



Appeal Decision

Site visit made on 28 February 2022

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

an Inspector appointed by the Secretary of State

Decision date: 10th March 2022

Ref: APP/J2210/W/20/3265356

155 Ashford Road, Thanington Without CT1 3XR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the refusal to grant planning permission.
- The appeal is made by S Thompson against the decision Canterbury City Council.
- The application Ref CA/20/01795, dated 18 August 2020, was refused by notice dated 21 October 2020.
- The development proposed is for the erection of four dwellings following demolition of existing bungalow.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have also dealt with appeal Ref APP/J2210/W/20/3265355 for another scheme on this site. That appeal is the subject of a separate decision.
3. 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

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area,
 - highway safety, and;
 - the Stodmarsh Special Area of Conservation, Special Protection Area and Ramsar (SPA).

Reasons

Character and appearance

5. The appeal site is located adjacent to Ashford Road (the A28). The surrounding area is typified by brick and tile dwellings facing the highway, including 155 Ashford Road which is a chalet-type bungalow with a side access to the left-hand side when viewed from the road. The residential dwellings are also predominantly characterised by traditional style elevations and frontages with generous landscaped gardens to the rear.

6. The proposal is to demolish the existing bungalow and to construct four new dwellings. There would be two detached dwellings facing the highway and a pair of semi-detached chalet-type bungalows to the rear that would have hipped gables to the side. The rear dwellings would be accessed from the highway between a central access way running between the two detached dwellings. There would be 9 parking spaces provided for the scheme, including a visitor space to the front footway.
7. The appellant has brought to my attention a number of schemes in support of her case¹. However, I have limited details of those schemes before me and cannot be certain if they were permitted under the same development plan as the proposal or not. Therefore, I have considered the proposed development on its own planning merits.
8. The proposal is located in an established residential area. Therefore, the principle of development is accepted. However, while the materials of the proposal would accord with the surrounding area, and notwithstanding that the scheme would incorporate more than one dwelling, the central access way would be an alien feature when compared to the surrounding dwellings, which are typically characterised along Ashford Road by a side access way or gate, including the host dwelling. Consequently, in my view, the relatively wide gap of the access way would appear as a stark and incongruous central feature on this specific section of the A28.
9. Moreover, the access way would create an awkward spatial relationship with the side elevations and the close-boarded timber fences of the two detached dwellings. Indeed, the positioning of the central access way, that would extend to the proposed dwellings to the rear, would result in a constricted and cramped arrangement in the built form. As such, the proposal would be at odds with the immediate surrounding area, which is typified by relatively spacious gardens and/or well set out 'tandem' residential development to the rear.
10. I conclude therefore, in respect of the character and appearance of the area, that the proposal would be contrary to Policy DBE3 of the Canterbury City Council, Canterbury District Local Plan 2017 (CDLP) which says that the distinctive character, diversity and quality of the Canterbury District will be promoted, protected and enhanced through high quality, sustainable inclusive design, and Paragraph 130 (c) of the Framework which says, amongst other things, that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Highway safety

11. While less than ideal, I acknowledge that there would be specific parking provision for a service-type or visiting vehicle to the front of the proposed scheme, and that the 'swept-path' drawing submitted by the appellant shows that users of the parking spaces would be able to turn on site.
12. Nonetheless, from the evidence before me, I am not persuaded that visiting vehicles to the occupiers of the four dwellings could enter and exit the proposed development in a safe manner. Indeed, I noticed at my site visit that even in forward gear, a manoeuvre onto the well-used A28 from the sloped appeal site requires some considerable care and attention.

¹ CA/17/02892, CA/14/01125, CA/09/01882, CA/06/00617 and CA/06/0136

13. Furthermore, if at any time the proposed parking spaces were to be fully occupied by the residents of the new dwellings and their visitors, any additional vehicles would have to reverse back through the development in order to leave the site. As such, reversing vehicles would be likely to come into peril with the constant two-way traffic on the main highway and also conflict with any pedestrians on the footway. Therefore, overall I concur with the Kent County Council Highways department, in that the proposed development does not provide adequate facilities for visiting vehicles, and subsequently would harm highway safety.
14. Consequently, in respect of highway safety, the proposal does not meet the requirements of Policy DBE3 of the CDLP, which is clear that proposals for development should have regard to the safe movement of pedestrians, cyclists and cars within and around the proposed development, and the Framework when read as a whole.

SPA

15. 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

16. I acknowledge that the proposal would be constructed on an existing site. However, the benefits of the scheme, including four new dwellings against the Council's housing land supply, do not outweigh the harm I have found above.

Conclusions

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

J E JOLLY

INSPECTOR