



## Appeal Decision

Site visit made on 5 December 2018

**by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA**

**an Inspector appointed by the Secretary of State**

**Decision date: 23<sup>rd</sup> January 2019**

---

### **Appeal Ref: APP/J2210/W/18/3201906 Land to rear of 37 High Street, Whitstable**

- 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 Ms A Ford against the decision of Canterbury City Council.
  - The application Ref: 17/01748 dated 21 July 2017, was refused by notice dated 13 November 2013.
  - The development proposed is erection of a craft workshop.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for erection of a craft workshop at land to rear of 37 High Street, Whitstable in accordance with the terms of the application Ref: 17/01748 dated 21 July 2017, subject to the conditions set out in the Schedule to this Decision.

### **Preliminary Matter**

2. The description of development has been slightly modified by the Council in its decision, but as no evidence is before me that this change was agreed by the appellant, I have therefore followed that given in the original application.

### **Main Issue**

3. The main issue in this case is the whether the development would preserve the character and appearance of the Whitstable Town Conservation Area, and the effect on its significance.

### **Reasons**

4. The appeal site is a triangular one to the rear of Nos. 37 – 43 (odds) High Street, with its apex giving access onto a narrow alley running along the rear boundary of High Street properties. It is bounded to the north by a car park, and to the south an open yard area relating to the bank at No. 45 High Street. On the other side of the alley are the rear gardens of terraces of traditional dwellings along Regent Street.
  5. The character and appearance and significance of the Whitstable Town Conservation Area arises from its nature as a traditional coastal setting focused on fishing, salt production and boat building, and from the character of the traditional buildings along the sea front and traditional shopping streets behind them. The characteristic townscape is a dense one of closely spaced buildings on small plots and set along streets and alleyways.
-

6. The appeal site is part of the backland area to properties along the High Street, characterised by great variety of rear extensions and outbuildings constructed as ad hoc, ancillary and functional adjuncts to the frontage buildings. There are also a number of open yard areas, including appeal site, which are of a functional character. This backland area is not visible from the frontage.
7. The site therefore forms part of an area which contributes to the character and appearance and significance of the conservation area as a whole by virtue of its commercial character and providing evidence of the evolution of the area over time, but is of secondary value in comparison with the frontage buildings of the High Street.
8. The appeal proposal is for a two-storey workshop building, with its footprint stepped into the eastern corner of the site and with a cat slide roof sloping down into the site to the south, leaving a smaller roof slope and jetty-like structure on the northern face.
9. While it would entail filling in an area of open space, I noted development occurring on an adjacent site to the south, the foundations of which suggested a high degree of site coverage. The development of the open yard areas to the rear of the High Street plots is thus not uncharacteristic of the historic or contemporary evolution of the area, and I do not consider that the creation of a building in this open area would therefore be either out of place or isolated.
10. Although the appeal building would be unashamedly modern in style and design, its functional quality as a working building would not be out of place in its commercial setting. Details such as the staggered footprint and asymmetrical roof are evidently intended to respond to the site constraints, and add some interest to the design. The depth and height of the building would not give rise to bulk which would be excessive in the context of the area. I can see no reason why the building should attempt to copy a more traditional style of building, particularly in a part of the conservation area where the age, size, form and quality of the outbuildings, extensions and new buildings are so varied.
11. While the proposed materials of brick, render, and tile are manmade they are among the range of traditional materials in evidence elsewhere in the conservation area, and not therefore inappropriate or unlikely to integrate well with the surrounding area.
12. Consequently, I conclude that the appeal development would not constitute an incongruous feature in the conservation area, and would not cause harm to its character, appearance or significance.
13. Policy DBE1 of the Canterbury District Local Plan 2017 (the LP) seeks development which responds to the objectives of sustainable development and protects and enhances the environment, while policy DBE3 of the LP seeks development which reinforces and positively contributes to its local context, and I can see no conflict with these.
14. I have not, either, identified any conflict with the provisions of policies HE1, HE6, and HE8 of the LP in respect of development which protects, conserves and enhances the historic environment, and in particular designated heritage assets including conservation areas.

### **Other Matters**

15. A neighbouring occupier raised the issue of rights of access across the site from no. 37 High Street, but this is a private matter, and not to be decided through the planning system.
16. The appeal building would be set towards the rear of its plot, and at some distance from the rear windows of 39 High Street. I have not, therefore, identified any potential harm to the privacy of or light levels reaching residential occupiers of that building.
17. Although it has been suggested that the drains and sewerage infrastructure would be insufficient to cope with the additional development, no convincing evidence has been put before me on this point, and it does not therefore cause me to alter my conclusions on the case.

### **Conditions**

18. The Council has supplied a list of suggested conditions on which the appellant has had an opportunity to comment, and which I have considered in the light of paragraph 55 of the National Planning Policy Framework.
19. In the interests of clarity, a condition is attached requiring implementation of the development in accordance with the approved plans. In the interests of protecting the character and appearance of the conservation area, conditions are attached requiring approval of details of external facing materials and the use of conservation rooflights respectively.

### **Conclusion**

20. For the reasons given above, therefore, I conclude that the appeal should be allowed and permission granted.

*S J Buckingham*

INSPECTOR

### **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 permitted shall be carried out in accordance with the following approved plans: 1970/LOC/01.1, 1970/PL/03.1, 1970/PL/03.2, and 1970/PL/03.3.
- 3) No relevant part of the development shall commence until details or samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples.
- 4) The rooflights hereby approved shall be 'conservation style' rooflights, set flush with the roof plane.