



Appeal Decision

Site visit made on 8 June 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2021

Appeal Ref: APP/J2210/W/21/3266836

113 Tankerton Road, East of Tankerton Circus, Whitstable CT5 2AN

- 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 Gary Munday against the decision of Canterbury City Council.
 - The application 20/01626, dated 28 July 2020, was refused by notice dated 21 September 2020.
 - The development proposed is the erection of a bungalow with parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - ecologically sensitive areas.

Reasons

3. The site forms part of the rear garden and parking area of 113 Tankerton Road, a shop with separate residential accommodation above. The site is accessed by a narrow unmade back alley way that also serves the rear of other properties in Tankerton Road and Marine Parade. The alley way has the character and appearance of being a service track providing access to rear yards, garages and gardens ancillary to the primary frontage development.
4. Within this context a bungalow would appear out of place. Given the restricted size and width of the plot, the building would also appear cramped and an overdevelopment on the site, being built hard up to either side boundary. This would appear at odds with its setting. The very limited garden space and cramped nature of the plot would make for a poor living environment for a residential dwelling on the site.
5. There are other aspects of the scheme which have been raised by interested parties in representations and which are of concern. These include the loss of the site for ancillary parking to 113 Tankerton Road, and the difficulty of using the parking space proposed in the appeal scheme because of the proximity of a telegraph pole. While it is possible that the latter issue could be overcome by relocation of the pole, I have been given no evidence to demonstrate that this has been investigated or is feasible. Together, these aspects of the scheme further indicate the unsuitability of the site for development.

6. My attention has been drawn to existing dwellings at 36 and 37 Marine Parade which adjoin the alley way opposite the site, recent residential development at 103B Tankerton Road, and permission for development at 107A, 127 and 139 Tankerton Road. The appellant considers that these set a precedent for further mews style development along the alley way.
7. According to information in representations from interested parties, 36 and 37 Marine Parade pre-date the majority of development in Tankerton Road and Marine Parade and are therefore somewhat of an historical anomaly in terms of the layout of development in the area. Both also appear to have a greater amount of garden space associated with them than the appeal scheme. Because of their age and more generous gardens, I do not consider they set a precedent for similar development along the alley way.
8. The dwelling at 103B Tankerton Road was formed from the change of use of an existing commercial building. Both it and the semi-detached pair of modern houses adjacent to it front on to a wider, surfaced, section of the alley way. They also have a degree of space to either side allowing pedestrian access to the rear and visually separating the buildings from one another. The same applies to the extension permitted to 103B Tankerton Road. This degree of spacing would not occur with the appeal scheme.
9. The permitted residential unit at the rear of 107A Tankerton Road does have more similarity with that proposed on the appeal site. However, it forms part of a comprehensive redevelopment of a larger site and parking would be provided both for it and other residential units included in the redevelopment.
10. From the information provided to me, the redevelopment schemes permitted at 127 and 139 Tankerton Road use the rear parts of their sites as parking, garaging and turning areas ancillary to the buildings fronting Tankerton Road rather than for residential buildings as proposed in the appeal scheme.
11. Having regard to these developments, there is some substance in the appellant's argument that the rear alley way is in transition from a predominantly service function to a mews style lane which includes some residential use. However, I distinguish the examples highlighted from the appeal scheme for the reasons given above. I do not consider they set a precedent to justify allowing what is otherwise an unacceptable form of development on the site.
12. I conclude that the proposal would harm the character and appearance of the area by reason of it appearing cramped and out of place on a narrow plot. It would as a result conflict with Policy DBE3 of the Canterbury District Local Plan 2017, which requires new development to positively contribute to its local context.

Ecologically sensitive areas

13. The site lies within the zones of influence of the Thanet Coast and Sandwich Bay Special Protection Area and the Thames, Medway and Swale Special Protection Area. These designations reflect the national and international ecological importance of the areas. It is possible that the development, when taken in combination with other residential development, could have a significant effect on the ecological integrity of these areas through additional recreational pressure and/or increased pollution from nutrients.

14. I have been given insufficient information to inform an appropriate assessment of the likely significant effects on the designated sites. The absence of such information, or the means of mitigating any adverse effect that might arise from the development, would in itself attract a reason for dismissal of the appeal. However, given my conclusion on the first issue there is no need for me to consider this second issue any further.

Conclusion

15. An additional dwelling would make a modest contribution to the local housing stock, and there would be a temporary economic benefit as a result of its construction. However, these modest benefits do not outweigh the harm that I have identified to the character and appearance of the area. Consequently, the proposal would conflict with the development plan when taken as a whole.
16. I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR