

2. Site and Surrounding Context

2.1. The Council's first reason for refusal stated:

1. 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.

2.2. This section of the Appeal Statement reviews the relevant design-related planning policies and material considerations to demonstrate that the proposed residential development would be an appropriate addition to the site and can be successfully integrated into the surrounding area, without detrimental impact upon the character and this area.

Planning Policy

2.3. Policy QD02 of the Thanet Local Plan states that the primary planning aim in all new development is to promote or reinforce the local character of the area. Specific reference is made in the policy to the following design principles:

- Relate to the surrounding development, form and layout.
- Respect and enhance the character of the area.
- Permeability and safe access for pedestrians and cyclists.
- Safe and accessible environments.

2.4. This policy also states that residential development on garden land will be permitted where it is not judged to be harmful to the local area in terms of the character and residential amenity, and where the intrinsic value of the site as an open space is not considered worthy of retention.

2.5. In addition to adopted local planning policies, Paragraph 130 of the National Planning Policy Framework (2021) is also of relevance. This paragraph states that planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

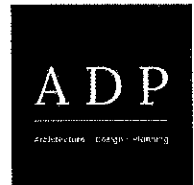
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

2.6. The National Design Guide was published in October 2019 and is also of relevance. This guide introduces ten characteristics that work together to inform well-designed places. These characteristics are:

- Context – enhances the surroundings.
- Identity – attractive and distinctive.
- Built form – a coherent pattern of development.
- Movement – accessible and easy to move around.
- Nature – enhanced and optimised.
- Public spaces – safe, social and inclusive.
- Uses – mixed and integrated.
- Homes and buildings – functional, healthy and sustainable.
- Resources – efficient and resilient.
- Lifespan – made to last.

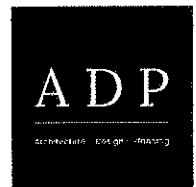
Design Considerations

- 2.7. It is explained in this section that the Council has misunderstood the site's context and has subsequently, taken an overly restrictive assessment that is not a true reflection of the actual proposal or its impact upon the site and surrounding area.
- 2.8. In making their decision, the LPA's officers report indicates that the development is acceptable in principle and that the proposed materials are suitable. However, it is their view that the appeal site stands as open garden land that they consider provides an important transition between the two-storey development adjacent to it and the 3 storey dwellings of Nos. 1 and 2 Tidewell Mews. They consider that the proposed development would appear cramped when viewed in the context of the dwellings found along Harold Avenue.
- 2.9. The following comments discuss the proposal in the context of the area and draws upon the guidance set out in the National Design Guide, which states:
- Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary (paragraph 41).
 - Well-designed new development will be integrated into its wider surroundings, physically, socially and visually (Paragraph 42).
 - Well-designed places do not need to copy their surroundings in every way (Paragraph 43).
- 2.10. Please also see Appendix A for contextual photographs of the site and surrounding area, and Appendix B, which presents an existing and proposed ground figure plan.



The Character of the Street

- 2.11. The appeal site is located off Harold Avenue and forms part of the streetscene. Tidewell Mews is itself a recent mews development that is accessed from Harold Avenue with its dwellings backing onto Harold Avenue. As such, the dwellings within Tidewell Mews form part of the character along Harold Avenue.
- 2.12. The site comprises a gap between two existing buildings, and the proposed dwelling would constitute infill development. This gap in the streetscene is an anomaly in the streetscene, which is otherwise characterised by a tighter urban grain. It is not a garden that has intrinsic value as an area of open space in the streetscene and is not worthy of retention.
- 2.13. Harold Avenue itself has a varied character along its length, and there are distinct differences between the northern side, where the appeal site is located and the southern side. Whilst the northern and southern sides are located along the same road, these differences in character mean that development on either side should be considered on their own merits.
- 2.14. The key contextual characteristics of Harold Avenue can be summarised as follows:
- 2.15. **Street Landscaping** – The northern side of Harold Avenue is tree-lined. This green character along this side of the street acts to screen the dwellings located along this road. Indeed, the appeal site is well screened by existing landscaping along the road and is not clearly evident as an open space until up close to it.
- 2.16. By contrast there is little landscaping along the southern side of the road, albeit there is some limited in-plot planting.



- 2.17. **Boundary Treatment** – The plot boundaries along the northern side of the road are characterised by low walls, with hedging behind it. The combination of this hedging and the on-street trees means there only partial views of the dwellings located along this side of the road. As mentioned above, these characteristics limit views of the appeal site until up close to it.
- 2.18. By contrast, the southern side of the road also has a low boundary wall, but with some limited landscaping. The lack of in-plot landscaping and on-street planting means that the dwellings along this side of the road are more visible in the streetscene. It is therefore these dwellings along the southern side of the road that dominate the built character of the street.
- 2.19. **Built Form** – The northern side of the road is characterised by the various built forms, ranging from a bungalow, row of terraces, block of flats and detached narrow fronted dwellings. These buildings are all 20th and 21st Century properties. The buildings are however largely screened from the street due to on-street planting and in-plot hedging.
- 2.20. The southern side of Harold Avenue has a different character to the northern side. This side of the road includes a brick terrace, with hipped roofs, tile bay windows, but it also includes a number of uniformed 19th Century, wide-fronted detached properties, with stone material and brick quoin, and use of bay windows. These 19th Century properties give this side of the street a strong character.
- 2.21. **Building Line** – The northern side of Harold Avenue is characterised by a varied building line, with buildings being set back from the road by between 3m and 8.5m.
- 2.22. Nos. 1 and 2 Tidewell Mews, which neighbour the appeal site to the east are setback

from the road by between 4.75m and 5.25m. The flatted block to the west of the appeal site is set back approximately 4.15m from the road.

- 2.23. The southern side of the street has a formal building line that is set approximately 4m back from the road.
- 2.24. **Gaps in the Streetscene** - The appeal site is the only large gap in the street frontage that does not serve a road. This gap is an anomaly in the streetscene and nor do such gaps occur in the surrounding streets, such as, Westbury Road and St Mildred's Road. As such the development would be a logical infill plot. This gap does not hold any intrinsic value to the character of the street.
- 2.25. Prior to the development of Tidewell Mews and that of the flatted block to the west of the appeal site, there existed only one dwelling with its accompanying land on these sites, which, over time were infilled to be more in-keeping with the rest of Harold Avenue.
- 2.26. To emphasise this characteristic of minimal gaps in the streetscene:
- The gap between No. 1 Tidewell Mews and the opposite end-terrace dwelling is 6.6 m. This gap serves the mews road that provides access to the parking to the rear.
 - The gap between Nos. 1 and No 2 Tidewell Mews is approximately 1.2m.
 - The gap between No. 2 Tidewell Mews and the flatted block along Harold Avenue is 13.2m.
 - The gap between the flatted block and No. 7 Harold Avenue is just

1.75m.

- Nos. 3 to 7 Harold Avenue form a terraced block and have no gaps between them.
- The gap between No. 2 Tidewell Mews and the proposed dwelling would amount to approximately 1m.
- A gap of 6.3m between the proposed development and the flatted block would still be retained and would be comparable in width to the gap adjacent to No. 1 Tidewell Mews.

2.27. On the southern side of the road there is a consistent gap of approximately 1.75m between each building.

2.28. As Harold Avenue turns the corner, the buildings have a terraced form with narrow gaps between the building blocks.

2.29. **Plot Widths** – There is some variety in the plot widths along the northern side of Harold Avenue, whereas the southern side has a more consistent plot width. The plot widths can be summarised as follows:

- The dwellings within Tidewell Mews are predominantly terraced with no gaps, with the exception of Nos. 1 and 2 Tidewell Mews. The terraced dwellings have a 5.6m plot width.
- No. 1 Tidewell Mews has a plot width of 6.8m.
- No. 2 Tidewell Mews' plot width is currently 13.5m but is proposed to be reduced to 6.3m. The appeal site forms of part of this site, and itself would have a plot width of 6.6m if allowed.

- The flatted block has a plot width of approximately 20m.
- The terraced housing at Nos. 3 to 7 Harold Avenue have plot widths of approximately 6m each, with an additional 1.5m gap on the end terraces.

2.30. The plots on the southern side of the road generally have a width of around 12m.

2.31. The proposed plot widths for No. 2 Tidewell Mews and the new dwelling would be comparable with the plot widths found along Harold Avenue.

2.32. **Building Widths** – The building widths along this road also vary.

- The dwellings along Tidewell Mews are predominantly terraced and have a width of 5.6m.
- No. 1 Tidewell Mews is approximately 5.5m wide.
- No. 2 Tidewell Mews is approximately 5.8m wide.
- The proposed dwelling is approximately 5.8m wide.
- The flatted block is approximately 15m wide.
- The terraced housing block [Nos. 3 to 7 Harold Avenue] is approximately 24m wide.

2.33. The detached houses along the southern part of the street are approximately 11m wide.

2.34. The proposed building width is comparable to that found within the street.

2.35. **Building Heights** – Nos. 1 and 2 Tidewell Mews are both approximately 10m in height.

The flatted block is approximately 8.25m in height.

- 2.36. The proposed dwelling, like Nos. 1 and 2 Tidewell Mews would be approximately 10m in height and given the gaps to the neighbouring flatted block, such height would be acceptable in the streetscene.
- 2.37. **Appearance** – Nos. 1 and 2 Tidewell Mews are both narrow fronted gable properties with a distinctive use of materials and detailing e.g. use of hanging tiles and timber detailing in the gable frontage. These details are commonly found in the historic properties along Harold Avenue and in wider streets.
- 2.38. The replication of this style and appearance for the proposed dwelling would therefore be entirely appropriate within this context.
- 2.39. **Conservation Area** – During the application process the Council's Conservation Officer was consulted about the proposal. The Conservation Officer made the following comments:

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.

- 2.40. The proposed scheme was therefore considered acceptable in the historic context of the area.

Summary

2.41. Taking into account the character of the street, the following conclusions can be drawn to demonstrate that the proposed dwelling would comfortably integrate into the existing streetscene and comply with national and adopted local planning policy.

- The existing gap is an anomaly in the street and does not reflect the overall character of the street, nor hold any intrinsic value. The proposed development would constitute a logical infill within an existing street frontage.
- Like other dwellings along the northern side of Harold Avenue, the proposed dwelling would be set back from the road by approximately 4.75m and would be screened by the existing landscaping found along the street.
- The gap between the proposed dwelling and its neighbouring properties would be reflective of the gaps found between the existing buildings along Harold Avenue. There would still be a sizeable gap of approximately 6m to the neighbouring 2-storey flatted block to the west.
- The proposed plot width of 6.6m is comparable with both Nos. 1 and 2 Tidewell Mews but also the houses along the northern side of Harold Avenue.
- The proposed building width reflects that of Nos. 1 and 2 Tidewell Mews and is comparable to other houses found along the northern side of Harold Avenue.
- The proposed building height would reflect the height of Nos. 1 and 2



Tidewell Mews. Given the 6m gap to the flatted 2-storey block, and the 4.75m set back from the street, set behind landscaping, this building would not physically dominate the streetscene or its neighbours.

- The proposed dwelling replicates the appearance of Nos. 1 and 2 Tidewell Mews.
- As confirmed by the Council's Conservation Officer, this building would be an acceptable addition to the Conservation Area and street.

2.42. Contrary to the comments made by the Council in their decision notice, the proposed development would not result in a cramped form of development, with its design having been carefully considered to reflect the characteristic of the area and can be successfully integrated into the streetscene.

3. Residential Amenity

3.1. The Council's second reason for refusal stated:

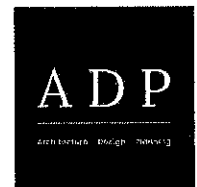
2. The proposed development by virtue of the location of the parking space associated with the adjoining dwelling (No. 2 Tidewell Mews) and siting of the dwelling in close proximity to the protected Norway Maple tree, would result in potential noise, disturbance and limited outlook to the habitable space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

3.2. In the Council's delegated report, it is suggested that the residential amenity impact is related to potential overlooking of No 11 Harold Avenue, noise and disturbance associated with the proposed parking space and shadowing from a tree over third party land.

3.3. It is explained below that the Council has misjudged the impact of the proposed development upon neighbouring amenity.

Planning Policy

3.4. Policy QD03 of the Thanet Local Plan considers living conditions. This policy states that all new development should not lead to unacceptable living conditions through



overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.

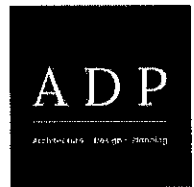
- 3.5. Policy SP35 of the Thanet Local Plan requires new development to be of a high quality and inclusive design.

Overlooking

- 3.6. The Council noted that there would be two windows in the flank wall of the proposed dwelling facing No. 11 Harold Avenue, which provide light to the staircase at first and second floor levels. The Council indicated that any potential issue with these windows could be dealt with by a condition requiring them to be obscure glazed. This would be an acceptable solution.

Noise and Disturbance

- 3.7. In the Council's delegated report it was noted that the parking space retained to serve No. 2 Tidewell Mews would sit in front of the kitchen window of the proposed dwelling. This window is one of two windows at ground floor level serving the front of the dwelling. The other window serves a WC.
- 3.8. It is the Council's view that the vehicle movements of No 2 Tidewell Mews would adversely affect the occupiers of the new dwelling in terms of noise and disturbance and overlooking.
- 3.9. It is disappointing that the Council failed to act positively during the application process, as they failed to engage with the applicant to explore design measures to overcome the concerns raised.



- 3.10. A simple solution of re-allocating the parking spaces, to ensure that the parking space retained to serve No.2 would sit in front of the WC window of the proposed dwelling would resolve the issue identified by the Council. This arrangement can be controlled by planning condition.
- 3.11. Alternatively, a simple solution of a reconfiguration of the ground floor layout would resolve the issue identified by the Council. An amended floor plan is presented in Appendix C, and we request that these plans be taken forward in the event of a positive decision.

Street Trees

- 3.12. It is the Council's view that the amount of shade from the Norway Maple street tree to the south-west of the appeal site would produce a detrimental effect upon the proposed private amenity garden space and internal areas of the dwelling.
- 3.13. The Norway Maple street tree is located approximately 7m to the south-east of the appeal site.
- 3.14. Whilst the tree will provide some shadowing at certain times of the day, given that it is located to the south-west of the appeal site, there will be large portions of the day when no shadowing would occur upon the south-facing rear aspect of the proposed dwelling and amenity area. For example, during the summer months, the property and garden would receive sunshine in the morning up until around noon and again in the late afternoon after approximately 4pm. Image 1 in Appendix A highlights that the appeal site is not subject to excessive shadowing during the morning in the winter months.
- 3.15. Comparatively, the terraced dwellings of Nos. 3 to 8 Tidewell Mews are orientated to

