

Appeal Decision

Site visit made on 27 April 2017

By Lynne Evans BA MA MRTPI MRICS

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

Decision date: 4 May 2017

Appeal Ref: APP/J2210/D/17/3168807

Ardwyn, 6 Herne Bay Road, Sturry CT2 0NJ

- 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 Liam Mckeown against the decision of Canterbury City Council.
 - The application Ref: 16/02793 dated 2 December 2016, was refused by notice dated 27 January 2017.
 - The development proposed is two storey side and rear extension including raised patio area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) the effect of the proposal on the character and appearance of the local area, and
 - b) the effect of the proposal on the living conditions of the adjoining neighbours at No 7 Herne Bay Road, with particular regard to loss of outlook and overshadowing.

Reasons

Issue a) Character and Appearance

3. The appeal property is a semi-detached house on the east side of Herne Bay Road (A291) with access from a service road running parallel to the main road. With a small number of exceptions, many of the houses have driveways to the side, some with garages to the rear providing a generous spacing between the semi-detached pairs. This spacing, together with the predominantly undeveloped land on the other side of the main road and the grass verge between the A291 and the service road to the residential properties, contributes to the generally spacious and verdant character and appearance of the local area.
4. The proposal would remove the existing garage sited to the side and to the rear of the property and an existing single storey extension at the rear of the house. The new development would extend the property to the side boundary with the

adjoining property at No 7 to the north, continuing the existing ridge and form of the main roof. It would also extend to the rear over two storeys along the side boundary, with a reduced ridge height and roof form, and step down to a single storey rear extension adjoining the other 'half' of the semi-detached pair at No 5.

5. The adjoining property at No 7 has a two storey extension set back from the main elevation which comes close to the side boundary. The effect of the proposal would be to bring two storey built development at the appeal property very close to the existing two storey extension at the neighbouring property. This would reduce significantly the open gap between the two properties and would have an enclosing and terracing effect in the street scene. This would be visually intrusive and out of character with the predominant pattern of development of well-spaced properties. The Appellant has drawn my attention to the neighbouring property at No 5 which has a garage built up to the boundary with its neighbour at No 4. However, I do not consider that this is comparable with the proposal before me, given the single storey form of the garage and the open gap to the side of No 4.
6. Although there are a small number of exceptions, many of the semi-detached pairs retain their symmetry which together with the open gaps between properties contributes to the local pattern of development and local distinctiveness. Contrary to the views of the Appellant, I consider that the width of the extension including extending the bulk and massing at first floor and roof level would detract from the symmetry of the existing pair which, in turn, would detract from the predominant pattern of development. This would add to the harm I have already found.
7. I therefore conclude that the proposed development would harm the character and appearance of the local area. This would conflict with Policy BE1 of the Canterbury Local Plan (Local Plan) and the National Planning Policy Framework (Framework), and in particular Section 7 on requiring good design, both of which seek for high quality design which respects the local context. I agree with the Appellant that the Framework, including at paragraphs 59 and 60, advises against seeking to impose individual architectural styles or tastes, but the same paragraphs, as well as paragraphs 58 and 64, are quite clear that policies and decisions should seek to respect the local context and promote and reinforce local distinctiveness. I am satisfied, that despite it pre-dating the Framework, the relevant criteria under Policy BE1, namely e) and f) are not inconsistent with the relevant sections of the Framework in this regard. Furthermore, I do not agree with the Appellant that the proposal would comply with Paragraph 65 of the Framework. There is no information before me to indicate how the development would *promote high levels of sustainability* as referenced in this paragraph of the Framework.
8. The Council has also referred to Policies DBE3 and DBE10 from the emerging Canterbury District Local Plan Deposit Draft 2014 which seek, amongst other things, high quality design which respects and reinforces the local context. I have noted from the information provided by the Appellant that the Plan has not yet been adopted and is subject to further consideration, although it is not clear the extent to which these particular policies are the subject of objection and potential modification. Nonetheless and as a result of the limited information

before me, this necessarily limits the weight that I can afford to these draft policies and Plan.

Issue b) Living Conditions

9. The rear elevation of the neighbouring property at No 7 is broadly in line with the existing rear elevation of the appeal property. I have taken into account the existing flat roofed garage along the side of the appeal property and the garden shed within the garden of No 7 along the common boundary. However, the proposed extension over two storeys along the common boundary, given its length and height would present a solid mass of built form which would, in my view, be oppressive and over bearing for the neighbours and would materially harm their outlook from windows at the rear of the property as well as from within their rear garden, closest to the property.
10. Although neither the Council, nor the Appellant or the neighbour has provided me with any technical information, given the length and height of the proposed extension and the relationship with the adjoining property, including their orientation one to the other, I agree with the Council that the proposal would also increase overshadowing to the adjoining property and its rear garden closest to the dwelling. This would add to the harm to living conditions which I have already found. I have noted the Appellant's comments that these issues did not appear to be taken into account when the extension was permitted at No 7. However, the extension at that property and its relationship to the appeal property and the proposal now before me are significantly different; moreover, I am required to consider the proposal on the basis of the existing situation.
11. I therefore conclude that the proposal would harm the living conditions of the neighbours at No 7 Herne Bay Road, with particular regard to loss of outlook and overshadowing. This would conflict with Policy BE1 of the Local Plan as well as one of the Core Principles of the Framework, as set out at Paragraph 17, which seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The Council has also referred to Policies DBE3 and DBE10 from the emerging Canterbury District Local Plan Deposit Draft 2014 which amongst other things also seek to protect the amenities of neighbours, but I have already set out my reasoning regarding the weight that can be afforded to these draft policies and Plan.

Other Considerations and Conclusion

12. I recognise that the proposal would provide improved living accommodation for the Appellant but these personal reasons do not outweigh the conclusions I have drawn under both of my main issues. For the reasons given above and having regard to all other matters raised, including in representations, the appeal is dismissed.

L J Evans

INSPECTOR