

**A03** **F/TH/23/1332**

**PROPOSAL:** Erection of 9No garages following demolition of 5No existing garages

**LOCATION:** Garages Rear Of 32 To 38 Linksfield Road Westgate On Sea Kent

**WARD:** Westgate-on-Sea

**AGENT:** No agent

**APPLICANT:** Thanet District Council

**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 development hereby approved shall be carried out in accordance with the submitted drawings numbered LR001 Rev C and LR003 Rev B,, received 8 November 2023 and, LR004 Rev A received 2 April 2024.

**GROUND;**

To secure the proper development of the area.

3 No development related works (including demolition) shall take place and no equipment, machinery or materials shall be brought onto the site in connection with the development until a tree protection plan and arboricultural method statement produced in accordance with "BS 5837: 2012, "Trees in relation to design, demolition and construction - Recommendations" have been submitted to and approved by the local planning authority and the protection measures fully implemented.

**GROUND:**

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

4 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.

5 All excavations within the existing spread of the trees to be retained shall be carried out manually; using only hand held tools and any roots exposed thereby shall be bridged over in the construction of the foundations.

### **GROUND**

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

### **INFORMATIVES**

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**

The site is located at the northern end of Linksfield Road behind Hundreds Close. The existing 5 garages are accessed from Linksfield Road. The garages are in a poor state of repair and are currently vacant. The northern boundary to the site comprises a number of trees that are protected by a Tree Preservation Order.

### **PLANNING HISTORY**

None

### **PROPOSED DEVELOPMENT**

The application seeks planning permission to demolish and rebuild the existing block of 5 garages on the same footprint, and erect a block of 4 garages adjacent to the northern boundary following the removal of 5 trees. The garages would be brick built and of the same

design as the existing garages with steel up and over doors and a felt covered timber flat roof.

## PLANNING POLICIES

### **Thanet Local Plan 2020**

QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
TP03 - Cycling  
TP06 - Car Parking

### **Westgate-on-Sea Neighbourhood Plan**

WSNP3 – Design Guidelines

## NOTIFICATIONS

Neighbours have been notified and a site notice posted and 4 representations have been received raising the following concerns:

Agree the current garage block needs renovating/replacing  
The additional 4 garages will restrict access and should be reduced to 3.  
Will access still be possible to rear of property to load/unload from rear garden  
Delivery vehicles may not be able to manoeuvre, turn and exit the site with the extra garage block being built  
Will access be kept clear  
Will access to existing garages be kept clear during construction works  
No need for 9 garages  
Concerns regarding the 4 new units on the boundary of Hundreds Farm  
Loss of trees and vegetation  
Loss of bird and wildlife habitat  
Already loss of trees and habitat from care home development - this development will remove the remaining trees  
Loss of tree line  
Construction at this and adjacent site will impact on wildlife  
The boundary is constantly overgrown and causes damage to cars when passing - will it be maintained.  
Potential noise from new tenants working on cars - what rules will be in place  
The area floods in heavy rain as the existing drainage is not working.

## CONSULTATIONS

### **Kent Highways and Transportation**

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the

current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

### **Arboricultural Consultant - follow up comment**

These additional comments are made following receipt of the Tree Development Report (Arb Impact Assessment) and Tree Survey data from Connick Tree Care, dated 15th & 12th February 2024 respectively, also their Tree Constraints Plan and Tree Retention and Protection Plan, dated 12th & 16th February respectively.

According to these documents, the proposed development requires the removal of three trees. (I note that the "Existing & Proposed Site & Location Plans (dated 08.11.23) originally submitted showed five unidentified trees to be removed for the new block of garages. I don't know the current status of this document and whether it needs to be withdrawn or amended should consent for the development be granted.)

T11 Elder Height: 3.2m BS Cat: "C" Self set tree growing on top of existing hardstanding

T12 H Chestnut Height: 6.2m BS Cat: "C" Topped at 5m, regenerating from epicormic growth & suckers

T13 Elder Height: 3.2m BS Cat: "C" Self set tree growing on top of existing hardstanding

I consider that T's 11 & 13 are too young to have been present when the TPO was made and are not protected by the Tree Preservation Order (see original comments below). Although useful components of the (admittedly overgrown & unkempt) hedge along the boundary, their removal should not be considered a significant constraint. If they have self-set on top of the existing hardstanding, they have a limited life expectancy and agree with comments on the Tree Retention Plan that they will eventually need to be removed.

T12 is a visually more significant tree, likely of an age to be protected by the TPO, but suppressed by very heavy ivy growth. Even if the ivy were removed and the tree actively managed, having been previously topped and with surviving growth coming from epicormic and basal shoots, it is unlikely to ever make a significant tree. Its value comes from its contribution to the boundary hedge feature. Given its condition, and in the context of the site and the other trees/ hedgerow along the boundary, I do not consider its proposed loss to be a significant constraint.

The documents suggest all other trees can be retained, and shows the line of protective fencing to be installed. The fence line does not protect the entire root protection areas of these trees. The tree report notes that the footprint of the proposed development will make incursions into the root protection areas (rpa's) of T10 (Horse Chestnut, 7m high), T14 (Horse Chestnut, 8m high) & T16 (Ash, 16.5m high). The Tree Retention Plan suggests that the rpa of T17 (Ash, 13.5m high) also extends as far as the rear wall of the existing garage block. The tree report and plans suggest the incursions are acceptable as root development is likely to be biased towards the north (away from the development site) due to the presence of the existing concrete hardstanding. I think this is a reasonable assumption.

In addition

- The existing hardstanding and garage foundations, providing they are maintained intact, will provide some root protection during construction works.
- The Horse Chestnut trees have previously been significantly reduced in height, so it is arguable that a smaller rpa could be justified.
- The Ash tree T16 appears to be in physiological decline, and is likely infected or susceptible to Ash Dieback Disease. Although any root disturbance would likely advance the decline, the tree is unlikely to recover good physiological condition, and so the impact of development on this tree is arguably of lesser significance.

The Tree Constraints Plan notes that the crowns of T's 5, 8, 9 &10 need cutting back to improve access to the existing garages irrespective of the proposed development. It suggests no other tree reduction is required.

Given the above, there would appear to be no significant tree constraints on the proposed development. However, any consent should be conditional on the submission of an Arboricultural Method Statement produced in accordance with section 6 of "BS 5837: 2012,"Trees in relation to design, demolition and construction - Recommendations", as suggested in my original comments below.

#### **Arboricultural Consultant - initial comment**

Trees on the adjacent site, immediately to the north of the application site, appear to be subject of an "Area" Tree Preservation Order dating from 1988 (ref. TPO No.16, 1988). The schedule to the Order states it protects trees of "whatever species", so any tree over 35 to 40 years old (i.e. present at the time the Order was made) is therefore likely to be protected. TDC's on-line mapping suggests the Order covers just boundaries of the adjacent site but the plan with the original document suggests the whole area was included (although this is not really relevant to the current application).

It is not entirely clear whether the existing trees along the boundary are growing on the adjacent site, and therefore part of the TPO, or on the application site. The boundary is quite overgrown so it's difficult to see if any fence line exists and where the trees are in relation to it (although fences do not necessarily mark legal boundaries). However I believe the original intention of the Order would have been to protect the entire line of trees along the boundary, and advise it is therefore best to assume that any trees 35+ years old are subject of the Order.

There are three mature trees behind the existing block of five garages. These garages are proposed for demolition and replacement on a similar footprint. The trees are all covered in dense ivy, appear to be of sufficient age to be subject of the TPO. Viewed from the garage area the RH tree is a Horse Chestnut, truncated at around 8m either by topping or storm damage - it's difficult to assess because of the ivy. The other two trees are Ash, and appear to be in decline. The LH tree has poor extension growth, is suppressed by the middle tree, and may also have been topped or storm damaged. Although showing signs of decline and other issues, the trees are important boundary features (given the new and pending developments on the adjacent site) and any rebuilding of the adjacent garages should be carried out in a manner that does not prejudice their retention. If consent is granted it should be subject to a condition requiring a site specific Arboricultural Method Statement detailing

appropriate fencing and construction techniques to prevent damage to the trees (sample condition below). I assume that given the garages already exist, it would be difficult to resist re-building on the same footprint.

The plans also show the removal of a number of other trees further along the boundary to allow construction of an additional block of four garages. Some are small hedgerow trees but it includes three Horse Chestnuts, all around 5m tall and again covered in dense ivy. The dense ivy and other vegetation hindered any attempt to assess the size of the stems (to judge their age relative to the TPO), but at least the two outer trees appeared to have reasonably substantial stems of a size suggesting they could be subject of the TPO. The ivy also hindered an assessment of their structural condition, given their reduced height relative to stem size may indicate damage or topping, but, even if they had to be managed to maintain a reduced height, they still have value as a boundary feature. Construction of the additional garages would therefore result in the loss of trees likely to be subject of a TPO, important as part of a continuous linear boundary feature, with no obvious land available for appropriate replacement planting. Moving the proposed garages further from the boundary to allow retention of the trees wouldn't allow sufficient space for vehicle access. There may be scope for additional garages adjacent to the existing ones, as the boundary here appears to be more hedge than trees, but given the presence of the TPO I would expect a more detailed plan and tree survey to assess any impact.

Suggested condition for Arb Method Statement:

"No development related works (including demolition) shall take place and no equipment, machinery or materials shall be brought onto the site in connection with the development until a tree protection plan and arboricultural method statement produced in accordance with "BS 5837: 2012,"Trees in relation to design, demolition and construction - Recommendations" have been submitted to and approved by the local planning authority and the protection measures fully implemented.

The documents shall address the avoidance of damage to trees at both demolition and construction phases and shall include details of:

- Trees to be removed (if any), those to be retained and new planting spaces,
- Pruning works, including work required for management and access,
- Protective fencing around trees to be retained, including ground protection where fencing may need to be set back for construction access, and for areas of proposed new planting,
- How demolition of any existing building and removal of any existing hard surfaces within or adjacent to root protection areas of retained tree(s) will be carried out without damaging the tree and its roots.
- Construction of any foundations and hard surfaces within tree root protection areas including existing and finished levels,
- Service runs or other excavations within root protection areas of retained trees,
- The location of site cabins, material storage and parking during works,
- A scheme of supervision by a competent and qualified arboriculturalist instructed by the applicant and approved by the LPA.

The approved plan and method statements submitted in support of the application shall be adhered to in full, in accordance with the approved plans, and may only be modified following written agreement from the LPA. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of

contemporaneous monitoring and compliance by the pre-appointed arboriculturalist for the period of demolition and construction."

## COMMENTS

The application is brought before members as the applicant is Thanet District Council. The main considerations in assessing the proposal are the principle of development, impact on the character and appearance of the area, impact on the living conditions of neighbouring residential occupiers and highway safety.

### **Principle of Development**

The site is located within the urban confines and the proposal relates to the replacement of existing garages and the erection of 4 new garages within the same site. It is not proposed to change the use of the land and access to the site from Linkfield Road remains unchanged.

The principle of development on this site is therefore considered acceptable, subject to the assessment of all material considerations in accordance with the National Planning Policy Framework (NPPF) and Local Plan Policies.

### **Character and Appearance**

The site is an area of land located to the rear of properties fronting Hundreds Close and to the south of the new development on the Hundreds Farm House site to the north. The site is separated from the site to the north by trees and shrubs on the boundary within the adjacent site. The trees are protected by a Tree Preservation Order (reference TPO/16(1988)).

The block of 5 garages, owned by the Council, are in a poor state of repair and are currently empty. They have a dilapidated appearance with the middle garage boarded up. The site is accessed from Linkfield Road and the garages are not immediately visible from the wider public realm due to their single storey design and the screening effect of surrounding development and trees and vegetation on the boundary.

It is proposed to demolish the existing garage block and erect a block of 5 garages on the same footprint, and erect a further block of 4 garages adjacent to the northern boundary following the removal of a group of trees. The replacement 5 garage block is 12.7 metres by 4.7 metres, and the new 4 garage block is 10 metres by 4.7 metres, and both are single storey with a finished height of 2.8 metres. The garages would be brick built with red facing brickwork, a felt covered timber roof and steel up and over doors. The existing garages have an internal floorspace of approximately 2.5 metres by 5 metres, and this is fairly small for the parking of modern sized cars, however it is intended to replace the existing garages and provide additional garages utilising the space available and the applicant advises increasing the size of the garages to a typical modern garage space of 3.6 metres by 7 metres would result in a reduced number of garages being made available. The applicant advises that the majority of the Council's existing garage stock, due to their age, would struggle to fit a modern sized car, and inspections have shown that they are rarely used for car parking, and they are mainly used for storage. For the garages to be enlarged to meet

the modern size requirements for a single car (3.6 metres by 7 metres) the number of garages would need to be reduced by 3.

The erection of a new garage block results in the loss of a small group of three trees on the boundary. The trees and vegetation provide an important boundary feature that provides soft landscaping to the area and opportunities for biodiversity. The applicant has provided a Tree Survey, a Tree Constraints Plan and Tree Retention and Protection Plan which the Council's Arboricultural Consultant has assessed and confirms the trees to be removed have poor growth and signs of decline. The Arboricultural advice notes there are 3 mature trees behind the existing garage block and that these are covered in dense ivy, and that the Horse Chestnut has been truncated at around 8 metres either by topping or storm damage. The other 2 trees are Ash that appear to be in decline from Ash dieback. There is further evidence of poor growth and signs of decline. In any event, these trees are not proposed for removal.

The three trees that are proposed for removal are T11, T12 and T13. The Council's Tree consultant has advised that the trees marked T11 & 13 are too young to have been present when the TPO was made and these trees are not protected by the Tree Preservation Order. Therefore the loss of these trees are not considered to be a significant constraint to the development. These trees may have self-set on top of the existing hardstanding and therefore likely to have a limited life expectancy and eventually be removed, as set out in the Tree Retention Plan comments.

The tree marked T12 is a visually more significant tree, and likely to be protected by the TPO, however it is covered with ivy growth, and appears to have been previously topped and therefore unlikely to make a significant tree. It is considered that its value comes from its contribution to the boundary hedge feature and, therefore the loss of this tree is not considered to be a significant constraint to the development.

The Connick Tree Care plan notes 'the replacement and new garages will be constructed on concrete raft foundations if new foundations are required. These foundations are in locations where existing foundations or concrete hard stand already exists.' The Council's Consultants confirms that the trees to be retained could reasonably be protected by protective fencing and given the presence of existing concrete hardstanding it is likely that the roof development would extend away from the site to the north.

With regards to the need for the development the applicant advises that 'there is currently around 40 people on the waiting list (total number 180), where the enquirer has specified the Westgate area as suitable for them. There is currently a lack of sites in this area. There are 5 garages at Balmoral Road Garlinge (which are all occupied) however, other than this site, there are no other sites at all in the Garlinge/Westgate/Westbrook/Birchington area, so the closest site for any residents in these areas would be central Margate.'

'Redeveloping the current dilapidated garages at Linksfield Road and adding a further 4 will alleviate pressure from the waiting list and provide a location for people where currently there are no other options.'



There is some harm to visual amenity resulting from the loss of the small group of trees and vegetation on the boundary, however the trees impacted do not appear to be protected by the Order and the one tree (T12) that is covered is in poor health and its removal, and the harm caused, needs to be weighed against the benefits of the development as a whole. In this instance the existing dilapidated garage block will be replaced and further garage space provided for which there is an identified need in the area.

Given the above the garage blocks are considered to be modest in scale and discretely located to the rear of existing properties and would not appear unduly prominent or out of keeping in this location. Provided safeguarding measures are put in place to protect the trees to be retained, to ensure the remaining trees and hedges are maintained, it is considered the impact of the development on the wider character and appearance of the area is minimal, and in line with the requirements of policy QD02 and the NPPF.

### **Living Conditions**

The garage blocks are located some distance from residential properties and would not therefore result in loss of light or outlook. The site is currently used for the parking and manoeuvring of vehicles and whilst the existing garages are vacant the addition of 4 new garages is unlikely to result in an unacceptable level of additional noise and disturbance above that which may already exist from the use of the site, which has evidence of active access to garages from this parcel of land.

Given the above it is considered that the impact of the proposed development on the living conditions of neighbouring residential occupiers would not be significantly affected by the proposed development and therefore the proposal meets the requirements of Thanet Local Plan QD03 and the NPPF.

### **Highway Safety**

Kent Highways have been consulted and advise this application does not warrant their involvement. Kent Highways do not normally comment on small scale development where there is unlikely to be a complex highway issue such as new dwellings of up to 5 units on non-classified road or change of use applications that do not involve new access onto the public highway. As this is an existing site used for parking and accessed from a non-classified road, there is unlikely to be a significant impact from the proposal on the surrounding road network.

The proposal would result in the replacement of existing dilapidated garages and the construction of additional garages. Whilst the garages would be 2.5 metres by 5 metres, and may not be capable of easily storing a modern sized car (requiring a larger 3.6 metres by 7 metres), they could provide parking for smaller cars, motorcycles and cycles.

Notwithstanding the size constraints, the development would provide additional storage facilities for which there is an identified need. The site is served by an existing access from Linksfield Road, which is a non-classified road, and given the more active use of the site resulting from the increased number of garages, it is reasonable to expect the access will be properly maintained to the benefit of pedestrians and vehicles using this part of the highway.

The access from Linksfield Road has a width of approximately 2.5 metres and the new garage block would reduce the existing width to approximately 3.5 metres at its narrowest point. As the gap is wider than that of the access road the access to the garages would continue to be usable.

Given the above it is considered that the proposed development would not adversely impact upon highway safety.

### **Other Matters**

Concern has been raised that access to existing garages and rear gardens will be blocked. At the far end of the site there are two garages to the rear of No 18 Hundreds Close, and a single garage to the rear of No 34 Linksfield Road. These are outside of the Red line of the application and do not form part of this application. However, access to the site would be retained with the gap between the new garage block being approximately 1 metre wider than the access road from Linksfield Road. The maintenance of access is a private civil matter and not considered through this application.

The construction process is regarded as temporary in nature and noise nuisance complaints are considered through Environmental Health and would be a civil matter and is not considered to be a material consideration in the determination of this planning application.

Similar concerns regarding noise and disturbance from activity within the site, such as tenants working on cars, would need to be directed towards Environmental Health.

Flooding and drainage during periods of heavy rain are not considered to be material considerations in the determination of this planning application.

### **Conclusion**

The proposed development would have limited harm on the character and appearance of the area and would provide garages in an area for which there is an identified need. The trees being removed are of poor quality and two of the trees are not covered by the tree preservation order. There will be limited impact on the living conditions of nearby residential occupiers. Therefore it is recommended that members approve the application, subject to safeguarding conditions.

### **Case Officer**

Rosemary Bullivant

TITLE:

F/TH/23/1332

Project

Garages Rear Of 32 To 38 Linksfield Road Westgate On Sea Kent

