

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/16/3166319

Beach Lodge, Tower Hill, Whitstable, CT5 2BW

- 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 & Mrs Keeley against the decision of Canterbury City Council.
 - The application Ref 16/02262, dated 26 September 2016, was refused by notice dated 16 November 2016.
 - The development proposed is '*Demolition of existing conservatory, erection of a single-storey rear extension, insertion of French doors at first floor leading to new balcony.*'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has not raised concerns as to the proposed extension itself, only the considered impact from the intended use of its flat roof as a balcony. As such, I will limit my assessment to that of the planning merits, or otherwise, of the intended creation of an outside balcony in this particular location.
3. Given that the proposal would be set at the rear of the property the Council does not consider that the proposal would affect the character or appearance of the Tankerton Conservation Area within which the appeal site falls. Nonetheless, I have still had special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. My findings in this regard are consistent with the Council's approach.

Main Issue

4. The main issue is the proposal's effect on the living conditions of neighbouring occupiers, particularly those residing at the nearby property, No 26A Beach Walk.

Reasons

5. The appeal dwelling is a bungalow set on sloping land. The ground level drops towards the rear of the property and beyond where No 26A is situated. Fronting Beach Walk, its rear elevation faces the rear garden of Beach Lodge, the appeal property.
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6. The proposed flat-roofed extension would project directly from the rear elevation and deeper than the existing conservatory structure which it would replace. Relevant planning policies to measure the proposal against are contained within both the adopted Canterbury District Local Plan First Review (ADLP) and its eventual replacement, the emerging Canterbury District Local Plan Publication Draft (EDLP). ADLP Policy BE1 requires that new development be of a high quality design and, amongst other things, that regard is had to the privacies and amenities of adjacent users. This requirement is reflected in EDLP Policy DBE3 whilst Policy DBE10 thereto specifically mentions that alterations and extensions should not result in an unacceptable loss of privacy and amenity to neighbouring buildings.
7. The appellants dispute the Council's calculation on the distance to the boundary of No 26A and make the point that, from their rear garden, they can already look towards this property's facing first floor window. However, the actual distance aside, I consider there would be a marked difference between the propensity for overlooking from that existing to that which would be possible from a terrace elevated to the bungalow's eaves height. The latter, compounded by the drop in land levels and also the fact that there is little depth to No 26A's rear garden, would likely involve its facing ground floor windows and its rear garden also being overlooked should the extension's flat roof be used for sitting-out purposes. Indeed, I consider that the loss of privacy occasioned would amount to a resulting degree of intrusion beyond that which the neighbouring occupiers could reasonably expect given the current circumstances.
8. I attach little weight to the appellants' other points, namely that the appeal dwelling has a balcony to its frontage which overlooks the house opposite and that the Council received no written objections to the proposal. The balcony mentioned is, in fact, an original feature and, moreover, it is imperative that planning decisions are made with regard to both existing and future occupiers. As such, neither point is sufficiently compelling to outweigh my concerns as to the adverse impact arising from the use of the balcony created.
9. I thereby conclude that the proposal would be harmful to the living conditions of neighbouring occupiers and this would materially conflict with ADLP Policy BE1, EDLP Policies DBE3 and DBE10 and relevant advice within the National Planning Policy Framework.
10. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR