

D07

F/TH/24/0563

PROPOSAL: Erection of 1 No three storey 4-bed detached dwelling following demolition of existing garage together with erection of white rendered/stone wall (maximum height 3.2m) to side boundary, and white rendered/aluminium panel wall/piers/gate (maximum height 2m) to front boundary and external alterations to the Dutch House

LOCATION: 30 North Foreland Road BROADSTAIRS Kent CT10 3NN

WARD: Kingsgate

AGENT: Mr Tony Michael

APPLICANT: Mr Mark Dixon

RECOMMENDATION: Defer & Delegate

Defer and delegate for approval subject to the receipt of a satisfactory signed legal agreement to secure the contributions towards the SAMM project within 6 months 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 and the approved drawings numbered 002A Site (received 20/11/24), 002D (received 20/11/24), 003C (received 20//11/24), 003D Site (received 20/11/24), 004D (received 20/11/24), 004G Site (received 20/11/24), 004G100Site (received 20/11/24), 005E (received 20/11/24), 006D (received 20/11/24), 007E (received 20/11/24). 008C (received 20/11/24), 009C (received 20/11/24), 0010D (received 20/11/24), 0011D (received 20/11/24), 0012D (received 20/11/24), 0013E (received 20/11/24), 0014F (received 13/12/24), 0015C (received 20/11/24) and 0016C (received 20/11/24)

GROUND

To secure the proper development of the area.

3 The dwelling hereby permitted shall be constructed in accordance with the Pre-Emptice Conditions Details statement and application form unless otherwise agreed in writing by the Local Planning Authority.

GROUND

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

4 Prior to the first use of the roof terrace hereby approved, a privacy screen of not less than 1.7m in height shall be provided and maintained to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and permanently retained thereafter as shown on drawings numbered 002D, 003C, 004D, 0011D, 0012D .

GROUND

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy QD03 of the Thanet Local Plan.

5 Prior to the first occupation of the dwelling hereby approved the proposed changes to the side elevation of the Dutch House as shown on drawing numbered 002D shall be fully carried out and therefore after maintained.

GROUND

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy QD03 of the Thanet Local Plan.

6 Prior to the first occupation of the dwelling hereby approved the proposed boundary between the Dutch House and proposed dwelling shall be fully erected and thereafter maintained.

GROUND

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy QD03 of the Thanet Local Plan.

7 The bedroom and en-suite window in the side elevation of the dwelling hereby approved and as shown on drawing numbered 004D and 0010D) shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and top hung only and shall be installed prior to first occupation of the development hereby permitted and permanently retained thereafter.

GROUND

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

8 The windows to be provided in the side elevations of the dwelling hereby approved, where annotated on drawing number 004D shall be provided and maintained with a cill height of not less than 1.73 metres above the finished internal floor level.

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.

9 Prior to the first occupation of the dwelling hereby approved the existing side roof terrace shall not be used as a balcony, roof garden or similar amenity area without the granting of a further specific planning permission.

GROUND

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy QD03 of the Thanet Local Plan.

10 Notwithstanding The Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or reenacting those orders with or without modification), the development shall not be constructed other than as a self-build or custom build dwelling as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and shall not be used for any other purpose without express planning permission.

GROUND

For the avoidance of doubt and in the interests of proper planning in accordance with the NPPF.

11 Prior to the first occupation of the dwelling hereby approved visibility splays of 2 metres by 2 metres behind the footway on both sides of the access with no obstructions over 0.6m above footway level shall be provided and thereafter maintained.

GROUND

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

12 Prior to the first occupation of the development hereby approved, details of the design of the electric vehicle charging points, to be located as shown on the approved plan numbered 0014F, shall be submitted to, and approved in writing by, the Local Planning Authority, and thereafter implemented and maintained as approved.

GROUND

To protect air quality, in accordance with Policy SP14 of the Thanet Local Plan and the advice as contained within the NPPF

13 The area shown on the approved plan numbered 0014F for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

GROUND

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

14 The development hereby approved shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway.

GROUND

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

15 Prior to the first occupation of the dwelling, the secure cycle parking facilities, as shown on approved drawing no. 004G Site and 0015C shall be provided and thereafter maintained.

GROUND

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

16 Prior to the first use occupation of the dwelling hereby approved, the vehicular access and associated vehicle crossing point onto the highway, as shown on the approved plan should be completed and made operational.

GROUND

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

17 Any vehicular access gates shall open away from the highway and be set back to a minimum of 5.5 metres from the edge of the highway.

GROUND

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

18 The development hereby permitted shall incorporate measures to prevent the discharge of surface water onto the highway.

GROUND

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

19 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 / signals

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.

20 Prior to the first occupation of the development hereby approved, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. all hard and soft landscape works, as shown on the approved plans shall be fully carried out.

Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. 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 as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

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

21 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110 litres/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 110 litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

SITE, LOCATION AND DESCRIPTION

The application site relates to a detached property on the eastern side of North Foreland Road, Broadstairs. The subject site has a detached three storey property in situ (known as The Dutch House) and to the existing southern site boundary there is a detached hipped roof single garage. There is a vehicular crossover which currently serves the site, at the southern end of the site. The site slopes down from North Foreland Road so that houses that front North Foreland Avenue are at a lower level.

The area proposed to accommodate the additional dwelling is to the south of the existing property.

The site is within the Broadstairs area of High Townscape Value as identified in the Broadstairs and St Peters Neighbourhood Plan.

RELEVANT PLANNING HISTORY

FH/TH/21/1462 - Erection of a detached garage, front boundary wall and gates to replace existing, and relocation of existing road crossing. Granted 07/12/2021

F/TH/97/0117 - Erection of a 1.8M high close boarded fence along the front boundary. Granted 04/04/1997

F/TH/96/0614 - Change of use and conversion from hotel to single dwelling. Granted 20/09/1996

PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a detached dwelling. The proposal would see the removal of the existing detached garage built under planning reference F/TH/21/1462 and the erection of a dwelling located between nos. 30 (The Dutch House) and 28 North Foreland Road.

The overall proposed plot has a frontage of 13.4m and a depth of 44.5m, the proposed dwelling itself is 9m wide and a 15m depth (excluding porch entrance). The proposed dwelling would be set back off the highway in a similar line to the two dwellings it would sit between. The proposed dwelling would be three storey when viewed from the front, but due to the change in levels would be four storey from the rear. The dwelling would have a tiered width; the upper floor having a reduced width to the lower floors and have a flat roof with a balcony to the rear. The dwelling would accommodate four double bedrooms on the upper two floors with a kitchen and dining area with gym at the lower ground floor and the ground floor having an integral garage study, utility and lounge area.

Materials for the proposed dwelling are indicated to be black aluminium, white painted render to the exterior walls. The planning application form indicates that this would be a self-built dwelling.

This application was originally to be reported to November's Planning Committee but following a discrepancies with the plans and an incorrect dimension given within the officer report it was withdrawn from the agenda. The plans have now been updated and the dimension given corrected within the officer report.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

- SP01 - Spatial Strategy - Housing
- SP12 - Broadstairs
- SP13 - Housing Provision
- SP14 - General Housing Policy
- SP26 - Landscape Character Areas
- SP27 - Green Infrastructure
- SP29 - Strategic Access Management and Monitoring Plan
- SP30 - Biodiversity and Geodiversity Assets
- SP35 - Quality Development
- SP36 - Conservation and Enhancement of Thanet's Historic Environment
- SP43 - Safe and Sustainable Travel
- SP44 - Accessible Locations

H01 - Housing Development
GI04 - Amenity Green Space and Equipped Play Areas
HE03 - Heritage Assets
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

Broadstairs and St Peter's Neighbourhood Plan

BSP2 - Important Views and Vistas
BSP4 - Seafront Character Zones
BSP7 - Areas of High Townscape Value
BSP9 - Design in Broadstairs and St Peter's

NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice posted close to the site.

11 representations were received objecting to the application (this includes some objectors writing in more than once). The concerns raised can be summarised as follows:

- * Proposed development is not in keeping with other houses
- * Property is four storey not three storey
- * Informed that it would be a smaller property
- * First and second floors protrude significantly further than the Dutch House
- * Overlooking
- * Subsidence concerns
- * Damage to neighbours trees
- * Concerns about parking
- * Are there any restrictive covenants on the land?
- * Overbearing
- * The Dutch House should be a listed building
- * Landscape of North Foreland being diminished
- * Would set a precedent for future development in the road
- * Question if the development would have a potential impact on the navigational light of this lighthouse
- * Impact on the lighthouse as a Grade II listed building
- * Application form not on website
- * No preliminary ecological appraisal
- * No mention of BNG
- * No mention of self-build but committee report details this
- * No drainage, topographical survey, heritage impact assessment or arboricultural report
- * Upper floor could be a self-contained unit of accommodation

* Impact upon area of High Townscape Value

A list of names and addresses of people supporting the development has also been submitted with 46 persons adding their name to it.

In relation to the amended plans 6 further representations were received, detailing the following:

- * Impact upon listed building
- * Drawings incorrect
- * If permitted dwellings will be very close to one another
- * Question if boundary wall being constructed
- * Impact upon wildlife
- * Highway impacts/safety

A list of names and addresses of people opposed to the application submitted by a neighbour has also been submitted with 57 people named upon it.

Broadstairs and St Peters Town Council: The Committee unanimously recommends REFUSAL on the grounds that there is no Conservation Officer's report. The proposed application goes against the Broadstairs and St Peter's Neighbourhood Plan Policies BSP7 - Areas of High Townscape Value and BSP9 - Design in Broadstairs and St Peter's. There are also concerns regarding increased on street parking in relation to the chicane at this point of the highway with lack of space and visibility issues.

Broadstairs Society: It was only by driving through the area it became clear that North Foreland Road is contained within the North Foreland High Asset Area identified in the Broadstairs and St. Peter's Neighbourhood Plan. The Town Council considers parts of Broadstairs and St. Peter's to possess certain characteristics meriting special recognition. These areas have been defined as Heritage Asset Areas and were formerly known as Areas of High Townscape Value. Although previously allocated in the District Local Plan, this was not the case for the current Local Plan and policy recognition has only been provided through the Neighbourhood Plan.

Nonetheless, it is important they continue to be protected through planning policy so that any development proposals protect and enhance the special characteristics of the area.

As to the proposals themselves, to have a flat roofed building between properties that have sloping roofs is incongruous and the special characteristics of the area would be skewed. The Society feels the advice of the Conservation Officer should be sought before coming to any conclusions.

In addition, the road is particularly narrow and there are highway issues that need to be resolved.

CONSULTATIONS

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

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The design of the proposed basements and on site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide adequate protection to basements from the risk of flooding.

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.

KCC Highways: *Final comment (following receipt of revised plans)* To the best of my knowledge, from a highways perspective plans have been amended only in that a cycle store has been added. This should be secured by condition. The remainder of my comments are unchanged and are included below.

As noted previously having undertaken assessment of vehicular visibility I am content that splays are not significantly different from the existing crossover, and the bend in North Foreland Road will cause drivers to travel at lower speeds. The area for parking also allows vehicles to enter and exit in a forward gear which is preferable.

The gates have now been omitted from plans, but it should be secured by suitably worded condition that any gates erected would be 5.5m from the highway edge and open away from the highway.

Any wall or metal railings should be no higher than 0.6m in height within pedestrian visibility splays and I would note that current elevations require amendment to satisfy this matter. This will also be a betterment to vehicular visibility.

Therefore, I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- * Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

- * All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

- * Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.

- * Use of a bound surface for the first 5 metres of the access from the edge of the highway.

- * Provision and permanent retention of secure, covered cycle parking facilities shown on the submitted plan (Drawing No. 004) prior to the use of site commencing.

- * Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

- * Any gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.

- * Provision of measures to prevent the discharge of surface water onto the highway.

- * Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (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 / signals

Further comment (following receipt of revised plans) - As noted previously having undertaken assessment of vehicular visibility I am content that splays are not significantly different from the existing crossover, and the bend in North Foreland Road will cause drivers to travel at lower speeds. The area for parking also allows vehicles to enter and exit in a forward gear which is preferable.

The gates have now been omitted from plans, but it should be secured by suitably worded condition that any gates erected would be 5.5m from the highway edge and open away from the highway.

Any wall or metal railings should be no higher than 0.6m in height within pedestrian visibility splays and I would note that current elevations require amendment to satisfy this matter. This will also be a betterment to vehicular visibility.

Therefore, I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- * Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.
- * All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>
- * Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- * Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- * Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- * Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- * Any gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.
- * Provision of measures to prevent the discharge of surface water onto the highway.
- * Submission of a Construction Management Plan

Further comment (following receipt of revised plans) - The proposed dwelling is served by an existing access, as approved under application reference FH/TH/21/1462. I am content that allocating this access to serve the new dwelling will not worsen existing arrangements.

The existing dwelling however requires the formation of a new dropped kerb and vehicle crossover. The pedestrian visibility shown on plans appear to be unsatisfactory, as the slatted cedar railings along the frontage will obstruct visibility unless they are under 0.6m in height. Gates should also be setback a minimum of 5.5m from the highway edge, allowing a vehicle to pull off of the highway to prevent obstruction.

Having undertaken assessment of vehicular visibility, I am content that splays are not significantly different from the existing crossover and the bend in North Foreland Road will cause drivers to travel at lower speeds. The area for parking also allows vehicles to enter and exit in a forward gear which is preferable.

I note that EV charging and cycle storage have not yet been sited on plans for assessment, and should be included on any additional supporting information submitted. Cycle stores

should have a minimum of one space per bedroom in a secure and enclosed unit. I would be grateful therefore if you would forward any amended plans or additional information to me for my further consideration.

Initial comment - Access arrangements are unclear however it appears the existing house requires a new crossover, so that the existing may serve the new dwelling. This would be subject to planning permission and it should be noted that planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.

A site plan inclusive of visibility splays should be submitted for any new access. Visibility splays of 2.4 metres by 43 metres are required in both directions (based on the 30 mph speed limit) drawn to the nearside carriageway edge. These splays must have no obstruction over 1.05 m in height and must only fall over land that is under the control of the applicant or KCC as the local highway authority.

2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level should also be submitted.

Garages do not count towards parking provisions as per Kent Design Guide, as they are often underutilised. Two independently accessible spaces should therefore be shown on plans for both the existing and proposed dwellings with a minimum 6m aisle for manoeuvre. Bays should be a minimum of 2.5m wide and 5m in length. This ensures residents in both dwellings would be able to turn within the driveways to exit in a forward gear.

Any new gates should be amended to open away from the highway and to be set back a minimum of 5 metres from the edge of the carriageway to prevent vehicles waiting on the highway.

Secure and enclosed cycle parking storage should be included on plans, with a minimum of one space per bedroom.

All dwellings with private off-street car parking should have an electric vehicle (EV) charging point installed and this should be subject to a planning condition. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list

COMMENTS

This application is referred to the Planning Committee at the request of Cllr Alan Munns, due to concerns that the development would be out of keeping in the conservation area and represent an over-development. Officers would confirm that the site is not within a conservation area but an Area of High Townscape Value, as designated in the Broadstairs Neighbourhood Plan Policy BSP7.

The main considerations in assessing the submitted scheme are the principle of development, the impact upon the character and appearance of the area and nearby heritage assets, the impact upon living conditions of neighbouring property occupiers and the impact upon highway safety.

Principle

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. In determining whether housing on the site would be acceptable, the need for housing in the district will therefore need to be balanced against other issues such as the sustainability of the site, character and appearance of the proposed development and highway safety.

Policy SP01 for the Thanet Local Plan states that; "The primary focus for new housing development in Thanet is the urban area." Policy HO1 of the Thanet Local Plan states that residential development on non-allocated sites within the confines of the urban area can be granted where it meets other relevant Local Plan policies.

The application site is located within the urban confines of Broadstairs and is partially non previously developed land (garden) and part previously developed (where the existing detached garage sits). The principle of residential development on the site is, therefore, considered to be acceptable and consistent with the principles of the National Planning Policy Framework and the council's local plan, subject to the assessment of all other material planning considerations.

Character and Appearance

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 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.

Policies BSP2, BSP4, BSP7 and BSP9 of the Broadstairs and St. Peter's Neighbourhood Plan are also relevant to this application.

Policy BSP2 (Important View and Vistas) states that development proposals should respect and not detract from the views and views identified as important within Broadstairs and St Peter's.

Policy BSP4 (Seafront Character Zones) seeks to ensure that all development located within a seafront character zone accords with the development principles for that zone and includes a statement setting out how that has been achieved. It is noted that the application site lies within seafront character zone 5 which relates to stretches of coastline that are predominantly undeveloped where it is seen as important to protect the remaining unspoilt predominantly rural sections of the coast.

Policy BSP7 (Areas of High Townscape value) states that within such areas the conservation or enhancement of the local character will be the primary planning aim and that development will be supported only where the design, scale of development, separation between buildings, use of materials and landscaping are complementary to the special character of the area. Applications within an area of high townscape value are expected to apply the design codes set out in the AECOM Design Guidance and Codes for Broadstairs & St Peter's and show how proposals have adhered to these codes and how the design of the scheme is locally distinctive. The application is supported by a Planning Statement that provides the design context.

Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan sets out that development proposals should conserve and enhance local character and design features, aim to strongly reflect the characteristics of the area, and to ensure that they do not lead to an unacceptable impact on neighbouring amenity.

The application site lies within the wider developed area of North Foreland and is not the rural undeveloped coastline that policy BSP4 seeks to protect.

The proposed development is for a 4 storey (total maximum) detached dwelling that includes a semi basement level (due to the change in levels at the site) with areas for amenity together with off street parking to the frontage (including EV charging point). The vehicular access and pedestrian access to the site would be taken from North Foreland Road via an existing access, a new vehicular crossover would be created for the donor house to allow it to have its own independent off street parking. The proposed dwelling would have areas of garden to the front and rear. The new dwelling would also retain the existing summer house within its garden.

The proposed dwelling takes design cues from the donor property (in terms of horizontal emphasis of fenestration within its rear facade and vertical emphasis in its front facade and overall building height); The Dutch House (no 30). It is noted that the individual design of properties within the area varies considerably, with a wide range of styles, proportions and materials. It is, therefore, considered that the dwelling would reinforce this variety that currently exists within the area. It is noted that the proposed dwelling would be constructed of render and flat roofs, examples of which are currently found within the North Foreland

area. No objection is therefore raised to the approach adopted for the proposed dwelling or its proposed materials.

The overall proposed plot has a frontage of 13.4m and a depth of 44.5m, the proposed dwelling itself is 9m wide and a 15m depth (excluding porch entrance).

The dwelling would have a separation distance to The Dutch House flank wall of approximately 4.4m.

There is a separation to no. 28 North Foreland Road and the proposed house of between 2.5 -4.2m from its flank wall.

There is a separation of just over 18m to the rear boundary of the proposed house from its rear wall.

The dwelling would be set back from North Foreland Road (footway) by approximately 8.8m. It is considered that the degree of separation between the proposed dwelling and the application site boundaries is comparable with the spaces around other dwellings in North Foreland Road; (nos 36-40 even, Chalk, Flint and no 30, nos 18-10 even). It is, therefore, not considered that the proposed dwelling would have an adverse effect on the spacing and openness of the area. The proposed development would be seen against the various residential developments along North Foreland Road and surrounding roads and it is not considered that it would be overly dominant or imposing when seen in long or short views.

The proposed dwelling would be spread over four floors following the excavation of the site (lower ground floor, ground floor, first floor and a second floor) with an overall height of 8.7m, however, due to the change in levels from the road, the height appears less (approximately 8m). Nevertheless the proposed dwelling is of a height that corresponds to the properties which flank it. Properties within this part of North Foreland Road are a mix of two storey and three storey and it is not considered that the proposed dwelling would appear out of keeping with the street scene and the character of the area.

It is noted that the Broadstairs Town Council query if a report is required by the Conservation Officer; it is confirmed that the site is not within a Conservation Area nor is it a listed building or identified as a locally listed building and therefore this is not considered necessary. It is, however, noted that the site is in proximity to the North Foreland Lighthouse which is listed, the impact is assessed later within this report.

The Broadstairs and St. Peters Neighbourhood Plan states that 'these areas do not warrant conservation area status but designation as an Area of High Townscape Value enables the Town Council to maintain and enhance their character and appearance to a similar level of protection.' Taking into account the assessment above, officers consider that the proposed development complies with this policy.

It is, therefore, considered that the dwelling would not have an adverse impact on the character or appearance of the area and the application meets the criteria of Policies QD02 of the Local Plan and BSP2, BSP4, BSP7 and BSP9 of the Broadstairs and St. Peter's Neighbourhood Plan and the guidance of the NPPF.

Living Conditions

Paragraph 124 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.

Local Plan policies QD03 and QD04 are also relevant to this application. Policy QD03 (Living Conditions) states that all new development should:

- 1) Be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.
- 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04.
- 3) Residential development should include the provision of private or shared external amenity space/play space, where possible.
- 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass.

Policy QD04 requires that all new development will be expected to meet the new technical standards as follows:

- 1) internal space standards;
- 2) water efficiency standard of 110litres/person/day.

The proposed dwelling sits between two dwellings, one being the donor property and as such this relationship can be managed to make the relationship acceptable. In addition there are also residential properties to the rear of the site. These relationships are now assessed.

Firstly in relation to the Dutch House (donor property), this is located to the north of the proposed dwelling. Currently the Dutch House has a number of openings, both windows and doors within the side elevation as well as a roof terrace that would face the proposed dwelling. These openings are at ground, first and second floor levels. In order to address this a proposed side elevation has been produced for the Dutch House, this shows a new boundary wall at a maximum of 3.2m- so that protects the privacy of the ground floor windows, removal of the rear room glazing and construct solid wall, a 1.7m high privacy screen at first floor, removal of French doors and replacement with window to remove access to the side roof terrace, rear roof terrace reduced, removal glazing and construct solid wall to rear room at second floor level. These changes are covered within the application, although most would be largely permitted development - alterations to glazing, however, the height of the boundary treatment would mean it requires planning permission as would the privacy screen.

The proposed dwelling has side windows facing the Dutch House, however these are positioned at high level or serving non habitable rooms. Where there is a rear balcony this would have a 1.7m privacy screen; which could be secured by condition.

It is considered that a condition could be attached that precludes the use of the side roof terrace area to prevent harm to either occupier.

In addition a condition could also be attached that requires certain work to be carried out prior to the first occupation of the proposed dwelling in order to protect the amenity of both occupiers.

As such I do not consider that there would be overlooking to either occupier that would be unacceptable.

As the proposed property is to the south of the Dutch House and the proposed property would not extend further back than the existing and have a similar front building line, I consider there to be minimal impact in terms of loss of light, overshadowing.

A high boundary treatment is proposed between the dwellings, given the change in site levels whilst seeming high it would need to be of this scale to prevent overlooking from windows between 2m and 3.2m. In terms of outlook, the windows within the Dutch House that would face this elevation serve a gym, which is a secondary room space, and the rear area is a hallway linking rear and front living spaces. Whilst it is appreciated that there will inevitably be some loss of outlook and sunlight due to the orientation this is not considered to be harmful, given the use of the areas.

The windows and door openings within the front elevation would face into the front garden and towards North Foreland Road where there is mutual overlooking from the public highway and, as such, this is not considered to result in harm.

In regard to no. 28, the proposed dwelling is to the north, the proposed dwelling would have a similar front building line, but extend slightly further back than no. 28, by approximately 4m. This projection would, however, not affect the 45 degree line taken from the centre of the nearest window.

When considering the 45 degree guideline, the following factors should be taken into account:

- * The availability of alternative sources of natural light to the affected room(s);
- * The size and function of the room;
- * Other buildings or features in the area which may, for example, already cause loss of light and overshadowing;
- * The orientation of the building; and
- * The design and character of the property and nearby properties.

In addition as the proposed dwelling is to the north, it would not affect direct sunlight to the property. Whilst there is one side facing window within no.28, this is located in the front portion of the side elevation and appears to be a secondary window to a room facing the front, as such I consider there to be no harm to outlook. The windows proposed within the side elevation of the proposed house would be high level or serve a non habitable room, with the exception of the window serving bedroom 2. This window however, would not face directly into the window within no. 28 and I do not consider there to be direct overlooking to this window or the rear amenity space that would be unacceptable. With regards to

new/additional windows if the dwelling is approved/built it is recognised that the insertion of new windows that are of a similar appearance to those used in the construction of the house that are in an upper-floor side elevation must be obscure-glazed and either non-opening or more than 1.7 metres above the floor level otherwise they require planning permission in their own right.

In regard to the dwellings that front North Foreland Avenue, there is a distance of separation of approximately 31m to 'Domus', in addition there would be an existing single storey outbuilding adjacent the boundary. There would be a separation distance of 39m between the rear of the proposed dwelling and 'Oakside' and existing hedgerow. It is appreciated that the houses within North Foreland Avenue area at a lower level to those in North Foreland Road, however, similar relationships prevail. The distance of separation is good and is greater than normally sought, given the change in levels that exist between the two sites. As such this is not considered a reason for refusal.

Accordingly with the additional measures proposed and as analysed above I consider that the impact would be acceptable upon neighbour amenity.

Refuse and cycle storage for the proposed dwelling are shown to be slatted cedar clad units. The refuse store is not shown, however, it could be easily accommodated in the large rear garden, the bicycle store is shown to be behind the existing summer house.

As the proposed unit has two or more bedrooms an area of doorstep play space will be required in order to comply with the requirements of policy GI04 - Amenity Green Space and Equipped Play Areas. Doorstep play space is defined as a playspace for young children which is immediately adjacent to, closely visible and safely accessible from the dwellings served. The submitted plan clearly demonstrates a private amenity space to serve the proposed dwelling and therefore complies with this policy.

In terms of the living conditions of the future occupiers of the proposed dwelling/s, Policy QD03 requires new development to be of an appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in Policy QD04. The internal space standards referred to in Policy QD04 are the National Described Space Standards (March 2015). Paragraph 135 of the National Planning Policy Framework requires development to provide a high standard of amenity for existing and future users. All windows serving primary habitable rooms are required to provide an acceptable level of outlook, natural light and ventilation for all primary habitable rooms, the above is demonstrated within the submitted plans for this proposal.

The proposed development is, therefore, considered to be acceptable in terms of the living conditions of adjacent neighbouring properties, in accordance with Policy QD03 and future occupiers in policy QD04 of the Thanet Local Plan and paragraph 135 National Planning Policy Framework.

Transportation

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the

residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Under Policy QD01, all developments are required to: 1) Achieve a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes (subject to HE05 where applicable), 2) Make the best use of solar energy passive heating and cooling, natural light, natural ventilation and landscaping, 3) Provide safe and attractive cycling and walking opportunities to reduce the need to travel by car. Policy QD02 relates to general design principles and states amongst other principles that developments must incorporate a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access and Improve people's quality of life by creating safe and accessible environments, and promoting public safety and security by designing out crime. Policy TP02 details development will be expected to be designed so as to facilitate safe and convenient movement by pedestrians including people with limited mobility, elderly people and people with young children whilst Policy TP03 states new development will be expected to consider the need for the safety of cyclists and incorporate facilities for cyclists into the design of new and improved roads, junction improvements and traffic management proposals. TP06 requires development will be expected to make satisfactory provision for the parking of vehicles.

The site has an existing vehicular access located at southern end, this would be utilised by the new dwelling and a new access provided to the existing dwelling.

In considering the level of parking provision in respect of proposals for residential development (use class C3), the Council will have regard to the guidance provided in Kent Design Review: Interim Guidance Note 3 - Residential Parking or any subsequent guidance.

This sets out that four bedroom houses within the suburban area should have two independently accessible spaces. The dwellings curtilage would continue to provide 2 no. off street spaces to the front of the existing and proposed dwelling and as such the proposal would accord with Local Plan Policy TP06 and Kent Design Review: Interim Guidance Note 3 - Residential Parking 2008.

Given the location of the proposed dwelling within the built up residential area of Broadstairs, although a little way from the town centre it is acknowledged that there is limited access to public transport but has pedestrian links. Nevertheless, as it is only a 5 minute drive to the main High Street, and could be easily cycled to. So whilst there will be a reliance on driving rather than walking, the fact that this would be a small-scale, single dwelling and its approval is unlikely to have any significant effect on the overall travel patterns within the area. The proposal makes provision for on site car parking spaces as well within the site together with cycle storage. It is considered that this is sufficient to serve the proposed development. It is not, therefore, considered that the proposed development would have an adverse effect in relation to highways and parking.

KCC Highways, after initially seeking some amendments and clarification have confirmed that they have no objection to the proposal and recommend conditions relating to pedestrian visibility splays, electric vehicle chargers, provision and permanent retention of the vehicle parking spaces, use of a bound surface, covered cycle parking, completion and maintenance

of the access, any gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway, measures to prevent the discharge of surface water onto the highway and submission of a Construction Management Plan. Given the sites context and nature of the development these conditions are considered reasonable and relevant and meet the conditions tests.

The impact upon highway safety is, therefore, considered to be acceptable.

Ecology and Biodiversity Net Gain

Paragraph 192 a) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

Thanet Local Plan Policy SP30 (Biodiversity and Geodiversity Assets) states development proposals will, where appropriate, be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets. Sites should be assessed for the potential presence of biodiversity assets and protected species. For sites where important biodiversity assets, including protected species and habitats including SPA functional land, or other notable species, may be affected, an ecological assessment will be required to assess the impact of the proposed development on the relevant species or habitats. Planning permission will not be granted for development if it results in significant harm to biodiversity and geodiversity assets, which cannot be adequately mitigated or as a last resort compensated for, to the satisfaction of the appropriate authority.

A document entitled preemptive conditions was submitted in support of the application. This details amongst other things that common or cherry laurel is to be planted where needed to enhance existing hedgerows at the front, rear and side, existing planting would be relocated in proposed planting bays together with additional planting including 5 holly tree, fragrant mouseberry and cherry laurel as indicated on the submitted plans, this would in my view address the loss of turfed garden that currently exists.

The application has been submitted as a self-build dwelling, as identified on the application form and is therefore exempt from the 10% Biodiversity Net Gain requirements. The construction/use of this dwelling as a self-build dwelling is secured via condition to ensure the dwelling is delivered in this manner.

In terms of Policy SP30 the proposal whilst seeing the site developed would provide areas of landscaping and a formal garden area within the site and it is considered that planting within these areas would provide opportunities to enhance the ecology/biodiversity within the plot to comply with SP30.

Contributions

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for

which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified.

Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

This application includes a draft Unilateral Undertaking which provides the required financial contribution for the 4 bed residential unit to mitigate the additional recreational pressure on the SPA area. If planning permission is approved, this can be signed by relevant parties to ensure the contribution.

Other matters

Local Plan HE03 sets out that the Council supports the retention of local heritage assets, including structures, features and gardens of local interest. Proposals that affect both designated and non-designated heritage assets will be assessed by reference to the scale of harm or loss of the significance of the asset in accordance with the criteria set out in the NPPF.

The site is located approximately 83m from North Foreland Lighthouse (to the building). The proposed dwelling would be located between existing established dwellings and seen within this context and as such it is not considered that the proposed dwelling would result in material harm to the setting of the listed building that would result in a refusal.

Concerns have been raised that the proposed dwelling could impact upon the light from the lighthouse and affect its intended purposes of a warning beacon to shipping. Officers consider that given that the proposed dwelling would continue the street scene by effectively infilling a gap and would be at a lesser height than the Dutch House it would not impact the lighthouses function.

Discrepancies with the plans were raised through third party representation which led to the application's withdrawal from the November Committee agenda.

The plans have been updated, as detailed above these plans are considered to be accurate for officers to make an assessment of the proposal including its relationship with neighbouring properties. Officers would acknowledge that the depth of the plot that the Dutch House sits in is incorrect and this is due to the curvature of North Foreland Road not being accurately shown, but this does not affect the decision making ability or assessment of the case.

Damage to neighbouring properties either during construction or as a result of the development would be a civil matter and does not form a material planning consideration.

Restrictive covenants are not material planning considerations.

It is confirmed that each planning application is treated on its own merits as circumstances between individual sites are different.

Conclusion

The NPPF (2023) (Paragraph 2) states that Planning Law requires that application for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise, as set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

The overriding objective of the NPPF is a presumption in favour of sustainable development.

The application seeks full consent for a detached dwelling within the garden area of an existing residential dwelling.

The principle of residential development on the site would be acceptable in accordance with the Development Plan.

The report has shown that the proposed dwelling itself is acceptable in all regards being of a scale, mass, design and appearance that relates well to the site and its wider setting and would not result in harm to the area or area of High Townscape Value, would not result in highway safety or neighbour amenity issues due to proposed measures and design/layout with issues such as construction management issues, parking and self-build project being able to be suitably conditioned.

It is therefore recommended that Members defer and delegate the application subject to securing a signed unilateral undertaking and safeguarding conditions.

Case Officer

Gillian Daws

TITLE:

F/TH/24/0563

Project

30 North Foreland Road BROADSTAIRS Kent CT10 3NN

