



Appeal Decision

Site visit made on 21 October 2019 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2019

Appeal Ref: APP/J2210/D/19/3235590

1 Millbank Cottages, Maypole Lane, Hoath CT3 4LP

- The appeal is made under section 78 of the Town Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Rick Perkins against the decision of Canterbury City Council.
 - The application Ref 19/01158, is dated 10 June 2019, was refused by notice dated 26 July 2019.
 - The development proposed is the demolition of a rear conservatory and the erection of a two-storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host dwelling, street scene and The Hoath Conservation Area (Conservation Area).

Reasons

4. In line with the duty imposed on me by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
5. The appeal site is a modest two-storey cottage and is the end property in a terrace of three. It is fairly close to the junction of Maypole Road and Maypole Lane and is therefore prominent from these roads when viewed from the north, south and east. The terrace has retained its overall linear form at first floor level which, with the rhythm of windows, creates a sense of consistency. There are no other additions to the terrace when viewed from the south besides the ground floor conservatory at the appeal site. Although the dwellings in the surrounding area comprise many different architectural styles and sizes, the terrace stands out by virtue of its simple and uniform nature and, combined with its prominent position, it contributes positively to the character and appearance of the Conservation Area.

6. The proposal includes the demolition of a modest single storey rear extension and the erection of a large two storey hipped roof extension. The presence of the extension would be at odds with the simple linear form of the terrace at first floor level. Also, although the proposed development would be designed to match the materials of the host dwelling, and would have the same footprint as the existing conservatory, the two-storey scale of the proposed development would be a much larger and dominant addition which would not respond positively to the modest scale of the host dwelling or the terrace it is a part of. The lower ridge, compared to the original, would not overcome this harm. Also, although the proposed development would be symmetrical on its own, when viewed in the context of the terrace, it would have an unbalancing effect to the detriment of the street scene. It would also appear incongruous when seen from long distance vantage points from the south of Maypole Road and when approaching to the appeal site from the north of Ford Hill.
7. The appellant states the proposal would be an improvement from the present conservatory. Although there would be an element of improvement regarding the materials, the proposal, by virtue of its two-storey nature would have a greater bulk and visual impact in the street scene. As such, the improvement by virtue of the materials, would not outweigh the negative visual impact created by the the proposed development.
8. For these reasons, I conclude the development would harm the character and appearance of the host dwelling, street scene and Conservation Area. The proposed development therefore conflicts with Policies DBE3 and DBE6 of the Canterbury District Local Plan, adopted July 2017 (the Local Plan) which generally seeks to ensure that developments are well designed and respect the local character. The proposed development also conflicts with Policies HE1 and HE6 of the Local Plan, which generally seek to ensure developments preserve or enhance the character and appearance of the historic environment including conservation areas. These policies are echoed within the National Planning Policy Framework (NPPF).
9. The harm to the conservation area would be less than substantial. However no public benefits have been suggested which would outweigh that harm.

Other Matters

10. Although the appellant considers the quoted policies to be general guidance, they form the development plan against which, by law, all development must be considered. As set out above, the development fails to accord with these policies.
11. The appellant states the principle of the development being acceptable should be taken into consideration and given weight. However, this carries little weight when more detailed considerations need to be assessed, such as the effect on the character and appearance of the conservation area.
12. The appellant refers to the support given within the NPPF to making a more effective use of land. However, the provision of one extra room would make a very minimal contribution on this point. Similarly, whilst I sympathise with the appellant's situation regarding the need for an accessible toilet on the ground floor, this does not provide justification for an extension which has a substantial first floor aspect.

13. Reference has been made to the appeal proposal having been subject to change following discussions with the Council. I have however considered the appeal before me on its own merits and the advice provided beforehand by the Council has little bearing on my considerations of it.
14. The appellant refers to various planning decisions which were granted by the Council. However, these all appear to have been granted before the adoption of the current Local Plan, so would have been considered under a different policy background. Notwithstanding that, the varied nature of the dwellings in the area means none of the developments suggested appear to be similar to the case before me which, I have determined on its own merits.
15. There are two Grade II listed buildings near to the appeal site, namely Berry Cottage and Walnut Tree Cottage. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The Council state within their Officer Report that the proposal would not affect the setting of the listed buildings. Given the distance of these listed buildings to the appeal site, I have no reason to disagree.

Recommendation and Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR