
Appeal Decision

Site visit made on 6 January 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 3 April 2017

Appeal Ref: APP/J2210/W/16/3155753

Hill Side Cottage, Wood Hill, Tyler Hill, Hackington CT2 9NL

- 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 Paul Green against the decision of Canterbury City Council.
 - The application Ref CA/15/02543/FUL, dated 23 November 2015, was refused by notice dated 3 May 2016.
 - The development proposed is the demolition of the existing property and the erection of a pair of semi-detached dwellings with associated parking and turning areas.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Paul Green against Canterbury City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in the appeal are:
 - The effect of the proposal on the Thanet Coast and Sandwich Bay Special Protection Area and the Thames, Medway and Swale SPA;
 - The effect of the proposal on the character and appearance of the surrounding area; and
 - Whether the proposal would preserve or enhance the Hackington Tyler Hill Conservation Area.

Reasons

Effect on Special Protection Areas

4. The site lies within 5km of the Thanet Coast and Sandwich Bay Special Protection Area and the Thames, Medway and Swale SPA. The proposal would result in one net dwelling. Mitigation for protected sites is required by policy NE1 of the Canterbury District Local Plan First Review (LP) (2006). Further to the above, Policy SP7 of the Canterbury District Local Plan Publication Draft (2014) states that development that adverse impacts on European Sites will not be permitted and mitigation measures will be required for identified strategic development on allocated sites. Whilst this policy is not yet adopted, the plan examination has concluded and consultation is underway on main
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modifications, for which none are proposed for the aforementioned policy, and thus I can afford it moderate weight.

5. The Council has confirmed in its statement that a contribution of £910.78 is required towards Strategic Site Access Management and Monitoring (SAMM). Future occupants of the additional dwelling would be likely to generate additional recreational demands on these sites and therefore mitigation of potential adverse effects on these sites through a planning obligation would meet the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the National Planning Policy Framework.
6. As no unilateral undertaking has been received in respect of this matter, I conclude that the proposal would have an adverse effect on European Sites, contrary to LP Policy NE1.

Character and appearance

7. Policy H1 of the Canterbury District Local Plan First Review (LP)(2006) promotes housing development within site allocations and LP Policy H9 supports minor development on previously developed land within villages – would be contrary. As the appeal site lies outside the settlement boundary of Tyler Hill the proposal would be contrary to these policies. However Hillside Cottage is situated on the edge of the built up area where there are properties on either side of Wood Hill. As such the proposed dwellings would not be isolated as referred to in paragraph 55 of the National Planning Policy Framework.
8. Hillside Cottage is in an elevated position towards the top of the hill and the orientation of the dwelling means that the front elevation is angled towards the road. It is therefore a relatively prominent feature on the approach to the village of Tyler Hill. The proposal would involve the replacement of the existing two storey cottage with a pair of two storey semi-detached houses with roof accommodation. The footprint would be similar to a previously permitted scheme for demolition of the cottage and replacement with a single dwelling¹.
9. The main differences to that scheme are the absence of chimney stacks and the introduction of two small dormer windows in the front elevation. A two storey side projection to the western flank would be lower in height than the two storey side projection to the east elevation in the permitted scheme.
10. The roof ridge and eaves lines would be broadly similar to that of the permitted dwelling, and the dwellings would not be significantly greater in height or width than the host property. Whilst there are several detached properties on the opposite side of Wood Hill that have relatively spacious plots there are also examples of semi-detached and terraced properties, both nearby and within the village itself.
11. Furthermore the sub-division of the appeal site would provide each plot with a reasonably sized private amenity space to the rear and sufficient space to provide two off-street car parking spaces for each dwelling and a turning area. Consequently the height of the dwellings and plot size would not be markedly out of character with that of surrounding properties, and the proposal would accord with Policy BE1, which states that the Council will have regard to the

¹ Ref. CA/14/02203

form of new development, including the efficient use of land, layout, scale, massing, density and mix, materials, landscape, finish and architectural details.

12. For the same reasons I consider that the appeal proposal would not conflict with LP Policy R6, which seeks to protect the qualities of the Special Landscape Area.
13. Taking all of the above into account, I conclude that although the proposal would be contrary to LP policies H1 and H9, other material considerations including the re-use of previously developed land and the similarity of the proposal with the previously approved scheme for a single dwelling that would outweigh this conflict.

Hackington Tyler Hill Conservation Area

14. The Hackington Tyler Hill Conservation Area includes the entirety of the village and woodland to the east. It includes the appeal site, which lies to the south of the village beyond the settlement boundary. I consider the heritage significance of the conservation area lies in the historic pattern of the settlement and the variety of buildings reflecting its development.
15. For the reasons set out above the proposal would be assimilated satisfactorily into the street scene. Although there are concerns that the use of red brick would be out of character with the area but a variety of external materials are evident within the vicinity of the appeal site, including red brick and white painted brick or render, and in any case the details of external materials could be secured by an appropriate condition.
16. I therefore conclude that the proposal would preserve the character and appearance of the Hackington Tyler Hill Conservation Area. It would accord with Policy LP BE7, which requires that development should preserve or enhance all features that contribute positively to the area's character or appearance.

Other Matters

17. I have also had regard to concerns that the parking and turning area will encroach on the public footpath which runs along the bottom of the cottage on the south side, and that the proposal will increase traffic on a stretch of road that is already regarded as dangerous, but the addition of one net dwelling would give rise to only a modest increase in traffic movements, and there is nothing to indicate that the access could not be accommodated satisfactorily within the appeal site. As such I have given this matter limited weight in reaching my decision.
18. There is a mature Oak tree within the appeal site which makes a positive contribution to the conservation area. If the proposal was acceptable in all other respects a condition would be required to protect the tree during demolition and construction, in order to safeguard the character and appearance of the conservation area.

Conclusion

19. The proposed net additional dwelling would lie outside the settlement boundary of Tylers Hill and would thus be contrary to LP Policies H1 and H9. However, I have found that there would be no harm to the character and appearance of

the area, and the proposal would preserve the character and appearance of the Hackington Tyler Hill Conservation Area. Nevertheless, the adverse effect on European Sites is decisive.

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

Claire Victory

INSPECTOR