
Appeal Decisions

Site visit made on 25 April 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 15th May 2017

Appeal Ref: APP/J2210/W/16/3165868

Lockup garages adjoining 4 The Dene, Canterbury, Kent CT1 3NW

- 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 Mrs L McLaughlin against the decision of Canterbury City Council.
 - The application Ref 16/01798, dated 27 July 2016, was refused by notice dated 11 November 2016.
 - The development proposed is demolition of 3 no lockup garages and erection of single bedroom chalet bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on: the character and appearance of the streetscene in The Dene; the living conditions for the occupiers of the dwelling, with particular regard to outdoor space; and the living conditions of the occupiers of 14 The Gap (No 14), with particular regard to outlook.

Reasons

Character and Appearance

3. The development would involve the construction of a one bedroom chalet bungalow as a replacement for a block of three garages.
4. The Dene is characterised by a mixture of two storey detached and semi-detached houses set in fairly generous plots. The site is of modest proportions and the dwelling's plot size would therefore be uncharacteristically small for The Dene. The dwelling would have very little space about its side and rear boundaries, with the rear patio having a depth of 2.1 metres¹ and I consider those characteristics are indicative of this being an unduly intensive form of development for The Dene.
5. The garage block was built as an ancillary parking area for this residential area and the scale of the existing building relative to its plot's area is what would reasonably be expected. While the replacement dwelling would be of a scale similar to that of the garage block, I consider that this site's size is insufficient to accommodate a dwelling of a scale that would be comparable

¹ As stated in the appellant's appeal statement

with its surroundings. A chalet bungalow would also be an uncharacteristic dwelling type for The Dene, with no front dormers being present in this street.

6. I therefore conclude that the development would unacceptably harm the character and appearance of The Dene's streetscene. The development would therefore be in conflict with saved Policy BE1 of the Canterbury District Local Plan First Review of 2006 (the Local Plan) because it would not be of a high quality of design, having regard to its form and density. For similar reasons there would be conflict with Policy DBE3 of the Canterbury District Local Plan Publication Draft of June 2014 (the ELP). However, the ELP has yet to be adopted and the conflict with Policy DBE3 is therefore not determinative.
7. I also consider that there would be conflict with paragraph 17 (the fourth core planning principle) and section 7 (Requiring good design) of the National Planning Policy Framework (the Framework). That is because the development would not secure a high quality of design or add to the overall quality of the area.

Living conditions for the occupiers of the development

8. The rear patio would have a limited area, which would be very enclosed and the outlook from this space would be highly constrained. I therefore consider that this external space would provide an unacceptable living environment for the occupiers of the dwelling. I am aware that in connection with the determination of a previous appeal it was found that the modest outdoor space then proposed would have been acceptable. However, I have been provided with no details of the earlier scheme and I have therefore considered this issue on the basis of the evidence before me.
9. I conclude that the development would provide unacceptable living conditions for its occupiers. That shortcoming gives rise to conflict with the fourth core planning principle stated in paragraph 17 of the Framework because a good standard of amenity (living conditions) would not be secured for the future occupants of the development.

Living conditions of the occupiers of No 14

10. The dwelling would back onto the rear garden of No 14, a two storey house orientated at right angles to the site. While the dwelling would have a height and mass that would be a little greater than that of the garage block, it would be off-set from No 14's side garden boundary by just over two metres. Given that boundary off-set I consider that this development would not have an adverse effect on the outlook for the occupiers of No 14 when compared with the prevailing situation.
11. On this issue I conclude that the living conditions of the occupiers of No 14 would not be harmed. There would therefore be no conflict with Policy BE1 of the Local Plan and the fourth core planning principle stated in paragraph 17 of the Framework because the living conditions of the occupiers of a neighbouring property would not be adversely affected. I similarly consider that there would be no conflict with emerging Policy DBE3.

Conclusions

12. Although the development would not be harmful to the living conditions of the occupiers of No 14, I have found that there would be harm to the character

and appearance of The Dene's streetscene and the living conditions for the occupiers of the development. I consider that the harm I have identified could not be overcome by the imposition of reasonable planning conditions.

13. For the reasons given above the appeal is therefore dismissed.

Grahame Gould

INSPECTOR