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## Appeal Decision

Site visit made on 10 February 2020 by Mariam Noorgat BSc (Hons)

**Decision by Andrew Owen BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12<sup>th</sup> March 2020**

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**Appeal Ref: APP/J2210/D/19/3238446**

**2 Downs Road, Canterbury CT2 7AY**

- 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 R Foxley against the decision of Canterbury City Council.
  - The application Ref 19/01034 dated 24 May 2019 was refused by notice dated 16 July 2019.
  - The proposed development was originally described as two-storey and single storey extensions.
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### Decision

1. The appeal is allowed and planning permission is granted for a two-storey side and rear extension together with a single-storey rear extension at 2 Downs Road, Canterbury CT2 7AY, in accordance with the terms of the application Ref: 19/01034, dated 24 May 2019, and subject to the following conditions:
  1. The development hereby permitted shall begin not later than three years from the date of this decision.
  2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  3. The development hereby permitted shall be carried out in accordance with the following approved plans: 161101 and 161105 Rev C.

### 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.

### Procedural Matter

3. The description of the development used in the decision above reflects that used in the Council's Decision Notice and the appeal forms as that is more precise than that description originally used on the application form.

### Main Issue

4. The main issue is the effect of the development on the character of the area.

## Reasons

5. The appeal property accommodates a two-storey semi-detached property on the corner of Downs Road and St Stephen's Hill. It is not disputed that the appeal property is located within an area that is subject to an Article 4 Direction which restricts the change of use from a single dwelling house to a house in multiple occupation (HMO) without planning permission.
6. The property is currently a four-bedroom HMO. The proposal would increase the number of bedrooms by one, and also increase the size of the shared kitchen/dining area, shower, first floor bathroom and bedroom.
7. Policy HD6 of the Canterbury District Local Plan, Adopted July 2017, (Local Plan), seeks to maintain an appropriate housing mix to safeguard the character of local communities. As such, this policy requires that the proportion of HMOs within the areas subject to Article 4 Directions should not exceed 10% of the total number of dwellings within a 100m radius of any application property. The parties agree that this 10% threshold has been substantially exceeded with respect to the appeal site.
8. An Inspector into a previous appeal at this site<sup>1</sup>, also relating to the enlargement of the HMO, concluded that, based on the evidence before him, the housing mix in the area nor the character of the area would be harmed by the provision of an additional bedspace. I similarly have no substantive evidence to demonstrate that limited intensification of the HMO use at the site through the provision of one additional bedroom would cause material harm to the character of the area, and it is clear that the proportion of properties in HMO use within a 100m radius of the site, and therefore the housing mix locally, would remain unchanged as a result of the proposal.
9. I conclude therefore that proposed development would not have an adverse effect on the character of the area. Whilst the development would conflict with the thresholds given in Policy HD6, I do not find any conflict with the aim of the policy as described above.

## Conditions

10. In the interests of certainty, a condition is necessary to ensure the development is carried in accordance with the approved plans and within three years of the date of this decision. Furthermore, in the interests of protecting the character and appearance of the area, a condition is necessary to ensure matching materials are used.

## Conclusion

11. For the reasons set out above, and having had regard to all other matters raised, I recommend the appeal is allowed.

*Mariam Noorgat*

APPEAL PLANNING OFFICER

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<sup>1</sup> Ref APP/J2210/W/17/3190387

**Inspector's Decision**

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

*Andrew Owen*

INSPECTOR