
Appeal Decision

Site visit made on 13 March 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 21 March 2017

Appeal Ref: APP/J2210/W/16/3165820
86 Russell Drive, Whitstable, Kent CT5 2RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs R Carroll against the decision of Canterbury City Council.
 - The application Ref 16/01078, dated 15 June 2016, was refused by notice dated 30 September 2016.
 - The development proposed is a detached dwelling on land adjacent to 86 Russell Drive Swalecliff Whitstable Kent CT5 2RQ following demolition of the existing detached garage and including off-street parking for both the existing and proposed dwelling with access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal was made in outline, with appearance, landscaping, layout and scale reserved for future consideration. As such no elevations are provided, although the proposed site plan shown on Drawing No. 225/01B shows for illustrative purposes how a new dwelling might be built on the site. I have determined the appeal on that basis.
3. The Council has referred to policies set out in the Canterbury District Local Plan Publication Draft (2014). The examination on this document has concluded and the Council is consulting on Main Modifications to the plan. Furthermore, the aforementioned policies are broadly consistent with the National Planning Policy Framework (the Framework), so I have attached moderate weight to them in reaching my decision, in accordance with paragraph 216 of the Framework.

Main Issues

4. The main issues in the appeal are:
 - The effect of the proposal on the character and appearance of the surrounding area;
 - Whether the proposal would provide adequate private amenity space for the occupiers of No 86 Russell Drive and the proposed dwelling; and
 - The effect of the proposal on the Thames, Medway and Swale and Thanet Coast and Sandwich Bay Special Protection Areas.
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Reasons

Character and appearance

5. The appeal site comprises a bungalow with a detached garage and off-street car parking to the side. There are a number of other properties in the vicinity located on corner sites, such as Nos 73 and 75 Woodman Avenue which have a similar layout, and which contribute to the spacious, suburban character of the area.
6. Whilst the layout, scale and appearance are not for consideration in this appeal, in order to accommodate even a modest dwelling the appeal development would take up a large proportion of the appeal site as a whole, and the resulting plot to accommodate the new dwelling would be considerably smaller than that of any of the surrounding properties. As a result the proposal would be out of character with the prevailing pattern of development within the area.
7. The appellants consider that a recent planning permission for a dwelling at No 81 Woodman Avenue¹ has set the development principles for the area. However, that scheme appears to me to be an exception to the general form of development in the locality, where bungalows are set within relatively generous plots, particularly on corner sites such as in the present appeal. In addition, all the dwellings within that section of Woodman Avenue maintain a frontage to the street, unlike the appeal scheme. The Council has also pointed out that it was unable to demonstrate a five year supply of deliverable housing sites at the time that dwelling was permitted, and this is no longer the case. Nonetheless, I consider that the circumstances of the appeal proposal are materially different to that of No 81 Woodman Avenue, and thus afford this matter little weight in reaching my decision.
8. I therefore conclude that the proposed development would cause material harm to the character and appearance of the surrounding area, contrary to Policy BE1 of the Canterbury District Local Plan (LP) (2006), and Policies DBE3 and DBE7 of the Canterbury District Local Plan Publication Draft (2014). These policies require development, amongst other things, to be of a high quality that positively contributes to its local context. It would also conflict with the Guidelines to Control Residential Intensification Supplementary Planning Document (2008), which requires that the size of building plots are similar to that prevailing in the area.

Adequacy of private amenity space

9. Whilst layout is a reserved matter, the shape of the plot indicates that the dwelling would be located broadly in alignment with the front building line of the donor property, as shown on the proposed illustrative site plan². This would result in only a narrow strip of land retained to the rear of the proposed dwelling for a garden space.
10. The site plan notes that a possible outside patio could be provided at the rear of the dwelling but this would be a very narrow space and would be likely to be in shadow for much of the day. It is also suggested that a sunroom under the first floor level might be possible. It is unclear if this would be part of the

¹ Ref. CA/14/01164/FUL

² Drawing No. 225/01B

dwelling or an outside space, but in any case I am unconvinced that this would provide an adequate solution to the lack of useable and private amenity space to the rear.

11. Furthermore, taking into account the position of the expanded driveway to accommodate 2 off-street car parking spaces, the remaining area to the front of the proposed dwelling would be small and would lack privacy. As the proposed detached dwelling could accommodate a family, the inadequate size and quality of the private amenity space that could be provided by the proposal would harm the living conditions of future occupiers.
12. Turning to the host property, the existing front garden of No 86 would be reduced in size due to the construction of a new driveway for off-street car parking and the sub-division of the plot. However, there is also an existing area directly outside the conservatory at the western end of the site. Whilst this is bounded by a wall of approximately 1m in height and thus not particularly private, the area has a quiet suburban character and the space would be of a sufficient size and orientation to allow sitting out, drying clothes, gardening and so on. As such the proposal would not cause unacceptable harm to the living conditions of the occupiers of donor property.
13. Nevertheless, taking all of the above into account, I conclude that the proposal would fail to provide adequate private amenity space for the occupiers of the proposed dwelling. It would thus be contrary to LP Policy BE1, which seeks to safeguard the amenities of adjoining properties.

SPA Mitigation

14. The Council has advised that the site lies within the zones of influence of the Thames, Medway and Swale and Thanet Coast and Sandwich Bay Special Protection Areas (SPAs), and that there is a risk of further decline in the numbers of key bird species present within the SPAs as a result of additional housing in the area that would increase the number of recreational visits by future occupiers of those dwellings to the coast.
15. The proposal would create one net additional dwelling, and therefore a financial contribution would be required towards strategic access, management and monitoring (SAMM) within each SPA, to be provided through a legal agreement, to make the development acceptable.
16. However, as no unilateral undertaking has been submitted with the application or appeal I conclude that the proposal would fail to provide appropriate mitigation for the SPAs. It would therefore be contrary to LP Policy NE1 and Policies LB9 and SP7 of the Canterbury District Local Plan Publication Draft (2014). These policies state, amongst other things, that development should not be permitted if it would have an adverse effect on protected habitats or species and that mitigation may be required in accordance with guidance produced by the Council.

Other Matters

17. The appellants would like to build the dwelling so that their family would be able to care for them in their mature years, as they are in poor health. However, whilst this might be desirable for the appellants, their personal circumstances do not outweigh the harm that would be caused for the reasons I have set out above.

Conclusion

18. For the above reasons I conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR