



Appeal Decision

Site visit made on 30 September 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/J2210/W/19/3222449

Land adjacent to 2 Woodland Road, Herne Bay

- 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 Miss D Wigman against the decision of Canterbury City Council.
 - The application Ref 18/01691, dated 13 August 2018, was refused by the Council by notice dated 9 October 2018.
 - The development proposed is demolition of existing workshop and associated outbuildings and erection of a one bedroom chalet bungalow with associated off-street parking.
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Decision

1. I dismiss the appeal.

Main Issues

2. These are;
 - The effect of the proposal on the character and appearance of the Woodland Road area of Herne Bay.
 - The effect of the proposal on the living conditions of neighbouring and prospective residential occupiers.
 - The effect of the proposal on the Thanet Coast and Sandwich Bay Special Protection Area.

Reasons

3. The Council acknowledge that the proposal would be acceptable in principle since it makes use of land in the urban area, on a bus route and is in a sustainable and accessible location. That analysis is concurred with in this Decision, subject to the main issues which follow.

Character and Appearance

4. Policy DBE3 Of the Canterbury District Local Plan on the principles of design includes the need for high quality design appropriate to the site. Paragraph 124 of the 2019 National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The Council have adopted 'Guidelines to Control Residential Intensification' as a material consideration, stating that site layout and the orientation of the development should follow the character of the area, particularly in well-

established residential areas where houses fronting the road with an established building line are the norm.

5. The site is an area of land to the rear of a bungalow at 32 Blackburn Road and would place the proposed dwelling alongside 2 Woodland Road. The grid-like arrangement of roads in this part of the residential area is characterised by there being a continuous run of dwellings along Blackburn Road with rear gardens, the dwellings at road junctions such as here being generally close to the side road with a boundary along that road the full depth of the plot, with the first dwelling on the side road, in this case 2 Woodland Road, being placed beyond this length of side boundary. It is the case however that garages and the like are often placed in this rear garden with access to the side road, as is the case with the appeal site, so that the gap is not always maintained as open space.
6. The depth of the appeal site back from Woodland Road is governed by the width of the garden to number 32, and the area separated off appears to allow a reasonable remaining garden area to that bungalow. As a result, the width, and particularly the depth of the appeal site fail to match that more generally found in the area, and this has affected the nature and size of the proposals.
7. The proposed dwelling would be sited forward of the building line between the side of number 32 and the front of number 2, and this would appear intrusive in the street scene and not sufficiently mitigated by the overlap of the terrace on the far side of Blackburn Road stopping-off through views and the siting of a shed at number 2. The design of the building with a 'notch' taken out to accommodate the length of a car off the street would be a discordant feature and would again, not overcome the forward position of the roof and dormer. Whilst space would remain to the building at number 2 to accommodate their driveway beside the dwelling, the restricted size of the plot would be clear to view, and would appear cramped to the side of the proposed building.
8. Although the ridge and eaves heights would respect that of the neighbouring dwellings, the limited size, cramped plot and forward position would harm the character and appearance of the area, and not represent high quality design appropriate to the site, contrary to Policy DBE3, national planning policy and the Council's Guidelines.

Living Conditions

9. The principles of design set out in Policy DBE3 include the need to have consideration for the privacy and amenity of neighbouring buildings and future occupiers. Policy DBE4 on residential space standards requires new housing to have an acceptable standard of accommodation in terms of, among other things, amenity space and should provide outdoor space for private use. There is reference to the nationally described space standard.
10. Council calculate the internal floor area as 54.2m² whereas the space standard is a minimum of 58m². It is the fact that little space is taken up with internal circulation and the dwelling would provide the required facilities including a wc and basin on the ground floor in addition to a wc and shower room above. However, the layout appears contrived to suit the need for the indent to accommodate the car, with one lounge window heavily affected by the overhanging part. In addition, the amount of external amenity space would be limited, affecting the open space outside the other lounge window and doors.

The external space that is able to be provided would be to the north of the dwelling or that to the south would be affected by proximity to the road and lack of privacy due to the visibility splays being left open.

11. With regard to the effect on existing neighbouring occupiers, notwithstanding the use of a small hipped gable, the end elevation would introduce an overbearing appearance too close to the rear elevation and garden at number 32. The Council expresses concern on over-shadowing as the proposal is stated in the Officer's Report to be south-east of number 32, It would in fact be due south where the sun is at or about its highest, and although there could be some areas of the garden affected that are free from shadow now, there would remain other areas at various times of the day that would remain sunny.
12. The conclusion is that the size of the site has militated against the design of an adequate amount of amenity space and the overhang would adversely affect daylight. The building's location would appear overbearing in the outlook of number 32 but would not cause undue harm through loss of sunlight. Nevertheless, the proposal fails to reach the standard sought in Policies DBE3 and DBE4.
13. Having mind to the findings of the first two main issues, the appeal should be dismissed and planning permission should not be granted due to the harm that would be caused and failure to accord with Development Plan and national policies.

Special Protection Area

14. The Council have set out the requirements of the Habitats Regulations with regard to the Thanet Coast and Sandwich Bay Special Protection Area, on the advice of Natural England. As the Competent Authority the Secretary of State or the appointed Inspector would need to carry out a Habitats Regulation Assessment before permission may be granted, and be satisfied as to any mitigation through a contribution secured by Obligation, as appears to be the possibility here. However, in view of the conclusion to dismiss the appeal for other reasons, no further consideration of a Habitats Regulation Assessment is required.

Other Matters

15. The original sale of the land appears to include a covenant requiring permission from a third party to any proposal to build on the land, and evidence has been provided of that permission being withheld. That is a civil matter and may well be enforceable and hence capable of preventing development. It would not however be a reason to withhold permission under the planning regime.

Conclusions

16. The proposal is contrary to local and national policies on good design as it would cause harm to the character and appearance of the area and to the living conditions of prospective and existing occupiers. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR