

Appeal Decision

Site visit made on 20 August 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2020

Appeal Ref: APP/J2210/W/20/3250217

2 Westfield Cottages, Hardres Court Road, Upper Hardres CT4 6EA

- 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 Timpson against the decision of Canterbury City Council.
 - The application Ref 19/00490, dated 15 March 2019, was refused by notice dated 14 November 2019.
 - The development proposed is the erection of a 2 storey, detached, 3 bedroom dwelling with associated car parking and demolition comprising the removal of a garage and timber sheds.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The address used above has been taken from the application form submitted with the original application. The appellant's appeal form uses a different address, but confirmation has not been provided by either party that the revised address has been agreed. Although the appellant identifies that the use of this address has caused some confusion previously, I am satisfied that the combination of the abovementioned address and the submitted plans are sufficient to avoid confusion and ensure that no party would be prejudiced.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the site and the surrounding area;
 - Whether the site is a suitable location for residential development with particular regard to the accessibility of services and facilities; and
 - The provision of car parking.

Reasons

Character and Appearance

4. The village of Bossingham is located within a rural setting that is part of the Kent Downs Area of Outstanding Natural Beauty. Hardres Court Road is part of the main route through Bossingham that is aligned with a mixture of dwellings and a public house. The Bossingham (Upper Hardres) Conservation Area includes the majority of the built form at the village and some of the surrounding fields, thereby including the appeal site and the nearby Grade II

listed building at Little Bossingham Farm. As the conservation area includes the majority of the settlement, the heritage significance appears to be derived from the form of the village as a whole, with the intermittent dispersal of older and more modern buildings reflecting the evolution of the settlement. In this regard, the linear pattern of development and the varied age of the buildings around the appeal site contributes to the significance of the conservation area as does the relationship with the countryside which reflects the rural surroundings of the village. I have paid special attention to the desirability of preserving or enhancing the conservation area.

5. The appeal site is located to the rear of a short terrace of dwellings and two detached dwellings, all of which face Hardres Court Road and obscure views of the site from that road. However, the site abuts the public domain within Catts Farm Road Path which is a tree and hedge lined lane that provides access to the site and changes in character after it passes the appeal site. From the localised area where the site is visible, the collection of single storey buildings at the site appear to have an association with the adjacent dwellings. Therefore, whilst the buildings and land at the site are of minimal value to the heritage asset, they have a discreet effect on the character and appearance of the locality and are reflective of the sites position at the fringe of the settlement.
6. The dwelling would fill a substantial proportion of the plot and, due to the abundance of trees and hedges at and around the site, the combination of the built form and the sense of enclosure caused by the vegetation would cause the site to appear cramped. Moreover, as the dwelling would be in close proximity to the abovementioned lane and have its front elevation parallel to it for a significant length, the proposed dwelling would have an imposing effect on the public domain. There would be potential for planting to be provided at the frontage of the site and part of the dwelling would be of reduced scale in comparison to the remainder of the dwelling. However, these aspects of the proposal would not avoid the built form having a dominating effect on the adjacent section of the public domain in a manner that would be unreflective of the character of the locality.
7. Although the dwelling would have a frontage onto the abovementioned lane and the site is surrounded by the plots of the nearby dwellings, the proposed dwelling would be substantially detached from the nearby built form and would not reflect the manner in which most dwellings around the appeal site align the main routes through the village. As such, the siting of the dwelling would integrate poorly with the pattern of development within the locality. Moreover, the detachment from the other built form leads me to conclude that the proposal would not represent infill development in a manner that aligns with Policy SP4 of The Canterbury District Local Plan 2017 (The CDLP) and the definition of such development that is provided by the supporting text of that policy. Whilst I have had regard to the 'logical limit' of the settlement that has been suggested by the appellant, this does not alter my assessment of the relationship of the proposed development with the other built form of the area.
8. The enclosure of the site by trees indicate that it is likely that there would be increased pressure to undertake works to the trees to afford future occupiers of the proposed dwelling suitable living conditions. Although a plan overlaying the proposed dwelling onto the Tree Constraints Plan has been submitted, the appellant's Arboricultural Survey (The AS) appears to have been prepared prior to the layout being finalised. As such, whilst it makes suggestions, it provides minimal reassurance in relation to the effect of the development and the need to undertake works to the trees in the future. Such works would be likely to undermine the contribution of those trees to the character of the site and the area

and, as such, the evidence before me does not demonstrate that the proposal would be sympathetic to its landscape setting.

9. For these reasons and as the proposal would not follow the pattern of linear development that exists within the area surrounding the site, the development would reduce the contribution that the site makes to the fringe of the settlement and erode the transitional character that defines the edges of the settlement and the conservation area. Although the proposed development would be small in the context of the overall conservation area and have a localised effect due to its position, the proposal would have a harmful effect on the character and appearance of the conservation area. I afford considerable weight to the less than substantial harm that would be caused.
10. Where less than substantial harm to a heritage asset has been identified, this should be weighed against any public benefits of the proposal which the appellant has identified would include the provision of housing which would strengthen demand for local services and facilities and the vibrancy of the community whilst also representing the effective use of an under-utilised windfall site. However, as the proposal relates to the erection of a single dwelling and I have no evidence before me to indicate that the economic or social benefits would be unusually heightened in any way, the benefits arising from the proposal in these respects would be limited.
11. It has also been suggested that the removal of the existing buildings would enhance the appearance of the site and represent a public benefit. Even if I were to agree that this were a benefit of the proposal, I have no basis to conclude that the erection of a dwelling would be the only method to bring about this change or be a proportionate response, particularly as the development would, in itself, detract from the character and appearance of the site and the locality. As such, the public benefits of the proposal would not outweigh the harm that would be caused to the heritage asset.
12. Whilst other planning permissions have been granted that enable the erection of dwellings at the rear of other buildings at Bossingham, including recently at Great Bossingham Farm, limited details have been provided of those developments and, as each application should be considered on its own merits, they do not alter my assessment of the proposed development. Furthermore, whilst planning permissions at Dene Farm, The Two Acres and land opposite Homeside Farm have been brought to my attention, I have insufficient details before me to establish whether the arrangement and visual effect of the developments would be comparable to this proposal.
13. For the reasons set out above, the proposal would have an unacceptable effect on the character and appearance of the site and the surrounding area. The proposal would, therefore, be contrary to Policies DBE3 and LB10 of The CDLP which, together, require development to be of high quality that has regard to the character, setting and context of the site and be designed to enable the retention of trees and hedgerows that contribute to the amenity of the site and the surrounding area. The proposal would also be contrary to Policy SP4 of The CDLP which supports limited infill development subject to the rural character of the area being protected and any development being appropriate in terms of amount, location, design and scale. Furthermore, the proposal would be contrary to Policies HE1 and HE6 of The CDLP which require that developments within a conservation area preserve or enhance the character and local distinctiveness of the historic environment, with any less than substantial harm being weighed against the public benefits of the proposal.

14. The proposal would also fail to accord with the National Planning Policy Framework (The Framework) which requires that great weight should be given to the conservation of heritage assets and requires that development adds to the overall quality of the area and is sympathetic to local character. Therefore, the proposal would also be contrary to Policy SP1 of The CDLP which aligns with The Framework.
15. Other than being within a conservation area, the site does not include any buildings that are designated heritage assets. As such, Policy HE8 of The CDLP is not determinative in this case.

Access to Services and Facilities

16. The site is not isolated from the remainder of Bossingham and is, therefore, in close proximity to the few services and facilities that are available within the village. Further services and facilities are available within the nearby settlement of Stelling Minnis. As such, the occupiers of the proposed dwelling would have similar access to services and facilities, including bus services, as any other existing residents of Bossingham and the future residents of the other approved developments that have been referred to above.
17. Catts Farm Road Path being unlit and without footpaths causes it to be alike most other roads within the vicinity of the site. However, this has not prevented Bossingham being identified as a location where limited infill development can occur. Therefore, whilst it is narrower and more enclosed than most other routes, as it is short in length and unlikely to be used by more than minimal traffic, the condition of that route would not prevent its use by pedestrians or cyclists to a greater extent than would be expected in this location.
18. Consequently, the site would be a suitable location for development in terms of the accessibility of services and facilities. Therefore, in that respect, the development would accord with the strategy for the locating of development that is set out within Policy SP4 of The CDLP and would also accord with Policy T1 of The CDLP which requires consideration to be given to the use of alternative modes of transport to the car.

Provision of Parking

19. Notwithstanding the above assessment of the ability of future residents to access services and facilities, the location of the site makes it likely that future occupiers of the proposed dwelling will use cars to travel for most trips. The occupiers of the existing dwelling of 2 Westfield Cottages are also likely to have a similar need to travel and, in this regard, the proposal would involve the loss of a garage and an area of hardstanding that could be used for the parking of cars. The parties agree that the proposed dwelling should be served by a minimum of two parking spaces but disagree as to whether a minimum of 1.5 or 2 spaces should be provided to serve the existing dwelling.
20. The proposal shown on the plans upon which the Council based their decision would have provided no parking to serve the occupiers of the existing dwelling and, as such, parking within the highway would be of increased likelihood. Given the limited on-street parking capacity of the roads within the vicinity of the appeal site, the increased demand for on-street parking would be likely to cause parking in a manner that would obstruct the highway and potentially detract from safety.
21. The appeal has been accompanied with plans that indicate that it would be possible to provide car parking at the frontage of 2 Westfield Cottages. However, as those works would occur outside the appeal site, go substantially beyond the ambit of the

development for which planning permission was sought and have not been the subject of public consultation, I consider that proceeding on the basis of the amended plans could prejudice the involvement of interested parties. Whilst I recognise that the relevant land is within the control of the appellant who has suggested that providing such car parking would not require planning permission, I do not have sufficient evidence before me to be certain that such a development would not require planning permission. For these reasons, I am not satisfied that it would be reasonable to address the provision of car parking through the imposition of a condition.

22. Consequently, the proposal would have an unacceptable effect on the provision of car parking and would, therefore, be contrary to Policies T9 and DBE3 of The CDLP which require regard to be had to the minimum parking standards set out above.

Planning Balance and Conclusion

23. Whilst the proposal would represent a boost to the supply of housing at a village where it has been identified that some development can occur and the proposal would be acceptable in several respects, the benefits arising from the provision of a single dwelling would be limited. Conversely, the development would be served by insufficient parking and have a detrimental effect on the character and appearance of the site and the surrounding area that would be contrary to the policies of the development plan. The proposal would also cause less than substantial harm to the conservation area that would not be outweighed by the public benefits of the development. Consequently, the proposal would conflict with the development plan when taken as a whole and the harm arising in those respects would not be outweighed by the benefits of the proposal.
24. Therefore, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR