

Appeal Decision

Site visit made on 15 February 2017

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 March 2017

Appeal Ref: APP/J2210/D/16/3165444

'Hermon', 7 West Cliff, Whitstable, CT5 1DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Condor against the decision of Canterbury City Council.
 - The application Ref 16/02308, dated 30 September 2016, was refused by notice dated 25 November 2016.
 - The development proposed is *'To create off-street parking space for single car. A permeable surface will be used. The removal of the current low wall and installation of a dropped kerb will be necessary.'*
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Reason for Refusal No 2 in the Council's decision notice refers to 'Policy BBE3' of the emerging Canterbury District Local Plan Publication Draft. From the appeal papers and documents provided I can, however, find no reference to such a policy, and can only assume this to be a typographical error.
3. Having read the other policies referred to and their respective purposes I have reasonably assumed that the Council's intention was instead to cite Policy DBE3. In the context of the Council's case, therefore, I have had regard to Policy DBE3, accordingly.

Main Issues

4. The main issues are:
 - i) the proposal's effect on the character and appearance of the surrounding area, with particular regard to the site's conservation area location; and
 - ii) the effect of the proposal on highway safety.

Reasons

Character and appearance

5. The appeal property is a semi-detached dwelling of late Victorian age which, in common with the majority of properties on this side and stretch of West Cliff, has kept its characteristic front wall intact. Built of yellow-stock brickwork the
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wall matches that of the dwelling which is set behind the property's front garden and wall enclosure. The proposal seeks to remove the wall and lay down a resin-bound permeable surface to allow for the off-street parking of a private motor vehicle. This would be facilitated by the creation of a vehicular crossover.

6. The site lies within the Whitstable Town Conservation Area which is largely characterised by close-knit period age buildings. From my site visit I observed that most properties along West Cliff have retained their front gardens, although there are a few exceptions such as No 8, whose front curtilage has been opened up and hardstanding laid to allow for vehicle parking. Nonetheless, such arrangements are clearly in the minority and I consider that the garden walls add characteristic detail to the streetscene. Most importantly, they also provide attractive settings for the majority of the street's dwellings. In this context, alterations such as those proposed and consequential on-site parking would weaken the street's visual quality.
7. In exercising planning powers when determining development proposals in conservation areas there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In light of my findings I cannot agree with the appellant's view that the proposal would significantly improve the appearance of the property. On the contrary, the wall's demolition, the laying of an uncharacteristic permeable surface and parking thereon would have the opposite effect and would conflict with the aims and requirements of the design and conservation based policies cited by the Council in its decision notice.
8. Although I consider that the harm resulting would be less than substantial in the context of the Conservation Area as a whole there are insufficient public benefits arising from the proposal to outweigh my findings in this regard.
9. On the first main issue I thereby conclude that the proposal would be harmful to both the character and appearance of the Conservation Area, contrary to Policies BE1 and BE7 of the adopted Canterbury District Local Plan Review (ACDLP) and Policies DBE3, DBE10, HE6 and HE8 of the emerging, replacement Local Plan, the Canterbury District Local Plan Publication Draft (ECDLP). I find these policies of particular relevance and, more generally, the proposal is also contrary to relevant advice within the National Planning Policy Framework.

Highway safety

10. Although the appellant states that the plan has a length of 4.9m the submitted site plan actually shows a front curtilage depth annotated as 4.4m up to the front bay-window. His grounds of appeal mention that the greater measurement is true but, as my site visit was unaccompanied and did not allow me to enter the site, I was not able to take measurements and confirm this. I did, though, attempt to gauge the dimension by looking over into the property.
11. In my experience parking standards produced by Councils often require a minimum of 4.8m length, although I note that Canterbury City Council's adopted standard gives a preferred length of 5.5m. In this particular instance, given the appellant's own discrepancy of 0.5m, and from my visual estimation, I consider that the length available is quite possibly inadequate. It is also unrealistic for the appellant to suggest that, as his car has a depth of only

3.54m, on-site parking would be satisfactory. It is quite likely that this will alter over time as vehicles and occupiers will change. As such, parked vehicles might in future overhang the footway which, in the event, could be dangerous to pedestrians and prejudicial to highway safety.

12. The appellant is also of the view that the proposal would effectively allow for an extra kerbside space; that being in the space directly fronting the crossover. Such practice would be inconsiderate and create inconvenience, requiring for the parked vehicle blocking the vehicle on the driveway to be moved in order to allow for egress. Finally, the appellant would appear to suggest that the application was not handled by the Council so as to meet his expectations. I am not able to make comment on any such matter as I have no evidence of such before me and, moreover, my remit is limited to the planning merits, or otherwise, of the proposal itself.
13. On this main issue I conclude, in the absence of any firm evidence to the contrary, that the proposal is likely to be harmful to highway safety. This would be contrary to ACDLP Policies BE1 and C9 and ECDLP Policies DBE3 and T9.

Conclusion

14. I have found harm on both main issues, which is compelling. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR