

Appeal Decisions

Site visit made on 24 June 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2020

Appeal A Ref: APP/J2210/W/20/3246402

150 Field Avenue, Canterbury, Kent CT1 1TS

- 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 Ms C Body against the decision of Canterbury City Council.
 - The application Ref 19/01372, dated 10 July 2019, was refused by notice dated 28 August 2019.
 - The development proposed is a detached 2 bed dwelling on land adjacent to 150 Field Avenue.
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Appeal B Ref: APP/J2210/W/20/3246403

150 Field Avenue, Canterbury, Kent CT1 1TS

- 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 Ms C Body against the decision of Canterbury City Council.
 - The application Ref 19/02088, dated 15 October 2019, was refused by notice dated 11 December 2019.
 - The development proposed is an attached two-storey dwelling.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matter

3. The descriptions of development used in the headings above have been taken from the application forms that originally accompanied the respective applications. The Council used different descriptions of development in their decision notices and, in the case of Appeal A only, the appellant's appeal form uses a slightly modified description. In the case of both appeals, it has not been clarified that the amended descriptions have been agreed by both main parties and, therefore, I have used the descriptions that were originally used and represent the development for which planning permission was sought. However, in all respects, the variation between descriptions is minor and I consider that no party would be prejudiced through the use of the abovementioned descriptions of development.

Main Issues

4. The main issues in both appeals are the effect of the development on:
 - The living conditions of future occupiers with particular regard to privacy; and
 - The character and appearance of the area.

Reasons

Living Conditions of Future Occupiers

5. In the case of both appeals, the proposed dwelling would be located to the side of the existing dwellings of 148 and 150 Field Avenue. The adjacent dwelling of 148 Field Avenue has a first floor window that is orientated towards the appeal site, facing the side garden of the existing dwelling. The side and rear elevations of the existing dwelling are at an oblique angle relative to the abovementioned window. Although it has been indicated that the window serves a landing, it is clear glazed and appears to be openable. As such, there appears to be nothing to prevent occupiers of that dwelling having views into the garden of the existing dwelling.
6. The proposed dwelling that is the subject of Appeal A would be served by a garden to the rear and side of the building. The garden serving the proposed dwelling that is the subject of Appeal B would primarily be to the side of the building. Accordingly, the adjacent window would enable occupiers of the neighbouring dwelling to have views into the gardens of the proposed dwellings. In both appeals, the layout of the proposed development means that the overlooked parts of the garden would be those parts that are closest to the dwelling and, therefore, the parts where privacy is most likely to be sought.
7. The garage at 148 Field Avenue would obstruct views of a small part of the garden. Furthermore, the unusual shape of the proposed gardens and the erection of fencing around the proposed parking spaces would enable a small pocket of the garden to achieve some privacy. However, privacy being afforded to those parts of the garden is unlikely to be of sufficient value to future occupiers to enable the garden space to be of high quality overall.
8. Although it has been identified that the adjacent window serves a landing, this would not prevent overlooking and would not reduce the perception of overlooking that would be experienced within the proposed gardens. As such, given that the occupiers would be reliant on the overlooked areas of the gardens as their primary external space, the effect of the overlooking from the window would be amplified and cause the occupiers of the proposed dwellings to be afforded living conditions of insufficient quality.
9. Although the existing garden is also overlooked by this window, the occupiers of the existing dwelling have the choice to use the part of the garden to the rear of the existing dwelling, which does not have windows facing it to the same extent. As such, the existing arrangement does not alter my assessment of the adequacy of the proposed outdoor space to serve the needs of the future occupiers of the dwelling.
10. For these reasons, the developments that are the subject of Appeal A and Appeal B would both have an unacceptable effect on the living conditions of future occupiers with particular regard to privacy. Therefore, both proposals would be contrary to Policy DBE3 of the Canterbury District Local Plan 2017 (The CDLP) which requires the provision of appropriate amenity space. Notwithstanding the comments of the appellant in respect of the relevance of Policy DBE4 of The CDLP, the proposals would also be contrary to that policy as it states that all new housing proposals should have an acceptable standard of accommodation in terms of, amongst other things, amenity space. The developments would also be contrary to paragraph 127 of the National Planning Policy Framework (The Framework) which states that development should create places with a high standard of amenity for future users.

Character and Appearance

11. The appeal site is located at one of the bends of the residential street of Field Avenue, which features semi-detached dwellings in the area surrounding the appeal site. The built form of the area is not uniform, but there is a consistency and sense of repetition to the scale and architecture and a formality to the layout that gives the impression that the street was built as a planned housing area. A large area of open space is located at the rear of the appeal site and an area of green space is located opposite the site. As such, there is a sense of spaciousness between the buildings within the locality.
12. The appeal site features a semi-detached dwelling and its gardens to the rear and side. The space between the side of the dwelling and the neighbouring property of 148 Field Avenue adds to the abovementioned sense of spaciousness within the locality and the substantial area of vegetation to the front and side of the garden also contributes positively to the character of the street.
13. The dwelling proposed in Appeal A would be a detached dwelling that would be substantially narrower than the pair of semi-detached dwellings that the existing dwelling forms a part of. Consequently, and due to the roof pitch of the proposed dwelling matching the existing dwelling and those of the surrounding area, the height of the proposed dwelling would be markedly lower than the surrounding buildings. As the scale, proportions and form of the proposed dwelling would be unreflective of the built form within the vicinity of the site, the dwelling would have an appearance that is harmfully out-of-keeping with the character of the surrounding area. The effect of this would be exaggerated as a result of the dwelling sitting at a prominent position at the bend of Field Avenue, albeit approximately in line with the front elevation of both 146 and 148 Field Avenue.
14. The dwelling proposed in Appeal B would be attached to the side of the existing dwelling, thereby causing the pair of semi-detached dwellings to become a terrace. The eaves and ridge heights, the materials and the proportions of the proposed dwelling would reflect the existing building. Accordingly, the dwelling would appear well integrated with the existing built form at the site. Whilst the creation of a terrace would result in the building being a variation from the pattern of built form within the immediate vicinity, this would not detract from the overall appearance of the surrounding area, especially as the effect would be comparable to a similar terrace at 96 and 96A Field Avenue which sits comfortably within an area of detached and semi-detached dwellings. Furthermore, as the built form integrates with the host building and would not sit forward of 146 and 148 Field Avenue, the prominence of the dwelling would not cause it to have an unacceptable visual effect.
15. Although it was only mentioned in the reason for refusal of the application that is the subject of Appeal B, both proposals would reduce the gap between 148 and 150 Field Avenue. Furthermore, the area of vegetation that is adjacent to the footpath would be reduced. However, the retention of an area of garden at the side of the dwellings and some vegetation ensures that the effect on the overall spaciousness of the locality caused by both developments would be minor. In this regard, the space between the proposed dwellings and the neighbouring dwelling would be visually acceptable in the context of the locality. This does not, however, address the harm that has been identified above in respect of Appeal A.
16. For the reasons set out above, the development that is the subject of Appeal A would have an unacceptable effect on the character and appearance of the area. The development proposed by Appeal A would, therefore, be contrary to Policy DBE3 of The CDLP which requires that development should be of high quality and

have regard to the character, setting and context of the site and the height, scale and massing of other buildings. The dwelling proposed by Appeal A would also be contrary to paragraphs 124 and 127 of The Framework which combine to identify that design is a key aspect of sustainable development and require that development is visually attractive and sympathetic to local character.

17. Conversely, the development that is the subject of Appeal B would have an acceptable effect on the character and appearance of the site and the surrounding area. That development would, therefore, accord with the abovementioned aims of The CDLP and The Framework in that respect.

Other Matters

18. Whilst the proposal would represent the boost of housing supply and the use of a small windfall site in a manner that accords with paragraph 68 of The Framework, as the proposals relate to a single dwelling, the benefits arising in this respect are minimal. Furthermore, whilst the appellant has suggested that the proposed dwellings would be ideal starter homes, no evidence has been provided to demonstrate that there is a need for such accommodation. As such, these factors do not outweigh the harm that I have identified above.
19. I note the appellant's view of the manner in which the applications were considered by the Council. However, this does not alter my assessment in respect of the harm that has been identified above. Furthermore, whilst I acknowledge that interested parties have made comments in relation to other matters, given my findings in respect of the main issues I do not consider it necessary to comment on those matters at this time.

Conclusion

20. I have found that the dwellings proposed in Appeal A and Appeal B would afford their future occupiers unacceptable living conditions as a result of the gardens serving those dwellings being afforded insufficient privacy. I have also found that the dwelling proposed in Appeal A would have an unacceptable effect on the character and appearance of the site and the surrounding area. Accordingly, neither the development proposed by Appeal A nor the development proposed by Appeal B would be in accordance with the development plan. Consequently, as other considerations, including The Framework, do not lead me to reach different decisions, I conclude that both Appeal A and Appeal B should be dismissed.

Ian Harrison

INSPECTOR