



Appeal Decision

Site visit made on 25 September 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2019

Appeal Ref: APP/J2210/W/19/3232052

Land between 23 and 25 Honey Hill, Blean, Kent CT2 9JR

- 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 Aljumily against the decision of Canterbury City Council.
 - The application Ref 19/00612, dated 1 April 2019, was refused by notice dated 28 May 2019.
 - The development proposed is for the erection of a two storey detached 3 bed dwelling (self build proposal), together with associated parking, access and landscaping.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Following the determination of the application, the appellant has provided a Unilateral Undertaking (UU) and further ecological survey work and I return to these matters later.

Main Issues

3. The main issues are whether the site would be a suitable location for housing and the effect of the proposal on
 - (i) the character and appearance of the Area of High Landscape Value (AHLV);
 - (ii) the standard of living conditions of future occupiers of the appeal dwelling with particular regard to overlooking; and
 - (iv) ecology and wildlife.

Reasons

Suitable location for housing development

4. Policy SP4 of the adopted Canterbury District Local Plan (the LP) (2017) states that new housing development should primarily be concentrated in the urban centres of the District, then local centres. The Council does not identify village boundaries by lines on the proposals map. The appellant states that the site is within the local centre of Blean and the provision of a dwelling in this location would not conflict with that policy.
5. The appeal site is in a small cluster of dwellings in Holly Hill and the existence of other dwellings means the site is not in an isolated location. The site is also

opposite a bus stop with frequent services to Canterbury and Whitstable. Future occupants would not need to be wholly reliant on the private car when carrying out day to day activities and when private travel is necessary the facilities at Blean are relatively close. For these reasons the site is in a relatively sustainable location and does not significantly conflict paragraph 103 of the Framework.

6. The dwellings sit on both sides of the road and are close to the junction with Denstroude Lane to the south. To the north and immediately opposite the appeal site are open fields and to the east is an area of woodland. To the south is an area of woodland and open countryside beyond, which is the edge of the settlement of Blean where there are substantially more dwellings and other buildings. This significant break between the small cluster, within which the appeal site sits, and the edge of Blean results in the site being more related to the open countryside than to the settlement. The site is therefore in the countryside.
7. As the site is within the countryside, Policy HD4 is applicable and states that new dwellings in the countryside should be restricted. Consequently, the appeal proposal conflicts with Policies, SP1, SP4 and HD4 of the LP and is an unsuitable location for housing development and would therefore be harmful to the Council's strategic approach to housing development.

Character and appearance of the area of the AHLV

8. The appeal site is a cleared rectangular and open strip of land with frontages onto both Holly Hill and Denstroude Lane and lies in the AHLV. The site sits between 25 Holly Hill, a detached two storey dwelling and No's 21 and 23, which are semi-detached cottages. The land is open and slopes downwards from Holly Hill. There are several mature trees close to the southern and eastern boundaries.
9. The proposal is a two-storey detached dwelling which would be positioned in the north western corner of the plot. It would have garden areas on all sides with vehicular access onto Denstroude Lane. The appellant argues that as the site is not open, the proposal would be infill between two dwellings and would maintain the pattern of development, with only limited visual impact that would not affect the wider setting. However, the appeal dwelling would be visible from public vantage points and from the neighbouring properties due to its prominent position on the site. It would unacceptably introduce a significant amount of development on land which is free of built form. The proposal would be an unacceptable visual intrusion when viewed from the road and the surrounding area and would substantially erode the open character of the area by reason of its height, scale and mass.
10. The appellant has drawn my attention to extracts from two appeal decisions. The first one at a site at 43 Chapel Lane, Blean APP/J2210/W17/3185011 and the second at The Shielings site, Blean APP/J2210/W/17/3174681. I do not have the full details of the individual cases before me and I cannot be certain that there are direct comparisons and so I attach them limited weight.
11. I conclude on this issue that the proposal would be an unsympathetic and significant form of built development in the countryside and would be harmful to the character and appearance of the AHLV. The proposal would therefore conflict with Policies DBE3 and LB2 of the LP and paragraph 127 of the National

Planning Policy Framework, which, amongst other things, seeks to protect the local landscape character of the AHLV.

Living standards of the future occupiers

12. The rear elevation of the appeal dwelling would sit some distance from the rear windows in the first floor of No 25 which, by virtue of the slope in the site, would be elevated above the windows in the appeal dwelling. Two of the three windows at No 25 sit behind the pitched roof of the single-storey rear extension and would not overlook the appeal dwelling. The third window, which serves a first-floor bedroom, would be at an angle and together with the existence of trees, tall hedgerows and two outbuildings along the boundary, would limit the potential to overlook the appeal dwelling. The windows on the appeal dwelling are also high level and only provide light to the kitchen and dining area.
13. For these reasons the appeal proposal would not be unacceptably overlooked by the adjoining property and consequently the living standards of the future occupiers would not be harmed. The proposal would therefore accord in this respect with Policy DBE3 of the LP which requires, amongst other things, that new housing should have acceptable standards of accommodation.

Ecology and wildlife

14. The appellant has provided further ecological surveys. I have had regard to Annex M of the Procedural Guide - planning appeals England and it would be inappropriate to accept this, as the information has not been subject to formal consultation and may prejudice other interested parties.
15. For the above reason, I conclude that, in the absence of an agreed preliminary ecological assessment, the development would have a harmful impact on protected species, general ecology and wildlife habitats. It therefore conflicts with Policy LB9 of the LP which requires development to avoid a net loss of biodiversity and nature conservation value.

Other matters

16. The appellant has provided a signed Unilateral Undertaking (UU) dated 11 September 2019 Thanet Coast and Sandwich Bay and the Thames Medway and Swale Special Protection Areas (SPAs). As the development is unacceptable for other reasons and this issue would not have a bearing on the overall decision, I do not propose to proceed to consider the evidence in detail or to progress to an Appropriate Assessment. The matter requires no further attention as part of this decision.
17. The appellant has stated that the appeal scheme would be constructed as a self-build dwelling and that the appellant is registered on the Council's self-build register, as set out in the Regulations. However, the appellant has not provided a planning obligation or such other assurances necessary to demonstrate the appeal proposal would proceed as self-build and for this reason I afford this limited weight.
18. The appellant has also stated that the proposed development would positively assist in boosting the supply of housing in the area, although the contribution from one dwelling would be limited. The proposal would also generate some short-term employment through its construction. Some further modest benefits would result from additional support to the vitality of the local community from

the occupiers of the dwelling. I have also considered that the site is in an accessible location. None of these matters either alter or outweigh the harm I have identified above.

19. I acknowledge the concerns of local residents in relation to highway safety, however no detailed evidence has been presented on these matters and I note that the Council's raise no concerns in this regard. I also note the comments from the Parish Council however, I have dealt with the appeal on the basis it was considered by the Council.

Conclusions

20. The appeal proposal conflicts with development plan policies and I conclude that the proposal would be contrary to the development plan as a whole.
21. For the reasons above the appeal is dismissed.

Neil Smith

INSPECTOR