black rainwater goods, red multi stock bricks, grey aluminium windows and dark red brick detail course. The building would have a substantial depth, significantly larger than the neighbouring properties, however the front section would have a similar footprint to the existing building on the site, with a large space retained to the front boundary and in the north western corner. A narrow two storey section would be located behind the front section with the main two storey section located along a similar line to the front elevation of 23A Park Lane. At the rear of the site the development would step down in height and away from the boundary and an amenity area would be formed at the rear of the site between the rear elevation and the boundary with 35 and 37 Linington Road. The roof of all sections would hip away from the boundaries and at the tallest point would be similar in height to number 23A Park Lane. All of the neighbouring properties are two stories in height and given the similarities in height to the neighbouring properties the height of the proposed building is considered to be appropriate. Due to the staggered floorplan and heights the bulk of the building is only likely to be fully apparent from the footpath adjacent to the two storey sections. This is considered to be an isolated viewpoint and the bulk is not considered to be unduly prominent in wider views. The altered materials are considered to accord with the vernacular of the area and would help to break up the mass of the building. Whilst the building would be different to the surrounding development given the variety in design and location of the surrounding dwellings and the existing building which projects forward of the neighbouring properties the proposed building is not considered to be significantly harmful to the character and appearance of the area.

With regard to the impact of the development upon the setting of the adjacent conservation area, the current open space does provide a break between the conservation area and the neighbouring development, however there would be a separation distance of 4.4m between the closest point of the side elevation of the proposed building and the boundary with the conservation area. The Conservation officer has raised objection to the development on the grounds of the scale and design of the building resulting in an overdevelopment of the site and harm to the setting of the adjacent conservation area. There is no consistent pattern to the development of this section of the conservation area and the density of development within it appears higher than the current development on the site and to the south.

Furthermore it is considered that given the staggered arrangement of the building, the existing views into the Conservation area could still be obtained from Park Lane and towards nearby listed buildings including Birchington Methodist Church.

It is acknowledged that the proposed building is large in size, however the primary views would be from Park Lane where the development steps back into the site and the depth of the building is only likely to be appreciated in immediate views from the footpath along the northern boundary. The proposed materials are considered to be appropriate for the location with cues drawn from the neighbouring properties and sufficient design features such as brick details and areas of tile hanging to add interest and variation to the elevations. It is therefore considered that given the staggered design of the building and the separation to the conservation area that the proposed development would result in minimal harm upon the character and appearance of the consideration area, due to the change in context from the development of the site. This level of harm, whilst considered to be minimal, must be given significant weight but also be balanced against the public benefits of the proposal in accordance with Paragraph 202 of the National Planning Policy Framework.

The amended plan has removed a parking area at the front of the site and the plan proposal to add a footpath at the front of the site has also been removed from this application. Additional planting and grass is proposed to the front of the instead, similar in appearance to the existing arrangement.

The protected tree at the rear of the site is shown to be retained and conditions would be applied to ensure that this tree is protected during construction. The submitted plans show a series of hedgerows and trees to be planted around the site. The proposed hedging would extend along the northern boundary of the site and be set back from the boundary with Park Lane retaining an area of open grass to this boundary. Full details of the proposed hard and soft landscaping around the site would be requested by condition to ensure that suitable materials and species are used. The proposed hedges would add a degree of formality to the site by enclosing the boundaries; it is not considered to significantly reduce the openness of the area.

The proposed cycle store and bin store would be located at the rear of the site behind a boundary fence. Details of these stores would be secured by condition to ensure that they are not highly prominent above the boundary fence.

In light of the above it is considered that the amended development would have a minimal detrimental impact upon the character and appearance of the adjacent conservation area and would not result in any significant harm to the wider character and appearance of the surrounding area.

### **Living Conditions**

There would be a separation distance of 14m to the closest northern neighbour, 32m to the rear neighbour, 2.5m to the southern neighbour and 20m to the western neighbour.

Given the separation distances to the rear and western neighbours the proposed development is not considered to result in any significant loss of light, sense or enclosure or overlooking to these neighbouring dwellings.

The closest neighbouring property to the north, number 17 Park Lane, is orientated with the front elevation facing towards the application site and amenity spaces to the front side and rear. To the west of this property number 9 Park Lane has an amenity space to the south, between the dwelling and a detached garage. Given the arrangement of these properties and the separation distance the proposed development is not considered to result in any significant loss of light or sense or enclosure.

To the south of the site there would be a separation of 2.5m at the closest point, however where the proposed building extends beyond the rear of 23 Park Lane the separation distance increases to 6.5m and the roof of this section of the property would pitch away from the boundary. At the front of the site the existing building extends beyond the front elevation of number 23 by 12m and the proposed building would extend a similar distance. A break would be formed between the two storey section of the new building and the front section adjacent to the front elevation of number 23. The height of the front projection would be increased by 0.8m and the eaves would be reduced by 0.8m compared to the existing building. It is therefore considered that given the arrangement of the existing and proposed buildings and that the site is located to the north of number 23, this proposal would not result in any significant loss of light or sense of enclosure to warrant refusal of the application.

The proposed ground floor windows, due to their location and relationship with the neighbouring properties are not considered to result in any significant opportunity for overlooking. Two windows are proposed in the northern and southern side elevations serving the kitchen and living area for flats 4 and 5. These rooms are also served by a windows in the rear elevation and therefore it is considered that conditions could be applied to the two windows in the northern and southern side elevations to ensure that they are fixed shut and obscure glazed to avoid any direct overlooking across the rear gardens of numbers 23 and 25 Park Lane and the side garden of 17 Park Lane. Any views from the front and rear windows of these properties would be at an obscure angle.

The rooflights serving the first floor bedroom for flat 6 have been reduced in height during the application to improve the outlook for this habitable room and rooflights have been added to the bedroom of unit 1. These sections of the building are set behind the adjacent two storey sections, increasing the separation distance to the boundary with 9 and 17 Park Lane. As noted above number 9 has an outbuilding on the southern boundary of the site and number 17 has amenity spaces around the property. Given the setback of these sections and the arrangement of the neighbouring properties these windows are not considered to result in significant overlooking. First floor windows are also proposed in the northern and western elevations serving a hallway, however as this is not a habitable room, these windows are not considered to result in a significant opportunity for overlooking.

Bin storage is proposed at the rear of the site and a collection point is proposed towards the front of the site. The store is located away from the boundary with 23 Park Lane and given the separation distance to the rear neighbours this bin store is not considered to result in any significant noise, disturbance or odour to the neighbouring dwellings. The bin and cycle store













