



Appeal Decision

Site visit made on 12 March 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 July 2020

Appeal Ref: APP/J2210/W/19/3243566

Invale, Valley Road, Barham, Canterbury, CT4 6PL

- 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 C & A Webb against the decision of Canterbury City Council.
 - The application Ref 19/01409, dated 16 July 2019, was refused by notice dated 13 November 2019.
 - The development proposed is a detached single-storey dwelling with associated parking and landscaping, together with modified access, hard surfacing, boundary treatment and planting.
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Decision

1. The appeal is allowed and planning permission is granted for a detached single-storey dwelling with associated parking and landscaping, together with modified access, hard surfacing, boundary treatment and planting at Invale, Valley Road, Barham, Canterbury, CT4 6PL, in accordance with the terms of the application Ref 19/01409 dated 16 July 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 development hereby permitted shall be in accordance with the following approved plans: Drawing Nos. 05 A, 06, 07, 08, 09, 10, 12, *[Received by LPA on 16/07/19]* & 13 A, 03 B, 04 A *[Received by LPA on 14/08/19]*.
 3. Prior to the first occupation or use of the development, the area shown on the deposited plan for the parking and manoeuvring of vehicles shall be operational prior to any part of the development hereby approved being brought into use. The area agreed shall thereafter be maintained for that purpose.
 4. Prior to the first occupation of the development, the secure cycle parking facilities, as shown on the approved drawing shall be provided and thereafter maintained.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is located on the western side of Valley Road to the north of the main part of the village of Barham. The site is currently occupied by a detached dwelling and possesses a large rear garden sloping upwards from the dwelling. The site is situated within an area of residential development along the western side of Valley Road, with open land and the Nail Bourne water course located on the eastern side of the road.
4. The appeal site is also identified as adjoining the Out Elmstead Conservation Area to the east, and the Elham Valley Railway (Barham North) Conservation Area to the west. The site is also highlighted as being located within an Area of High Landscape Value (AHLV) and the Kent Downs Area of Outstanding Natural Beauty (AONB).
5. The Council has drawn my attention to Policies SP4 and DBE3 of the Canterbury District Local Plan 2017 (the Local Plan). These policies seek to provide a strategic approach to the location of development and promote the principles of high quality, sustainable inclusive design which reinforces and positively contributes to local context. In particular, the Council has referred me to the importance of new residential development in Barham being of a size, design, scale, character and location appropriate to the character and built form of the settlement.
6. I have carefully considered the Council's contention that the prevailing form of development along Valley Road is characterised by frontage development with dwellings set within large plots. Whilst I would accept that this is an undoubted part of the character of the vicinity, there is clear evidence of existing residential development at depth, including Mill View Court to the north, and The Shrubbery to the south. I have had regard to the Council's contention that their design, layout and form differs from that of the proposed development, but in light of the reason for refusal it is not the detailed design and form of the proposals which are of contention, but the spatial principle of development set back from Valley Road. Although I also recognise the Council's point that these developments are more historic in nature, this does not change the fact that they exist and are also a part of the character of development along Valley Road, and as such must inform any assessment of the vicinity for future development.
7. With regards the resultant plot sizes, I recognise that whilst a number of nearby properties retain significant sized private rear gardens there is also a certain variety in the range of plot sizes with smaller plots and curtilages in evidence also, with the proposed and retained plots falling within the apparent range. That being said, the contribution which the existing rear garden makes to the spaciousness of the wider area would undoubtedly be eroded in part as a consequence of the introduction of the proposed dwelling, albeit that I am not persuaded that any impact would be so significant as to result in an overall level of harm within the area.
8. I also disagree with the Council's conclusions regarding the harm to the rural character of the area. The existing residential curtilages on the western side of Valley Road clearly exhibit the domestic characteristics of garden land with all the associated domestic structures and paraphernalia. As existing, these areas do not make a positive contribution to the rural character of the area, and the development of the land for a dwelling would not therefore result in an adverse

impact on the existing rural character of the area which I conclude would remain unchanged.

9. Turning to the detailed design and impact of the proposed dwelling, it is clear from the submitted evidence that the scale and form of the proposal has been carefully considered within its context in order to provide a reduced profile within the landscape which responds to the contours and constraints of the site. Whilst it would inevitably be visible within the wider landscape, I am satisfied that this would only be to a limited degree and that its contemporary flat roof design and creative use of a mix of materials would mitigate against any unacceptable visual impact.
10. I note that despite the expressed concern over the impact of the proposed development on the character and appearance of the area, the Council has concluded that the proposal would not result in harm to the AHLV or Kent Downs AONB, and would not result in harm to the significance and setting of the adjacent Conservation Areas. Whilst my attention has been drawn in particular to the great weight that should be given to conserving and enhancing the landscape and scenic beauty in AONBs, as guided by paragraph 172 of the Framework, the scale and extent of development in this instance is limited. On the basis of the submitted evidence and my own observations of the site in the context of the landscape and statutory designations, I see no reason to disagree with the Council's conclusions in these regards.
11. For the above reasons, the proposed development would not result in an adverse effect on the character and appearance of the area. I am satisfied that there would not therefore be conflict with Policies SP4 and DBE3 of the Local Plan.

Other Matters

12. I have noted that there is some dispute over whether the Council is able to demonstrate a deliverable 5-year supply of housing land. However, as a consequence of my conclusions on the main issue this is not a matter which has had any bearing on my decision-making.
13. The provision of an additional dwelling to the local housing market would be a benefit of the proposed development, albeit given the quantum of development the weight to be attached would be limited. The local economy would also have the potential to have some limited benefit during the construction period and from any expenditure from future occupiers. The proposed development would access a comparatively frequent bus service between Canterbury and Folkestone and would be within walking distance of the services and facilities of the village, to which it would provide support. This would attract some limited weight as a social benefit. These factors would overall weigh further in support of the proposal.
14. I have noted that the submissions from an interested party have included concerns over the impact of the proposed development on biodiversity as a consequence of the introduction of further development on open garden land, and the potential for light pollution having an adverse effect on the habitats of the wooded corridor of the railway embankment. However, in the absence of any compelling evidence to the contrary, I would not disagree with the council's conclusion that with the development set on existing garden land that there would not be any net loss of biodiversity.

15. I am also not persuaded that the position of the dwelling set down into the slope of the land would result in the contended light pollution, with the substantial glazed panels to the lounge and kitchen/dining room facing northwards away from rather than towards the wooded corridor. I am satisfied that the level of landscaping shown on the approved Landscaping Plan would represent an overall enhancement in opportunities for biodiversity on the appeal site.
16. I have also had regard to the references made by the interested party to four other proposals to build single properties in large rear gardens, but I note that none relate to the Council's area with the identified locations including Middlesbrough, Ipswich, near Shrewsbury, and Stockton. However, whilst the submitted plans indicate a similar layout of development, in each instance the appeal proposals would have specifically been assessed in the context of the Development Plans related to these areas, and in the context of any other material considerations and evidence placed before the respective Inspectors. I note that each of the other appeals would appear to address matters in outline only, whereas the appeal proposals in this instance have been presented as a fully designed and detailed scheme, and in this respect are not directly comparable. In any event, I am mindful that each appeal must be determined on the basis of its own planning merits, which is the approach which I have undertaken in my decision-making in this instance.

Conditions

17. In addition to conditions addressing the timing of development and ensuring accordance with the approved plans and documents, the Council has suggested conditions requiring the provision of the areas shown for the parking and turning of vehicles and secure cycling facilities, prior to the first occupation of the property. I am satisfied that these conditions would be reasonable and necessary in the interests of highway safety and the promotion of sustainable means of travel.

Conclusion

18. Therefore, for the reasons given above, and subject to the conditions listed, the appeal is allowed.

M Seaton

INSPECTOR