

**A06**

**FH/TH/23/1668**

**PROPOSAL:** Erection of a two storey side extension following demolition of existing shed

**LOCATION:** 2 Tidewell Mews Westgate On Sea Kent CT8 8PX

**WARD:** Westgate-on-Sea

**AGENT:** Mr Toby Smith

**APPLICANT:** Mr Nicholas Wells

**RECOMMENDATION:** Approve

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 proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered 23.122.001.A3.PL, 23.122.005.A3.PL, 23.122.006.A3.PL, 23.122.007.A3.PL (received 09/02/24), 23.122.008.A3.PL (received 09/02/24) and 23.122.009.A3.PL (received 09/02/24).

**GROUND**

To secure the proper development of the area.

3 The external materials and external finishes to be used in the extensions hereby approved shall be of the same colour, finish and texture as those on the existing property.

**GROUND**

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan

4 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) Parking and turning areas for construction and delivery vehicles and site personnel
- (b) Timing of deliveries

**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.

## INFORMATIVES

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.

## SITE, LOCATION AND DESCRIPTION

Tidewell Mews is located off Harold Avenue in Westgate, it is a gated cul-de-sac.

The dwellings in Tidewell Mews have distinct characteristics with the terrace of dwellings (nos. 3-8) being smaller in scale and reflecting the terraces nos. 24 to 30 and 25 to 29 Harold Avenue (with plot widths generally of some 5 metres) and the two dwellings (nos. 1 & 2) backing on to Harold Avenue being larger and detached reflecting the larger scale more traditional terraced, semis and detached properties along this part of Harold Avenue.

No 2 Tidewell Mews is a detached three storey property. The property has a gable to the principal elevation with tile hanging detail at first floor level and mock tudor style within the gable. The current plot width of no. 2 Tidewell Mews is 13 metres at its widest point. To the side of the dwelling currently is a detached timber shed within its side garden. The property has two parking spaces in front of the current side garden area.

The site falls within the confines of the Westgate on Sea South Conservation Area.

## RELEVANT PLANNING HISTORY

F/TH/22/0449 - Erection of 1no three storey three bedroom detached dwelling adjacent to no.2 Tidewell Mews. Refused 21st October 2022

It was refused for the following 2 reasons

"The proposed development by virtue of the restricted width of the site, proximity to no. 2 Tidewell Mews and loss of space between no.2 Tidewell Mews and no.11 Harold Avenue, would represent a cramped and congested form of development, out of keeping with the established pattern of surrounding development resulting in an incongruous form of development severely harmful to the character and appearance of the area and the visual amenities of the locality. The proposal, is therefore, contrary to Policy QD02 of the Thanet Local Plan, and paragraph 130 of the National Planning Policy Framework.

The proposed development by virtue of the location of the parking space associated with the adjoining dwelling (no.2 Tidewell Mews) and siting of the dwelling in close proximity to the protected Norway Maple tree, would result in potential noise, disturbance and limited outlook

to the habitable space at the front of the dwelling whilst limiting light to the proposed amenity area and rear of the ground floor, creating a poor standard of accommodation for future occupiers of the proposed dwelling and potential future pressure on the existing tree. The proposal is, therefore, contrary to Policies SP35 and QD03 of the Thanet Local Plan."

This decision was appealed against and dismissed.

The Inspector considered that the provision of an additional dwelling would not cause harm to the character and appearance of the area, detailing:

"The proposed dwelling would be sited within a smaller plot than many nearby dwellings. It would also fail to retain a comparatively sized gap found between many properties on Harold Avenue. However, the proposed dwelling would be seen from most views on the street and the surrounding area alongside No's 2 and 3, which also share a relatively small gap. As a result of the dwelling's broadly matching design, separation gap and garden size similar to No's 2 and 3, the introduction of the proposed dwelling would not appear incongruous or cramped in this location.

Furthermore, despite some erosion of the gap between the appeal property boundary and 11 Harold Avenue, a sufficient gap would remain so that the spacious character on this side of the road remains. The retained gap would also ensure that the transition in building heights is retained and can be appreciated within the street scene."

Concerning the tree on the public highway the Inspector noted:

"As a result of the limited depth of the garden, a short separation distance between the proposed dwelling and the rear boundary of the site would exist. The protected tree which is outside of the appellant's control is of such a height and close distance that it would appear as an overbearing and imposing feature enclosing the small garden area and views out of this rear elevation, thereby providing an unsatisfactory outlook for future occupiers of the proposed dwelling. Based on my observations, this enclosing feeling would be substantially increased when the tree is in full leaf."

Furthermore the Inspector noted that daylight or sunlight could be impeded to the ground floor living area, although he accepted that there would be an acceptable level of outlook to the kitchen area. He felt that in terms of noise and disturbance from vehicle movements from No. 2 would be commensurate with that you would expect to find in a residential area.

As such he concluded that: "the proposed development would not result in a harmful effect on outlook from the front of the property or through noise or other nuisance. Nevertheless, it would not provide appropriate living conditions for future occupiers with regard to light, outlook and private external amenity space."

### **Wider development of Tidewell Mews**

Planning permission for the Tidewell Mews development was granted in January 2010 (F/TH/09/0674) as it essentially stands today with a terrace of 6 dwellings running north to south on the eastern side of the site and 2 dwellings (including no. 2 Tidewell Mews) backing

on to Harold Avenue, with the scheme designed to retain the trees thought to be of importance including those along the south western boundary of the site. The final scheme was then amended through various applications to vary conditions on that approved scheme including enlarging the garden to no. 2 to provide its side garden which is the current application site.

## **Trees**

It is noted that there were trees covered by a Tree Preservation Order (5 of 1985) located within this side garden along its south west boundary. It is unclear when many of these trees were removed from the site, but it was noted that at the time of the granting of planning consent in 2010 that only one of the trees along this boundary (a Blue Cedar) was considered to be of particular merit. An application for the felling of this tree was refused by the Council in March 2015, but allowed on appeal in September 2015 with a requirement that a replacement deciduous tree of at least 1.8m in height would be planted in the garden of no. 2 Tidewell Mews subject to the agreement of the precise planting position and species being agreed with the council (APP/TPO/Z2260/4532). Whilst an ornamental tree is present in the side garden, it is not clear whether this is a replacement tree as required by the decision.

## PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a two storey side extension following demolition of existing shed. The two storey side extension is proposed to be located within the property's side garden. The proposed extension would extend across to the western side of the dwelling, adjacent to the boundary with no. 11 Harold Avenue.

The roof (ridge continuing across to match the existing) would incorporate a barn hip and have a catslide roof to the rear (facing Harold Avenue). A ground floor false window would be incorporated into the design of the side elevation. To the front there would be tile hanging at the first floor with a garage with kitchen behind. The extension would increase this dwelling from a three bedroom dwelling with snug and office to a 4 bedroom dwelling. In regard to materials it is stated (Page 16 of the Design & Access Statement) that the finish would be red facing brickwork and hanging tiles to match the existing with red roof tiles.

## REPRESENTATIONS

Letters were sent to the neighbouring occupiers, a site notice was posted near the site and the application was advertised in the local newspaper.

Ten representations have been received on the application and includes two letters of support.

The concerns can be summarised as follows:

- General dislike of proposal
- Inadequate access

- Increase in traffic
- Noise nuisance
- Overshadowing
- Over development
- Loss of view
- Loss of light
- Loss of property value
- Loss of privacy
- Loss of trees
- Loss of garden space
- Logistics of the building given the confines of the site
- Could turn extension into a separate dwelling
- Impacts on health
- Health and safety issues for residents in the Mews
- Impact upon the Conservation Area

The letters of support details that the extension is required for the large family that resides there; considers the extension to be in keeping with the area as well as adding value to the properties in the mews. Does not consider that there is a traffic issue in the area or that bringing construction material to the site will cause an issue or that there would be an adverse impact upon the tree.

**Westgate Town Council:** Final comment - Due to new information being received which was not available before, Westgate-on-Sea Town Council's current position is to support the proposal subject to adequate parking provision being in place to serve a property of that size

Initial comment - Objection- This is over-intensive development of the site in the important conservation area with inadequate access and parking provision cited as seriously concerning. The impact on the local highway network will be also significant. There will also be an unacceptable impact on the amenities neighbouring residents might reasonably be expected to enjoy.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan**

SP35 - Quality Development

SP36 - Conservation and Enhancement of Thanet's Historic Environment

HE02 - Development in Conservation Areas

QD02 - General Design Principles

QD03 - Living Conditions

TP06 - Car Parking

### **Westgate Neighbourhood Plan**

WSNP1 - Sustainable Development  
WSNP3 - Design Guidelines  
WSNP7 Conservation Areas

## CONSULTATIONS

**TDC Conservation Officer:** Following a review of the proposed application I do not believe there to be a substantial negative implication on the character and appearance of the surrounding conservation and would consider this an extension of the previously constructed adjacent dwellings.

Due to this I do not object to the proposed scheme.

**TDC Tree Consultant:** The application proposes a two-storey side extension to an existing dwelling, following demolition of a shed.

There are no trees within the site to constrain the proposed extension, but there is a mature Norway Maple in the footway to Harold Avenue, immediately adjacent to the site. It is likely the responsibility of and managed by Kent Highways. It is not shown on the plans but the stem of the tree is to the south of the property, in line with the side boundary of the garden. The tree appears to be subject of a Tree Preservation Order (TH/TPO/5(1985) refers) and is growing in the Westgate-on-Sea Conservation Area. It is a significant and prominent feature of the street scene, contributing to the character and setting of the area.

From the arboricultural point of view there are two potential issues:

- The impact of construction works on the tree, and
- The impact of the tree on living conditions.

Although the tree is not shown on the current application plans I estimate the footprint of the proposed extension would be around 8.5m from its stem. The tree has a stem diameter of 585mm, which equates to a root protection area (RPA) equivalent to a circle with a radius of 7m (British Standard 5837: 2012, Trees in relation to design, demolition and construction - Recommendations), so there should be no direct impact from digging of foundations. However roots are likely to extend into the garden area, and ideally tree protection fencing should be erected to exclude access to the RPA and prevent damage from soil compaction (e.g. storage of materials, construction activity). Some branches overhang the boundary and garden by up to 3m, but there are few growing towards the proposed extension. I think it's unlikely that construction works will result in any significant impact on the tree.

Plans for the proposed extension suggest there would be a kitchen on the ground floor and a bedroom on the first floor with windows looking out towards the tree. With the stem offset from rather than directly in front of these rooms, and around 5m clearance between ground level and the lowest substantial branch, issues of light/ shading and aspect are perhaps of low significance. However the footprint of the extension will greatly reduce the outdoor amenity space/garden area of the existing property and, with the tree directly to the south, what remains will be shaded and have branches overhanging. The tree may, therefore, appear as an overbearing and imposing feature enclosing the small garden area. Although there may be some post-development pressure to remove or reduce the tree to improve light

to the garden, the tree is managed by the Highway Authority and future occupiers will not have any direct control over its management.

There would appear to be no significant arboricultural constraints on the proposed extension.

## COMMENTS

This application is referred to the Planning Committee at the request of Cllr. Braidwood, due to concerns that the proposal would result in an over-development of the site and result in a loss of privacy for the neighbouring property.

### **Principle**

The proposal relates to an existing residential dwelling and, therefore, the principle of its extension is considered to be acceptable.

The main considerations with regard to this planning application will be the impact of the proposed development on the character and appearance of the area, the residential amenity of neighbouring property occupiers and highways.

### **Character and Appearance**

The site is located within the Westgate on Sea South Conservation Area. The Council must therefore 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 203 of the National Planning Policy Framework (NPPF) 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 SP36 of the Council's Local Plan is a strategic policy which states that the council will support, value and have regard to the historic or archaeological significance of Heritage Assets.

Policy HE02 of the Thanet Local Plan requires that appropriate materials and detailing are proposed and that developments 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.

Paragraph 135 of the 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 SP35 relates to the quality of development and states that new development will be required to be of high quality and inclusive design. Policy QD02 is a general design policy and sets out that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects. External spaces, landscape, public realm, and boundary treatments must be designed as an integral part of new development proposals and coordinated with adjacent sites and phases.

Policy WSNP3 (Design guidelines) of the Westgate on Sea Neighbourhood Plan sets out, A positive approach that reflects the presumption in favour of sustainable development, as set out in the National Planning Policy Framework, should be at the forefront of all proposals. Policy WSNP7 (Conservation areas), Development proposals within the designated Conservation Areas in the Plan area, will be considered in accordance with the relevant policies in this plan and those in the adopted Thanet Local Plan, to ensure that the character and setting of the Conservation Areas is protected.

Planning consent is sought for the erection of a two storey side extension following the demolition of an existing shed. The extension would extend across to the western side of the dwelling, adjacent to the boundary with no. 11 Harold Avenue. The roof (ridge continuing across to match the existing) would incorporate a barn hip and have a catslide roof to the rear (facing Harold Avenue). A false window would be incorporated into the design of the side elevation. To the front there would be tile hanging at the first floor with a garage with kitchen behind. The extension would increase this dwelling from a three bedroom dwelling with snug and office (this latter area could be used as bedroom) to a four bedroom dwelling. In regard to materials it is stated that the finish would be red facing brickwork and hanging tiles to match the existing with red roof tiles.

In terms of the design this takes references from the original dwelling in terms of materials and fenestration. The rear elevation of the property would be most prominent from a public vantage, as this fronts the road, where the front elevation is within a private gated cul-de-sac. The ridge line will continue through and whilst normally a lower height would be sought, in this occasion a reduction would appear disjointed, however the use of a barn hip helps to reduce the mass of the roof scape visually.

The Conservation Officer has detailed she does not consider that the proposal will have a negative implication on the character and appearance of the surrounding conservation and as such raises no objection.

Taking into account the above I concur with the Conservation Officer and consider that the proposal has limited impact. The proposed extension would be seen in conjunction with the existing dwelling and would be viewed in this context. As the design is sympathetic it would not result in harm. Overall I consider the proposal to be acceptable and not to result in harm to the dwelling, immediate area including the Conservation Area.

Whilst it is appreciated that an earlier application for a detached family dwelling was refused on the site, an extension to a dwelling - physically connected is materially different in use, footprint and appearance and therefore not directly comparable to the extension now



proposed. If the extension were to be used as a separate dwelling at a later date, this would require planning permission in its own right. The design, appearance and internal layout would not lend itself to that at this stage.

The proposal is, therefore, considered to be acceptable in terms of the character and appearance of the area, in accordance with Policies SP35, SP36, HE02 and QD02 of the Thanet Local Plan, Neighbourhood Plan policy WSNP3 and WSNP7 and the National Planning Policy Framework.

### **Living Conditions**

Paragraph 123 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 135 f) details planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>49</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy QD03 of the Local Plan deals specifically with living conditions. Policy QD03 outlines that new development must not lead to unacceptable living conditions through overlooking, noise, vibrations, light pollution, overshadowing, loss of natural light or a sense of enclosure. New development should be of an appropriate size and layout to facilitate comfortable living conditions in accordance with policy QD04.

The property is adjacent to no 1 Tidewell Mews and no. 11 Harold Avenue. No 1 will not be affected as the extension is located to the opposite side of the property.

With regard to no. 11 Harold Road, the proposed extension has only false windows within this elevation - windows inset, as such no additional overlooking would occur. The extension will however bring the extension closer to the boundary, currently this is approximately 7m away- this would be reduced to 1.5m. Although the built form is 13m currently and this will be reduced to 7.5m approximately. The extension has a ridge height of 10m and the mass is reduced by the incorporated barn hip and catslide roof to the rear. No 11 has a ground floor window in the projecting part and also a projection window (only an opening facing Harold Avenue. The rear section of the building has windows at ground floor, one inset window at first floor and two further first floor windows within the rear section of the side elevation. It is appreciated that a two storey side extension closer to the boundary and to the east of no.11 will have some impact particular in the mornings, however this is not considered to be so significant that would restrict light, result in harmful overshadowing or loss of outlook.

The properties to the north are considered of sufficient distance away not to have any impact - it would be no greater than the current relationship.

The proposal is, therefore, considered to be acceptable with regards to residential amenity, in accordance with Policy QD03 of the Thanet Local Plan and para 119 of the National Planning Policy Framework.

## **Trees**

Although there are no trees within the site to constrain the proposed extension, there is a mature Norway Maple in the footway to Harold Avenue. It is not shown on the plans but the stem is to the south of and roughly in line with the flank wall of the proposed extension. The tree is presumably managed by Kent Highways, is growing in a Conservation Area and is likely also protected by TH/TPO/5(1985). It is a reasonably significant and prominent feature of the street scene, contributing to the character and setting of the area.

In his appeal decision on the previous application, the inspector appeared to give some weight to the impact of the tree on living conditions for the proposed dwelling. The currently proposed extension would introduce a kitchen on the ground floor facing the tree, rather than the lounge for the previously proposed detached dwelling, and a bedroom, so the issues of light/shading and aspect are perhaps less significant in this respect.

The footprint of the extension, however, will still reduce the outdoor amenity space/garden area of the existing property, and what remains will be shaded and have branches overhanging. As the inspector said, the tree will "appear as an overbearing and imposing feature enclosing the small garden area and views out of this rear elevation, thereby providing an unsatisfactory outlook for future occupiers...".

Advice was sought from the Councils Tree Consultant he advised that the street tree may appear as an overbearing and imposing feature enclosing the small garden area, if the extension is built out. It is acknowledged that there may be some post-development pressure to remove or reduce the tree to improve light to the garden, however, as the tree is managed by the Highway Authority and future occupiers will not have any direct control over its management. I concur with this view and would further add that as there is no direct control over the tree by a third party the potential for its loss or significant pollarding without strong justification is not a reason to reason this proposal. I consider the impact to No.2 not to be so harmful as to result in refusal.

## **Transportation**

Policy QD02 outlines that new development proposals should incorporate a high degree of permeability for pedestrians and cyclists and provide safe and satisfactory access for pedestrians, public transport and other vehicles. Policy TP06 outlines that proposals for development will be expected to make satisfactory provision for the parking of vehicles. Suitable levels of provision are considered in relation to individual proposals, taking into account the type of development proposed, the location, accessibility, availability of opportunities for public transport, likely accumulation of parking and design considerations.

The property has two off street parking spaces associated with it.

There are no proposed changes to parking arrangements across the site and therefore there would not be considered to be any adverse impact on highway safety or parking in the surrounding area.

The proposal will create a formal four bedroom house in Westgate (edge of centre location) this equates to 1.5 spaces and therefore the existing two parking spaces are considered acceptable.

As concerns are raised in regard to construction and given the limited space available within the Mews a construction management plan will be secured by condition.

It is not considered that the proposal will result in significant material harm to the local highway network or highway safety, in accordance with Policy TP06 of the Thanet Local Plan and the NPPF.

## **Other issues**

### **Third Party Representations**

In regard to the third party representations received, a number of concerns have been raised that are not discussed above, these are detailed below and a response given:

Noise nuisance - Whilst it is noted that there will be increased noise levels during construction this will be for a relatively limited period and is not considered to be a reason for refusal.

Loss of property value - This is not a material planning consideration

Loss of trees - It is also noted that whilst there are no trees within the application site, there is a large tree in the footway of Harold Avenue (Norway Maple) immediately adjacent to and directly south of the site. This tree is outside the control of the applicants and is protected by virtue of its location within a conservation area. This tree is healthy and overhangs the application site. The proposed extension would be approximately 7 metres from this tree and could be constructed without harm.

Loss of garden space - If the extension were permitted and approved there would be a good sized garden left to the rear of the property that is usable for a family.

Impacts on health - Through dust, and impacts of mental health, during the construction period this would be for a short period of time and is not considered a reason to withhold consent.

Health and safety issues for residents in the Mews - parking of vehicles during construction would be covered within the construction management plan condition.

## **Conclusion**

It is considered that the proposal would have an acceptable appearance in relation to the host property and the visual amenity of the street scene. It would be unlikely to result in any significant harm to existing residential amenities. The proposal is considered acceptable in terms of parking provision and finally the proposal is not considered to have a direct impact upon a protected street tree. It is, therefore, considered that the proposal would comply with

paragraphs 135 of the NPPF and policies SP35, SP36, QD02, QD03 of the Thanet Local Plan and is recommended for approval.

**Case Officer**

Gillian Daws

TITLE:

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Project

2 Tidewell Mews Westgate On Sea Kent CT8 8PX

