

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: 11 May 2017

Appeal Ref: APP/J2210/D/17/3169673

32 Castle Row, Canterbury CT1 2QY

- 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 & Mrs Lord against the decision of Canterbury City Council.
 - The application Ref: 16/02479 dated 26 September 2016, was refused by notice dated 21 December 2016.
 - The development proposed is first floor extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's refusal notice refers to Policies DEB3 and DEB10 from the emerging Canterbury District Local Plan Publication Draft 2014. It appears to me that this is a typographical error and the policies are DBE3 and DBE10.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the living conditions of the adjoining neighbours, with particular regard to loss of outlook and loss of light.

Reasons

4. The appeal property is a mid-terrace property with accommodation over three floors, including at roof level in the historic centre of Canterbury and within the Canterbury City Conservation Area. The curve of the terrace in the street results in a wedge shaped plan form with the front being wider than the rear of the property, with a narrow garden to the rear. The appeal property steps back at first floor level as existing, and this plan form is repeated on the immediate adjoining houses. Given the curve of the terrace and the scale of the properties, there is a very close relationship between the properties, particularly at the rear.
5. The proposal would extend out at first floor level to the same depth as the ground floor built form, and would extend the full width of the property under a shallow pitched roof.

6. The neighbouring property to the north-west at No 33 has a building set at right angles along the length of its north-west garden boundary. I have noted that the first floor window closest to the appeal property serves a bathroom. However, given the narrowness of the rear of the house and the intimate scale of the garden as existing, together with the length and mass of development on one side, I consider that the proposed additional development at first floor at the appeal property, with its solid mass of built form along the common boundary, would result in an oppressive enclosing effect for the neighbours. This would in my view be overbearing both in terms of the outlook from their windows at the rear (above ground floor) as well as from within their rear garden. I consider that the proposal would therefore harm the living conditions of the neighbours in terms of their outlook from the rear windows and use of their rear garden.
7. The neighbouring property on the other side at No 31 is not so constrained as No 33. However, given the very close relationship between the properties and their small and narrow rear gardens I consider that the extended first floor with the side wall on the common boundary would also be overbearing for these neighbours in terms of outlook from the rear of the property (above ground floor) and enjoyment of their rear garden.
8. The Council has also raised an objection in terms of loss of light to the adjoining properties, but on the limited information before me I am not persuaded that the additional loss of light would materially affect the living conditions of either neighbours, taking into account the orientation of the properties and the existing relationships between buildings. However, my finding on this matter does not outweigh the harm I have already concluded from loss of outlook.
9. I therefore conclude that the proposal would harm the living conditions of the adjoining neighbours, with particular regard to loss of outlook. This would conflict with Policy BE1 of the Canterbury District Local Plan (Local Plan) and one of the Core Principles of the National Planning Policy Framework (Framework), both of which seek for development to respect the amenities of existing and future occupiers.
10. The Council has also referred to Policies DBE3 and DBE10 from the emerging Canterbury District Local Plan Publication Draft 2014 which also seek, amongst other things, to protect the amenities of neighbours. I have noted from the information provided by the Appellant that the Plan has not yet been adopted, although it is not clear the extent to which these particular policies are subject to 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.
11. The Appellant has contended that the scale of the proposal, including in terms of depth and height, would be less than the form of development at the southern end of the terrace, where development extends further to the rear at first floor. Each proposal must be judged on its individual merits. However, although there is limited information before me, I have nonetheless taken the rest of the development into account including the relationship between properties at the other end of the terrace. Whilst I note the differences in the detailed form of the proposal in comparison with the existing development further along the terrace, I do not consider that the two situations are directly

comparable. Given the relationship of the appeal property with the adjoining properties and in turn their siting in relation to surrounding development, with particular reference to No 33, I am not persuaded to grant permission for this proposal given the harm I have concluded.

Other Considerations and Conclusion

12. I have sympathy with the medical needs of the Appellant and the reasons for seeking the proposed extension. However, in the particular circumstances of this case, and that the effects of the proposed development would be permanent, the personal requirements of the Appellant do not outweigh the harm I have concluded under my main issue.

13. The appeal property lies within the Canterbury City Conservation Area. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas. There would be no change to the front of the property from Castle Row, and only glimpsed views from the public car park towards the rear of the terrace of dwellings. Given the small scale of the proposal and the varied forms of development seen in such views, I am satisfied that the proposal would not harm but would preserve the character and appearance of the Canterbury City Conservation Area. The Council has also raised no issue in this regard.

14. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR