



Appeal Decision

Site visit made on 8 February 2022

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 3RD March 2022

Appeal Ref: APP/J2210/D/21/3289957

3 Oakwood Mews, Stanley Road, Whitsable, Kent, CT5 4QT.

- 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 Ian Rawlings against the decision of Canterbury City Council.
 - The application Ref CA/21/01672, dated 3 July 2021, was refused by notice dated 11 October 2021.
 - The development proposed is safety rails on flat roof of outbuildings to provide access for maintenance of neighbours' trees.
-

Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be whether the proposed development would result in overlooking leading to such a loss of privacy as to cause harm to the living conditions of neighbouring residential occupiers.

Reasons

3. The appeal property, 3 Oakwood Mews, is a detached dwelling. It is located on rising ground in a mainly residential area with a large area of open space to the south of the appeal site.
4. At the rear of the property is an existing garden outbuilding with an external ladder style stair access to a flat roof. The appellant has fitted safety rails around the roof of the outbuilding. The appellant states that he requires the rails, the subject of this appeal, to provide safe access to maintain the trees on the site boundary behind the garden building.
5. However, the appellant in his personal statement, also indicates that the roof is one of the only areas in the garden that gets year-round sun, allows views of the sea, which are enjoyed by both his family and friends. The roof is also used to grow pot plants.
6. It is clear, given the foregoing and in the light of the roof finish and the design and finish of the balustrade to the roof, that it is and could be used for more than just occasional access for maintenance of the boundary planting. Accordingly, I consider that people would be very likely to congregate on the roof which in turn could, given the elevated level of the roof, result in overlooking of neighbouring properties leading to a loss of privacy.

7. Given the position of the house and its relationship with other neighbouring properties I accept that there is already a degree of mutual overlooking. Further, there is currently a degree of screen planting. However, this could be removed or cut back at any time. On balance therefore I consider that the use of the roof could result in a significant increase in actual and perceived overlooking leading to a loss of privacy of neighbouring residential occupiers resulting in harm to their living conditions. This would be contrary to the objectives of Policies DBE3 and BDE6 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework as they seek to protect residential living conditions.

Other matters

8. I note, amongst other first floor level alterations and additions to neighbouring dwellings, the Juliet balcony to the rear of 1 Oakwood Mews. Whatever the background to those developments I have considered this proposal on its individual planning merits and my observations on site.

Conclusions

9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR