
Appeal Decision

Site visit made on 11 February 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2020

Appeal Ref: APP/J2210/W/19/3240075

Land rear of 19 and 23 Plantation Road, Chestfield CT5 3LG

- 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 & Mrs O'Shea against the decision of Canterbury City Council.
 - The application Ref 19/00840, dated 1 May 2019, was refused by notice dated 21 June 2019.
 - The development proposed is erection of a new 2-bedroom dwelling with associated access, garden and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of proposed development shown on the Council's decision notice and the appellant's appeal form is different to that shown on the planning application form. Neither of the main parties has provided written confirmation that a revised description has been agreed. Accordingly, I have used the description shown on the planning application form in the banner heading and determined the appeal on this basis.
3. The site address shown on the planning application form refers to 'Land rear of 19 and 23 Chestfield Road'. However, the location plan clearly shows that the appeal site relates to land rear of 19 and 23 Plantation Road, which is reflected in the site address shown on the appellant's appeal form. The site address shown on the Council's decision notice is precise and I have therefore used this in the banner heading.

Main Issues

4. The main issues are the effect of the proposed development on (i) the character and appearance of the area; and, (ii) the character and appearance of the Chestfield Conservation Area.

Reasons

Character and appearance

5. The appeal site is located in an established residential area, which predominantly consists of single storey and 2 storey detached dwellings of varying design. The dwellings in Plantation Road are generally sited in a linear arrangement and set back from the road, with large rear gardens. The back-to-back separation between the dwellings in Plantation Road and Maydowns Road

is considerable, which, together with the greenery in the gardens, imparts a spacious and verdant character. The appeal site is an open area of undeveloped land, enclosed by fences, which contributes to the spacious character of the area.

6. The proposed detached single storey dwelling would be sited to the rear of Nos 19 - 23 Plantation Road. The design of the proposed dwelling would be compatible with the varied architectural styles in the area. Nevertheless, given the predominant linear development pattern of existing properties that front on to Plantation Road, the proposed dwelling set within a backland site would not be in keeping with this context. The proposed dwelling would appear as an isolated and incongruous feature that would be poorly related to existing development.
7. Furthermore, whilst the proposed dwelling would consist of a single storey, it would amount to a sizeable building in context of the modest neighbouring garden outbuildings. Taken together with the associated hard surfacing, the proposed development would erode the existing spacious and verdant character of the area.
8. I recognise that the visual impact of the proposed dwelling on the street scene would be limited as there would only be glimpsed views of the development between buildings. Nevertheless, the proposed dwelling would be visible from the habitable windows and gardens of neighbouring properties. It would also be seen from the public footpath to the east of the appeal site.
9. The appellant has drawn my attention to a planning permission for non-frontage development at No 71 Plantation Road. Full details of that planning permission are not before me. Nevertheless, No 71 is not viewed in the same context as the appeal site and I do not consider that this individual instance provides strong justification for a single backland unit in this location. In any event, I have determined the appeal scheme on its individual planning merits.
10. For the above reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the area. The proposal would therefore be contrary to Policy DBE3 of the Canterbury District Local Plan 2017 (CDLP), which seeks high quality design having regard to, amongst other things, the character, setting and context of the site; the form and density of the development; and, the visual impact on local townscape character.

Conservation Area

11. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Paragraph 193 of the Framework states that "*great weight should be given to the [designated heritage] asset's conservation*".
12. The appeal site is located within the Chestfield Conservation Area (the CA) adjacent to its eastern edge. The Chestfield Conservation Area Appraisal (the CCAA) states that the essential character of the CA is that of a garden suburb with the landscape and open spaces dominating the pattern of development and the built form.
13. However, it recognises that the residential development in the Chestfield Road North character area of the CA, which includes the appeal site, is not the same

quality or character as that in the adjoining areas to the south. Furthermore, it comments that the northern part of the CA was included because it forms an entry point into Chestfield, rather than for any special architectural or landscape value. Its intrinsic value is as the initial entry point into Chestfield from the north.

14. The proposed development would not adversely affect any important views into the CA. This is due to the single storey height of the proposed dwelling and the location of the appeal site away from the main road into Chestfield (Chestfield Road).
15. For these reasons, I conclude that the proposed development would preserve the character and appearance of the CA. The proposal would therefore accord with Policies HE1, HE6 and HE8 of the CDLP, which, amongst other things, state that development within, affecting the setting of, or views into and out of, a conservation area should preserve or enhance all features that contribute to the area's character, appearance or setting.

Other Matters

16. I have had regard to the National Planning Policy Framework (the Framework) in respect of making effective use of land and adding to the supply and choice of housing in the area. I have also had regard to the appellant's statement that the appeal site would otherwise be left overgrown or attract anti-social behaviour. In these respects, one additional dwelling would provide modest benefits, however it would not outweigh the harm identified.
17. Although the appellant may be willing to make amendments to the scheme, the appeal process should not be used to evolve a scheme. I have considered the appeal based on the scheme that is before me and as considered by the Council following public consultation.
18. I have had regard to the representation from the Parish Council which raises no objection to the proposed development. It states that this is a non-developed plot so it is not 'garden grabbing'. However, this consideration would not alter my decision.
19. I acknowledge that the Council raised no objections in respect of the effect of the proposal on the living conditions of the occupiers of neighbouring properties or future occupiers; highway safety; and that the proposed landscaping would enhance biodiversity on the site. I also note that there were no objections from local residents. However, these matters would not outweigh the harm that I have identified.
20. The Council has indicated that the proposed development would place increased pressure on the ecological importance of the Thames, Medway & Swale Estuaries and the Thanet Coast and Sandwich Bay Special Protection Areas (the SPAs). The appellant has submitted a Unilateral Undertaking with the appeal which covenants to make a financial contribution to the Council towards the SPAs Strategic Access Management and Monitoring Plan.
21. The SPAs are European sites which are subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). Regulation 63(1) of the Habitat Regulations indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As I am

dismissing the appeal for other reasons, it has not been necessary for me to consider this matter further.

Conclusion

22. The proposal would not harm the Chestfield Conservation Area. However, this is outweighed by the significant harm to the character and appearance of the area. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR