
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/16/3156682
113 Tankerton Road, Whitstable, CT5 2AN

- 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 Gary Munday against the decision of Canterbury City Council.
 - The application Ref CA/15/02769/FUL, dated 23 December 2015, was refused by notice dated 1 July 2016.
 - The development proposed is the erection of a rear two storey extension forming 1 no new unit, single storey rear extension forming 1 no new unit and new loft conversion to existing dwelling thus forming 3 no single bed units.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The postcode was given on the application form as CT5 2AJ, but the parties are now describing it as CT5 2AN on the decision notice and appeal form, so I have used this latter postcode in the banner heading above.
3. The appellant submitted a revised plan prior to the determination of the application. This shows the flat roof of the single storey rear extension as 2.7m in height rather than 3.1m in height as shown on the plans submitted with the application. The appellant wishes the appeal to be determined with reference to the amended plan. As this would reduce the height of the rear extension I do not consider that any party would be prejudiced by my consideration of the amended plan.
4. The Council has also cited policies in the Decision Notice that are set out in the Canterbury District Local Plan Publication Draft 2014. It is consulting on Main Modifications to this document until 24 March 2017 and Policies DBE3 and DBE10 are broadly consistent both with the adopted policies in the Local Plan First Review (2006) and the National Planning Policy Framework. Consequently I attach moderate weight to these policies.

Application for costs

5. An application for costs was made by Mr Gary Munday against Canterbury City Council. This application is the subject of a separate Decision.

Main Issue

6. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers in relation to outlook.
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Reasons

7. The appeal property is a mid-terrace two storey building within a parade of shops. The ground floor shop unit is accessed only from the front, and a separate residential unit within the appeal site includes a ground floor kitchen and three bedrooms and a bathroom on the first floor.
8. The proposal would involve the construction of two front dormers to provide a kitchen and living space and bathroom on the first floor, and one bedroom on the second floor. Two further residential units would be created within a two storey and single storey rear projection.
9. The two storey element would be approximately 6m in depth, with a pitched roof, and would be built the full width of the plot. As there is an existing two storey rear extension of about 4m in depth at no 117, the appeal proposal by reason of its excessive height and depth, in combination with the presence of the extension at No 117 would create an unacceptable sense of enclosure, and would appear overbearing when viewed from the rear habitable windows of that property, which serve a kitchen and bedroom, to the detriment of the occupants of that property.
10. The single storey element would project about 13.7m beyond the two storey extension. No 109 Tankerton Road, which sits within a separate terrace block, has a large single storey rear projection close to the common boundary with No 111a of about 7m in depth, and the main rear elevation is set back about 3m beyond that of No 111a. The boundary enclosure between Nos 113 and 111a is approximately 2m in height.
11. No 111a Tankerton Road is a self-contained flat with living accommodation at first floor level and a kitchen on the ground floor with a door and small window within the rear elevation. As the kitchen is not a habitable due to its small size and galley layout, a reduction in the light to that room would not cause unacceptable material harm to the living conditions of the occupiers of that property.
12. The Council's appeal statement notes that it does not object to the single storey element of the scheme. Nevertheless, the excessive height and depth of the two storey and single storey extensions when taken together, would make the rear garden of No 111a appear noticeably gloomier and enclosed, taking into account the existing large single storey projection at No 109. The reduction in height of the flat roofed single storey element from 3.1m to 2.7m would not be sufficient to ameliorate this harm.
13. The occupiers of the existing residential accommodation at No 113 would not be adversely affected by the proposed rear extension as the internal alterations include the conversion of the existing ground floor kitchen to a communal space, cloakroom and storage.
14. I have noted other single storey rear extensions within the locality including at No 117. The extension at No 117¹ has a two storey element of about 5m in depth, with a single storey projection of approximately 8m, giving a total depth of circa 13m. Whilst that extension is taller in height at 3.1m, the appeal proposal would be about 18.5m long overall, and thus considerably greater in depth. I also accept that there is a large single storey building which forms

¹ Ref. CA/13/00355

part of Tankerton Garage at No 107, but this is a long established use. As such the presence of other large single storey structures would not justify extensions of a similar size.

15. For the above reasons I conclude that the proposal would cause material harm to the living conditions of the occupiers of Nos 111a and No 115 Tankerton Road. This would be contrary to Policy BE1 of the Canterbury District Plan First Review (2006), which seeks to safeguard the amenities of surrounding occupiers in all new development. It would also conflict with Policies DBE3 and DBE10 of the Canterbury District Local Plan Publication Draft (2014), which require amongst other things that alterations and extensions do not result in overlooking and overshadowing of adjacent occupiers. Although the Canterbury District Local Plan Publication Draft (2014) has not yet been adopted, the examination of the plan has concluded and consultation on Main Modifications is underway, and no significant alterations to these policies are proposed. Consequently I have given them moderate weight in determining this appeal.

Other Matters

16. Concerns have been expressed that use of the narrow track to the rear could cause damage to nearby properties but no car parking is proposed as part of the development. Furthermore, although residents are also concerned with a perceived undersupply of off-street car parking, there are regular bus services along Tankerton Road, the site is within a reasonable walking distance from the railway station and is close to local shops and services. Consequently future occupiers would not be reliant on the private car.
17. The Council has stated² that the site lies within the zones of influence for the Thanet Coast and Sandwich Bay SPA and the Swale SPA. The proposal would result in two net dwellings and Natural England has confirmed that a financial contribution would be required for strategic mitigation in order to prevent any significant effect on these European Sites. The Council has stated that the appellant was advised on 29 January 2016 that a contribution for mitigation would be required. Whilst no legal agreement has been submitted to provide the required mitigation, as I am dismissing the appeal for other reasons, I have not pursued this matter with the parties.

Conclusion

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

Claire Victory

INSPECTOR

² Planning Committee Report paragraphs 2, 9, 43 and 46