



Appeal Decision

Site visit made on 18 August 2017

by N A Holdsworth MCD MRTPI

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

Decision date: 08/09/17

Appeal Ref: APP/J2210/W/17/3175030

Chaucer House, Kake Street, Waltham, Canterbury, Kent, CT4 5SB

- 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 and Mrs Martin and Paula Crawford against the decision of Canterbury City Council.
 - The application Ref 16/02758, dated 25 November 2016, was refused by notice dated 14 March 2017.
 - The development proposed is demolition of stables and store and erection of two tourist cottages.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of stables and store and erection of two tourist cottages at Chaucer House, Kake Street, Waltham, Canterbury, Kent, CT4 5SB in accordance with the terms of the application, Ref 16/02758, dated 25 November 2016, subject to the 8 conditions set out in the attached schedule.

Procedural Matter.

2. Since the Council refused planning permission it has adopted the Canterbury District Local Plan 2017 (CDLP). Policies DBE3 and LB1 of the Canterbury District Local Plan (publication draft) 2014 now form part of the development plan. Policies BE1 and R6 of the Canterbury District Local Plan 2006 are no longer part of the development plan and have no weight. I have dealt with the appeal accordingly.

Main Issues

3. The effect on the character and appearance of the area and whether the proposal would conserve and enhance the landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty.

Reasons

4. The appeal site is located within the hamlet of Waltham, a settlement which is principally defined by buildings located in a line along various roads. However, Chaucer House is set back significantly from the street. It forms part of an existing complex of buildings including two stable blocks located to the east of Kake Street, accessed from a shared driveway. The site and surrounding area fall within the Kent Downs Area of Natural Beauty (AONB) and, in accordance with paragraph 115 of the National Planning Policy Framework (the Framework)

great weight must be given to conserving the landscape and scenic beauty of such areas.

5. Because of its hipped roof, the proposed building would be of a greater bulk than the stable block that it would replace. However, its limited height means that it would still appear subservient to the residential properties along Kake Street, and the space between the existing stable block and these buildings would be retained. The window and door openings on the main elevations would imitate the appearance of stable door openings and the rooflights would occupy a very small proportion of the roof area. Because of its materials and roof shape, the appearance of the building would reflect the prevailing appearance of buildings in Waltham, and as a replacement building within a substantially identical footprint it would not depart from the existing pattern of built development.
6. In views from the countryside to the east the development would be largely obscured by other buildings within the cluster. As a consequence of the limited fenestration on the building, in longer views of the site from the AONB the only significant difference to the existing situation would be that the replacement building has a hipped roof; this would be finished in clay tiles and would therefore replicate the appearance of other roofs in Waltham. A significant gap would exist between the building and the boundary of the adjoining paddock to the south of the site. Whilst the building would be visible from this area, its limited height means that it would not be prominent, and its appearance would reflect the prevailing character of the area. Consequently, the development would not detract from the significance of this paddock in respect of the hamlet of Waltham, nor any other aspect of the AONB in which it is located.
7. The site is located within a well-established cluster of existing buildings in an established hamlet with artificial light associated with such locations. Any additional light generated by the development would be consistent with these surroundings. Consequently the development would not materially affect the prevailing levels of illumination in the hours of darkness.
8. The Council and third parties maintain that existing stable-yard is a use more readily associated with development set away from the frontage of the public highway. However, the proposed use would have similar characteristics to the other residential and holiday letting uses found within the surrounding area, and the building it is hosted in would be sympathetic to the prevailing built environment. As such, I find that the location is acceptable for the proposed use.
9. The development would be sympathetic to the built environment and natural landscape setting of the AONB in which it is located. There is no conflict with paragraph 115 of the Framework and policy LB1 of the CDLP which require that proposed developments conserve and enhance the Kent Downs AONB, as the proposal achieves these aims. Nor would the proposal conflict with policy DB3 of the CDLP which requires developments to respect local townscape character.

Other matters

10. No reference has been made to any adopted planning policy that would require the appellant to demonstrate a need for the proposed enterprise, nor to otherwise prove that other forms of development are not possible. As such, the absence of such information would not justify withholding planning

permission for the proposed development. The Council have suggested two conditions to ensure that the use remains as a holiday let, and do not cite the absence of a legal undertaking as a reason for refusal. These conditions would meet the tests set out in the Framework, and would be necessary to ensure the development remains in use for its intended purpose. Whilst the Council may have taken a different approach towards other similar cases, on the evidence before me I find that the suggested conditions would be sufficient. The scale and layout of the tourist cottages proposed would provide a good standard of accommodation for their intended purpose.

11. The proposed development would result in some additional noise and disturbance arising from movements in to and out of the site, and through the use of the facility. However, it is located within an existing hamlet where there is some intermittent background noise arising from the road and residential uses along Kake Street. I observed that the development is located a reasonable distance away from existing residential properties and would utilise an existing access. In consequence, any noise and disturbance arising from the development would be consistent with the prevailing noise conditions in Waltham. I agree with the officer's assessment in the committee report that the development is acceptable in terms of its effect on the living conditions of surrounding residents.
12. I also concur with the officer's view that the existing access to Kake Street has sufficient visibility splays to ensure safe access to and from the site given the prevailing traffic conditions. Whilst the size of the existing parking area would be reduced to create courtyard garden areas for the proposed tourist cottages, it would have a substantial residual parking area that could accommodate the parking demand from both the proposed development and those that surround it. The site itself has sufficient space for the storage of waste generated by the proposed development. I am not persuaded that controls over the future management of the site, for instance in respect of the safety of its future users, are necessary to make the proposal acceptable in planning terms.
13. I observed that the existing stable building is currently in active use and concur with the Council's view expressed in its officer's report that it is of little ecological potential. In consequence, the lack of comprehensive supporting information relating to the ecology of the site would not justify withholding permission.
14. The site is located within a Conservation Area and in accordance with the duty under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special attention must be paid to the desirability of preserving or enhancing the character and appearance of that area. The site is also located in proximity to a number of listed buildings and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is given to the desirability of preserving the setting of such buildings. In this case, I concur with the view expressed by the Council's Conservation officer that the scale and design of the proposed building would preserve the character and appearance of the Conservation Area in which it is located. I also agree with the Council officer's view expressed in the committee report that the proposed building would be subservient in scale to the surrounding listed buildings and would not result in any harm to their setting.

Conditions

15. Conditions 1 and 2 are necessary in the interests of certainty and to comply with the relevant statutory requirements. Conditions 3, 4 and 5 are necessary to ensure that the finished appearance of the landscaping surrounding the development and materials used in its construction are appropriate given the characteristics of the surrounding conservation area and AONB. Condition 6 is a pre commencement condition which requires tree protection measures to be in place before work on the site begins and maintained for the duration of the construction process, this is necessary and justified on this occasion given the proximity of the development to mature trees, and the location of the site within a Conservation Area and AONB. Conditions 7 and 8 are necessary to ensure that the use of the development remains as a holiday let.

Conclusion

16. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be allowed in accordance with the attached schedule of conditions.

INSPECTOR

Neil Holdsworth

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the submitted drawings: 2016/45/01, 2016/45/03 A, 2016/45/04 A.
- 3) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the landscaping of the site, full details of both hard and soft landscape works, to include: species, size and location of new trees, shrubs, hedges and grassed areas to be planted; the treatment proposed for all hard surfaced areas beyond the limits of the highway ; walls, fences, other means of enclosure proposed shall be submitted to, and approved in writing by, the Local Planning Authority.
- 5) All hard and soft landscape works shall be carried out in accordance with the details approved under the terms of condition 4. These works shall be completed prior to the occupation of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives its written consent to any variation.

Pre commencement condition

- 6) Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837:2012 using the following protective fence specification:- Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area. No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed

or carried out within the protective fenced area. Ground levels within the protective fence area shall not be raised or lowered in relation to the existing ground level. No trenches for underground services shall be commenced within the protective fenced area or within 5m of hedgerows shown to be retained without the prior written consent of the local planning authority.

- 7) The development hereby approved shall be used for holiday accommodation only and no units shall be occupied continuously for a period exceeding 4 weeks by the same person(s).
- 8) An up to date register of all current occupants shall be kept for the units of accommodation, hereby approved, and shall contain the name, main or home addresses and periods of occupation by any occupant(s); this log shall be kept up to date for a period and cover at least the last 12 months. The log shall be made available for inspection on demand at any reasonable hour by an officer of the Local Planning Authority.

END OF SCHEDULE