
Appeal Decision

Site visit made on 8 May 2019

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2019

Appeal Ref: APP/J2210/W/18/3211131

ATC Centre, Cossington Road, Canterbury, CT1 3HU

- 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 SPV Cossington Road Developments Ltd against the decision of Canterbury City Council.
 - The application Ref 17/02778, dated 8 December 2017, was refused by notice dated 23 April 2018.
 - The development proposed is demolition of the existing building and structure, and construction of student accommodation comprising 43 studios, student welfare facilities, amenity space, car and cycle parking, access and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed plans were amended in the course of the planning application which led to this appeal. My decision is based on these revised plans, which formed the basis of the Council's decision.
3. Following the submission of the appeal an amended unilateral undertaking was received in July 2019. This has been taken in to account in this decision.

Main Issues

4. Whether the proposed development would preserve or enhance the Canterbury (Old Dover Road, Oaten Hill and St Lawrence) Conservation Area.

Reasons

5. The Canterbury Conservation Area is characterised by incremental development around a historic core. Its special character and significance is derived from the fine grain and a variety of expression in built form, roofscapes and facades across the city. Within this context, the site forms part of the Oaten Hill and Old Dover Road character area, as defined in the Canterbury Conservation Area Appraisal (2010). Cossington Road is located outside the historic city walls and is primarily characterised by well preserved and attractive 19th century housing, interspersed with later 20th century additions including the existing building on the site.
6. This existing building has a low rise, utilitarian appearance, and falls within a historic gap in the existing terrace. It departs from the appearance of surrounding buildings and exhibits no historic interest. As such, it is a negative

feature in the Conservation Area. The proposal seeks to infill the terrace by replicating the design of the properties due south of the site. In so far as the development is viewed from the street, this aim would largely be achieved.

7. However, there would be a flat roof extending behind the front roof slope of the proposed building. Whilst there are other examples of buildings with flat roofs in the Conservation Area, including Laurel House directly opposite the site, in these cases the flat roof has been designed to relate well to its surroundings. In this proposal, the flat roof would contrast noticeably with the remainder of the terrace, which exhibits a pitched roof with a clearly defined, central ridge line. In consequence, the new building would appear noticeably bulkier at roof level than the existing buildings to each of its sides.
8. It is argued that this additional bulk would not be visible from any important public viewpoints in the Conservation Area. However, it would be visible from the neighbouring properties, and the open land to the rear of the site. No.1 Cossington Road is an attractive period building which contributes positively to the overall appearance of the wider Conservation Area, exhibiting an attractive half hipped roof and chimney stacks on its side elevation. The new development would almost directly abut this part of the property. To its rear, the irregularly shaped flank wall would project considerably above the main rear roof slope and the rear wing of this building. In consequence the new structure would have a visually overbearing and unduly dominant presence in relation to No.1. It would enclose the side and rear of this building, diminishing its setting and the significance of the attractive architectural features it exhibits. This would be to the detriment of the Conservation Area.
9. In other respects, the door openings and chimney stacks would replicate the existing grain of the road. The timber sash windows would be appropriate in principle given the age and appearance of the surrounding buildings. Further details of the windows, doors and facing materials could be required by condition. The dormer windows would broadly reflect the scale of other existing dormer windows within this part of the Conservation Area. To the front of the building, the proposed window positioning and location of the front roof line in relation to surrounding development, alongside the fascia, soffits and design of the entrance recess, would not detract from the overall appearance of this building in relation to its surroundings.
10. However, the poor visual appearance of the building at roof level, particularly in relation to No.1 Cossington Road, means there would be less than substantial harm to the character and the appearance of the Canterbury (Old Dover Road, Oaten Hill and St Lawrence) Conservation Area, when considered as a whole. The National Planning Policy Framework ("the Framework") requires that such harm is weighed against the public benefits of the proposal.
11. It is suggested that the proposal would lead to the betterment of the Conservation Area through the removal of an unsightly building. However, the Framework is clear that new development must take the opportunities available to improve the character and quality of an area and the way it functions. Because of the poor visual relationship with No.1, as described above, that aim would not be achieved here. Overall, the proposal would not enhance the area, and accordingly the replacement of the existing building is not a public benefit in favour of the proposal.

12. The proposal would deliver 43 new studio units for students. The provision of such housing is supported in the Canterbury District Local Plan 2017 (Local Plan). This housing would be located in the City Centre, close to amenities including public transport links. Providing bespoke housing for the student population in this way would be likely to reduce the pressure on the existing housing stock within the City. It would also make effective use of previously developed land, which the Framework seeks to encourage.
13. These are public benefits of the proposal that weigh in its favour. However, they do not outweigh the less than substantial harm to the Canterbury (Old Dover Road, Oaten Hill and St Lawrence) Conservation Area, to which I attach considerable importance and weight. Overall the proposal would fail to preserve or enhance the character or appearance of the Canterbury (Old Dover Road, Oaten Hill and St Lawrence) Conservation Area. The proposal conflicts with policies HD7, DBE1, HE1 and HE6 of the Canterbury District Local Plan 2017 ("Local Plan") which require, amongst other things, that development within a Conservation Area should preserve or enhance its character or appearance.

Other Matters

14. The Council's second reason for refusal refers to the failure to secure the delivery of a car-free development. However, in the course of the appeal a unilateral undertaking was provided, the wording of which was agreed with the Council. This would prevent future residents of the development from applying for residents parking permits, together with the introduction of a management plan which seeks to deter access to the site by car and manage arrivals and departures to the site. Together with other planning conditions, as suggested by the Council, this would be effective in promoting sustainable transport and preventing future occupants from parking in controlled areas on and around Cossington Road. I note that a similar approach was taken in another appeal decision in Canterbury¹.
15. The agreement would meet the relevant policy and legal tests for the use of planning obligations. As a car free development would be delivered, there would be no unacceptable impact on local highway safety or the living conditions of neighbouring residents through potential vehicular movements associated with the development. In this respect, there is no conflict with policies HD7 and T9 of the Local Plan which require, amongst other things, that proposals for new purpose build student accommodation are car free development.
16. Interested parties raise other issues to those set out in my reasoning above. However, these do not materially add to my decision to dismiss the appeal.

Conclusion

17. The proposal conflicts with the development plan when considered as a whole and there are no other considerations that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR

¹ APP/J2210/W/16/3160430