
Appeal Decision

Site visit made on 15 May 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 12 June 2017

Appeal Ref: APP/J2210/W/17/3170216

2d Sussex Avenue, Canterbury, Kent CT1 1RT

- 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 Mark Owen against the decision of Canterbury City Council.
 - The application Ref 16/02672, dated 18 November 2016, was refused by notice dated 13 January 2017.
 - The development proposed is the erection of end terrace dwelling with associated parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposal on the character and appearance of the surrounding area, and whether the development would make adequate provision for private amenity space for future occupiers.

Reasons

Character and appearance

3. The appeal dwelling is a semi-detached house, set within a site that is roughly triangular in shape, narrowing towards the rear. To the north is a pair of semi-detached dwellings, separated from the site by the access to a garage court behind houses on Sussex Avenue. To the south, set forward of the main elevation of the appeal property and its adjoining semi-detached neighbour is a row of three terraced dwellings.
 4. The principal elevation of the proposed dwelling would be angled with the narrowest part in line with the main elevation of the host dwelling and the wider part angled towards the access to the garages. The dwelling would have a pitched roof with a gable end rather than a hipped roof as the Council suggest, and the rather awkward design of the roof form and angled front elevation means that the dwelling would have a cramped appearance and would appear incongruous with the prevailing pattern of development on Sussex Avenue.
 5. I have had regard to other developments in the street, such as a two storey side extension on the opposite side of the road, but in that case the extension is set back from the main elevation and is thus subordinate to the existing
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dwelling. Furthermore, each proposal falls to be considered on its own merits, having regard to the particular site circumstances of each case.

6. I therefore conclude that the proposal would harm the character and appearance of the surrounding area. As such it would be contrary to Policy BE1 of the Canterbury District Local Plan Review (LP) (2006), which requires that developments reflect the broad pattern of development in the locality.
7. The Council has also referred to Policy DBE3 of the Canterbury District Council Local Plan Publication Draft (2014). Due weight should be given to relevant policies in emerging plans according to the stage of preparation, in accordance with paragraph 216 of the National Planning Policy Framework. Although this has not yet been adopted the examination has concluded. Consequently I attach substantial weight to this policy.

Living conditions

8. The Council does not cite any standards for private amenity space in its submission. The garden would not be a regular shape and due to the angle of the rear site boundaries the greater part of the garden would be directly to the rear of the donor dwelling. Nonetheless, whilst there would be some potential for overlooking by occupants of the neighbouring property, a certain level of overlooking might be experienced in other situations such as blocks of flats or maisonettes and would not necessarily lead to an unacceptable loss of privacy. Furthermore, the garden would be of sufficient size to enable sitting out, hanging washing out and other domestic activities.
9. For these reasons I conclude that the proposal would provide adequate private amenity space for future occupiers, and would accord with LP Policy BE1, insofar as it seeks to safeguard the amenities of existing and future occupiers.

Conclusion

10. I have found that the development would make adequate provision for private amenity space. However, it would cause material harm to the character and appearance of the surrounding area, by reason of its form and design and would therefore be contrary to the development plan.
11. For the reasons set out above I conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR