

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: 22nd March 2017

Appeal Ref: APP/J2210/W/16/3165084

22 Maydowns Road, Chestfield, CT5 3LL

- 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 J Peckett against the decision of Canterbury City Council.
 - The application Ref 16/01878, dated 1 August 2016, was refused by notice dated 18 November 2016.
 - The development proposed is described in the application as “the demolition of existing single storey dwelling and erection of 2 x semi-detached dwellings.”
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposal on the character and appearance of the surrounding area, and the effect of the proposal on the Thames, Medway and Swale and Thanet Coast and Sandwich Bay Special Protection Areas.

Reasons

Character and appearance

3. At the time of the site visit the single storey flat roofed bungalow that was situated within the appeal site had been demolished, and the site cleared. Maydowns Road is predominantly formed of detached bungalows, although these are interspersed with some examples of larger detached and semi-detached two storey houses.
 4. The proposal would involve the erection of a pair of semi-detached two storey houses, with roof accommodation incorporating dormers to the rear and roof lights in the front roof slope. Whilst the roof ridge and eaves height would be broadly comparable with that of No 24, a substantial detached property to the east of the appeal site, this is a particularly large property and the proposed dwellings would be much taller than Nos 16, 18 and 20 immediately to the west, which are bungalows of a more modest scale.
 5. Moreover, although housing types and sizes do vary within the road, the plot widths for each dwelling would be significantly narrower than any other plot in the vicinity. As a consequence the dwellings, by reason of their tall and narrow appearance, would be incongruous with the pattern of development in the area.
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6. The appellant contends that the recent planning permission for a detached bungalow¹ would not make the most efficient use of the appeal site, but such considerations must be balanced with the need for proposals to be sympathetic to the character of the surrounding area. The two dwellings would have the same footprint as the permitted detached dwelling. This would result in a cramped development that would be at odds with the character of the area, where houses are substantially greater in width than those subject of this appeal.
7. Although the Council are concerned with the extent of hardstanding within the frontage, the submitted plan² shows that part of each frontage would be given over to soft landscaping. This could be controlled by an appropriate condition. As the proportion of hardstanding would not differ significantly from that of other neighbouring properties, there would be no harm in this respect.
8. Nevertheless, taking all of the above into account, I conclude that the proposed dwellings would harm the character and appearance of the surrounding area, contrary to Policy BE1 of the Canterbury District Local Plan First Review (LP) (2006) and the *Guidelines to Control Residential Intensification SPD (2008)*. The proposal would also conflict with policy DBE3 of the Canterbury Local Plan Publication Draft (2014). These policies require proposals to take account of the form and density of development, including height, scale and massing.

Effect on Special Protection Areas

9. The Council require a financial contribution per net additional dwelling to mitigate the impact of development on the Special Protection Areas, as set out in its *Strategic Access and Monitoring Plan* and LP Policy NE1. The appeal would result in one net dwelling, and as future occupiers would be likely to place additional recreational demand on land within the SPAs, the aforementioned contribution would be necessary to make the development acceptable.
10. The appellant contends³ that a section 106 agreement has been submitted to overcome the second reason for refusal but the Council say they have not received this and there is no such agreement before me. Without mitigation the proposal would have an adverse effect on the integrity of these European sites and thus I conclude that the proposal would be contrary to LP Policy NE1. It would also conflict with policies SP7, LB5 and LB9 of the Canterbury District Local Plan Publication Draft (2014). I have given the latter policies moderate weight given their broad consistency with the National Planning Policy Framework, and the fact that the examination into the plan has concluded. These policies all require the protection of habitats and species and mitigation where there is likely to be an adverse effect.

Other Matters

11. There are concerns that the proposal would affect the outlook and privacy of the occupants of dwellings to the rear of the appeal site, but I consider there would be sufficient separation between habitable windows to avoid undue overlooking, and there are other buildings of a similar height along Maydowns

¹ Ref. 16/02874

² Drawing Ref. 16/1706/PL01 Rev B

³ Paragraph 2.17 of the appellant's Statement of Case

Road such that the outlook for neighbouring occupiers would not be unacceptably affected.

12. I also note concerns regarding flooding from groundwater and capacity for waste water. However, the Council has permitted a replacement dwelling on the site and there is no evidence before me to suggest that provision for surface and waste water could not be adequately managed through appropriate conditions.
13. Finally it would be possible to deal with concerns relating to noise and disturbance during construction by the imposition of a condition requiring a construction management plan to be submitted to and approved by the Council.

Conclusion

14. For the reasons set out above I conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR