



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: 3rd February 2022

Appeal Ref: APP/J2210/W/3270979

**Land adjacent to Whitstable Road and Westbrook Lane, Herne Bay
CT6 8BS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Kang (The TIDES CT6 Ltd) against the decision of Canterbury City Council.
 - The application Ref CA/20/01408, dated 6 July 2020, was refused by notice dated 8 January 2021.
 - The development proposed is for an outline application for the provision of a single dwelling with all matters reserved except access.
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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.
3. The proposal is an outline application with details for, other than for access, layout, scale, landscaping and appearance reserved for later consideration.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area, with particular reference to the prevailing pattern of development,
 - the Thames, Medway and Swale Special Protection Area and Thanet Coast and Sandwich Bay Special Protection Area, and;
 - the Stodmarsh Special Area of Conservation and Special Protection Area and Ramsar.

Reasons

Character and appearance

5. The appeal site is located in the Thames, Medway and Swale Special Protection Area and Thanet Coast and Sandwich Bay Special Protection Area and the Stodmarsh Special Area of Conservation and Special Protection Area and Ramsar (SPA and SAC).

6. The site is found to the south-east corner of an area of scrubland between the main highway of Whitstable Road and Westbrook Lane and is directly adjacent to established residential development. The pattern of development on this side of Whitstable road is characterised by dwellings that are set around mews and cul-de-sac type arrangements, such as Hampton Close and also the dwellings in Winkle Close which backs onto the site across the tree and hedge-lined Westbrook Lane.
7. The proposal is for a single residential dwelling on the appeal site that would be accessed from Westbrook Lane.
8. The appellant has brought to my attention a previous outline application¹ for the site in support of his case. However, whether the proposal would be of a similar height or not, the application was not only refused on the grounds of flood risk, but relates to a different type of development altogether. Therefore, while I note the Council's concerns for flood-risk on the appeal site have been resolved in respect of the proposed development, I have considered the proposal before me on its own planning merits.
9. The proposed development would be located in an established residential area. For that reason, the general principle of development on the appeal site is accepted. However, the scrubland and the section of Westbrook Lane facing the hedgerows and trees that shield Winkle Close is currently devoid of any built form. As such, in my view, the proposed development would be a stark and 'stand-alone' addition to the appeal site on the western edge of Westbrook Lane. Moreover, the proposed dwelling would be at odds with the surrounding built environment that is predominantly typified by clusters of dwellings that face each other across a mews type access road, for example, the dwellings seen within Hampton Close. I conclude therefore, that the proposal would be incongruous with the prevailing pattern of development and harm the character and appearance of the area.
10. Consequently, the proposal is 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.

SPA and SAC

12. The appeal site is located in the SPA and SAC and is therefore, subject to the Habitat Regulations which protect the SPA and SAC. 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 submitted 'Unilateral Agreement'. Nevertheless, as I have found harm to the character and appearance of the area, and therefore planning permission is to be refused, this matter need not be considered any further in this case.

¹ CA/18/02068/OUT

Other Matters

13. The Council cannot demonstrate a five-year housing land supply, as such Paragraph 11 (d) of the Framework is engaged. However, while I acknowledge that the proposal would result in some limited economic, social and environmental benefits, including the provision of one new dwelling, I find the adverse impacts of the proposal significantly and demonstrably outweigh the benefits.

Conclusions

14. For the reasons given above, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR