



Appeal Decision

Site visit made on 24 January 2022

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2022

Appeal Ref: APP/J2210/W/21/3275611

Land adjacent to 32 Beacon Avenue, Herne Bay CT6 6HJ

- 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 Glyn Savage (Blackrock Architecture Ltd) against the decision of Canterbury City Council.
 - The application Ref CA/20/01866, dated 24 August 2020, was refused by notice dated 23 November 2020.
 - The development proposed is for the erection of a detached chalet bungalow with associated parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government published a revised *National Planning Policy Framework* (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area,
 - the living conditions of future occupiers, and;
 - the Stodmarsh Special Area of Conservation and Special Protection area and the Ramsar and Thanet Coast and Sandwich Bay Special Protection Area (SPA).

Reasons

Character and appearance

4. The appeal site is located within the SPA in an established residential area that is characterised by brick and tile dwellings with gardens to the front and rear. Beacon Gardens is an unmade road that is accessed from Dence Park which leads to the junction with Beltinge Road. The section of Beacon Avenue nearest to Dence Park is typified on the left-hand side by bungalow-type dwellings that line the road behind garden and parking areas with communal grass verges to the front. The site is found behind a close-boarded timber fence which faces onto Beacon Avenue to the rear of No 13 Dence Park, and is also adjacent to the west elevation, trees and hedged boundaries of No 32 Beacon Gardens.

5. The proposal is to construct a detached chalet style bungalow with 3 dormers to the front that would be built in similar materials to the properties seen in the surrounding area. There would be two parking spaces to the front.
6. The appellant has brought to my attention a previous permission¹ of some vintage for a chalet bungalow on the appeal site and a number of other applications and appeals² in support of his case. However, I have limited details of these schemes which were either considered under a previous development plan to the proposal before me, or are in a different location to the appeal site altogether. Therefore, I have considered the proposal on its own planning merits.
7. The proposed development would be located in an established residential area. As such, the general principle of development on the appeal site is accepted. Moreover, the proposal would meet nationally described space standards. However, notwithstanding the position of No 13 which faces onto Dence Park, the fact remains that the proposed dwelling would sit forward of the relatively consistent built line along Beacon Avenue. Indeed, the proposal would be in closer proximity to the grassed verge to the front of the property in comparison to the neighbouring dwellings along the unmade road and would have sizeable dormers to the front elevation.
8. Therefore, although the appellant contends that the proposal would enhance the appearance of the appeal site in contrast to the existing fenced frontage, I find to the contrary; the proposal by virtue of its forward position, in combination with its' bulky form, would be overly prominent in the street-scene when viewed from either direction along Beacon Avenue, and hence would be at odds with the neighbouring dwellings in this specific location.
9. Furthermore, whether the proposal would be an infill development or not, the dwelling would sit tightly between No 32 and No 13. Indeed, the extent of the proposal on the limited plot available would be incongruous with the surrounding area, which is typified by properties set on relatively generous garden plots to the front and rear. I acknowledge that there is a bungalow type dwelling known as 'Southcot' which is located directly opposite to the appeal site. However, I noticed at my site visit that 'Southcot' has a different spatial relationship to the surrounding built environment to the proposed development in that there is an open field/recreation type area to its side. I conclude therefore, in this specific location that the positioning, scale and mass of the proposal would harm the character and appearance of the area.
10. Consequently, in respect of the character and appearance of the area, the proposal would be contrary to Policy DBE3 of the Canterbury District Local Plan 2017 (CLP), which says amongst other things that the distinctive character, diversity and quality of the Canterbury District will be promoted, protected and enhanced.
11. For similar reasons, the proposal would not meet the requirements of Paragraph 130 (c) of the Framework which requires that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

¹ CA/04/00681/HBA

² CA/16/01393 and APP/J2210/W/18/3196626

Living conditions

12. I noticed at my site visit that No 32 has a window to the elevation facing towards the rear of No 13 at first-floor level. The window would be in close proximity to the proposed dwelling and look directly onto its garden space. Subsequently, I conclude that the siting of the proposal would erode the privacy of future occupiers. For example when the garden space was being used for the purposes of, but not limited to, sitting out, small-scale gardening, the drying of laundry and other domestic type activities. Additional landscaping would not provide satisfactory mitigation. Moreover, I cannot be certain if the trees and hedges along the boundary between the dwellings would survive or remain in perpetuity if a condition were to be imposed. I find therefore, that the proposal would harm the living conditions of future occupiers.
13. Accordingly, in respect of the living conditions of future occupiers, the proposal does not meet the aims of Policies DBE3 and DBE4 of the CLP, and Paragraph 130 (f) of the Framework which says that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

SPA

14. The appeal site is located in the SPA and is therefore, subject to the Habitat Regulations which protect the SPA. If I had come to a different conclusion, it would have been necessary for me as a competent authority to undertake an 'Appropriate Assessment' and the likely effectiveness of any mitigation measures, including the certainty of an agreed S106 agreement being forthcoming. However, as I have found against the appellant on the main issues, and therefore planning permission is to be refused, this matter need not be considered any further in this case.

Other Matters

15. The proposal would be a 'windfall' development and contribute to the Council's 5 year housing land supply. However, notwithstanding the appellants' reservations regarding the Council's housing delivery record, as the Council can demonstrate a housing land supply in excess of 5 years, I attribute the proposal for one dwelling very minimal weight.

Conclusions

16. The proposed development would conflict with the adopted development plan, and as there are no material considerations indicating a decision otherwise than in accordance with it, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR