



Appeal Decision

Site visit made on 15 March 2022

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2022

Appeal Ref: APP/J2210/W/21/3276955

20 Bifrons Road, Bekesbourne, Kent CT4 5DE

- 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 Philip Mellin against the decision of Canterbury City Council.
 - The application Ref CA/21/00407, dated 25 February 2021, was refused by notice dated 30 April 2021.
 - The development proposed is semi-detached 3 bedroom houses with associated parking.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. A revised version of the National Planning Policy Framework was published by the Government in July 2021 (the Framework), postdating the Council's decision and the appeal's submission. The changes to the Framework concerning this case relate to the Framework's paragraph numbering and in my reasoning below I have only referred to the updated Framework.

Main Issues

3. The main issues are the effect of the development on the:
 - character and appearance of the area;
 - living conditions of the occupiers of the development; and
 - Stodmarsh Special Area of Conservation (the SAC), Special Protection Area (SPA) and Ramsar site.

Reasons

Character and appearance

4. The development would involve the construction of a pair of two storey, three bedroomed houses (the new houses) within the rear half of the back garden of 20 Bifrons Road (No 20). Bifrons Road being a street of houses dating from the mid twentieth century.
5. The new houses would front onto a garage court in Cranmer Close and they would be sited between 7 Cranmer Close (no 7), a detached house, and 8 and 9 Cranmer Close (Nos 8 and 9), a pair of semi-detached houses. There, however, being some distance between Nos 7 to 9 and the new houses.

Cranmer Close becoming Aspinall Close to the north and a development of fifteen two storey houses has recently been constructed at 7 to 21 Aspinall Close (Nos 7 to 21).

6. The character of the housing within the vicinity of No 20 is quite varied, with some of the dwellings having both front and rear gardens. By contrast Nos 8 and 9 and Nos 7 to 21 have rear gardens and in some instances side gardens, with their frontages being vehicle parking and manoeuvring areas.
7. The new houses would have a compact layout, with the majority of the plot width being occupied by the houses with: the side elevations being off-set from the plot boundaries to provide pedestrian accesses; the bulk of the frontage area being occupied by a 6.0 metre deep parking area for four cars; and each house having a 7.0 metre deep rear garden¹. While the new houses would have some soft landscaped frontage space, that would be 2.5 metres deep and would in part be occupied by bin stores. I consider the new houses would have unduly hard frontages that would be detrimental to the streetscene. In that regard the new houses would be distinct from No 7, with around half of the latter's frontage being a lawn. Although the frontage of Nos 8 and 9 is mostly hard surfaced that area is largely screened from view by some of the garages in the garage court.
8. I recognise that the frontage area of Nos 7 to 21 is dominated by a vehicle parking and manoeuvring area. However, that development is of a scale creating its own character and I therefore consider it does not provide a justification for the dominant forecourt parking area proposed for the new houses.
9. The tightness of the new houses relative to their side boundaries would result in them lacking space about them when viewed from Cranmer Close, giving them a cramped appearance. I consider that, when coupled with the dominance of the forecourt parking area, would mean that this development would not be respectful of the streetscene within Cranmer Close. In that regard while the new houses would occupy a plot with an area similar to that of No 7, the density of the former would be twice that of the latter. The new houses would also have a bulkier appearance than No 7, because they would be of two storeys across the majority of the plot's width, while No 7 is of two storeys for around two thirds of its plot's width, with part of the plot width being taken up by No 7's garage.
10. Although Nos 8 and 9 occupy a quite small site, it is wider than that for the new houses. That creates a sense of space about Nos 8 and 9, relative to their side boundaries, a characteristic I consider the new houses would not share.
11. I therefore conclude that the development would have an unacceptable effect on the character and appearance of the area. I am of the view that the development would be contrary to Policy DBE3 of the Canterbury District Local Plan of 2017 (the LP) and section 12 (Achieving well-designed places), most particularly paragraphs 126 and 130 of the Framework. That is because the development would not be of high quality design, with it being unduly dense and failing to provide an appropriate amount of frontage soft landscaping.

¹ Dimensions taken from the submitted block plan

Living conditions

12. The Council's concern with respect to the living conditions for the occupiers of the development relates to whether there would be sufficient internal space when the 'Technical housing standards – nationally described space standard' (THS)² are applied. The THS state minimum gross internal floor areas (GIA) for dwellings. There is agreement that for the purposes of the THS the new houses should be treated as being three bedroom, four person dwellings. The THS identify such dwellings should have a minimum GIA of 84 square metres (sq.m). The new houses would have a GIA of 77 sq.m³, 7 sq.m below the minimum standard.
13. The new houses would therefore fail to meet the minimum GIA stated in the THS and would therefore not comply with those standards. I consider that failure to comply with what are minimum standards would provide the occupiers of the development with poor living conditions. In that regard Policy DBE4 of the LP in stating all new housing should have an acceptable standard of accommodation, expressly refers to regard being paid to the THS.
14. Reference has been made to Nos 8 and 9 having been granted planning permission with GIAs of 78 sq.m in July 2016. Although the THS were operative when that planning permission was granted, Policy DBE4 was not an extant development plan policy, with the LP being adopted in July 2017. The existence of Policy DBE4 is a material change of circumstances compared with when the planning application for Nos 8 and 9 was determined. Given that I consider the granting of planning permission for a development that did not comply with the THS is not a reason for setting aside the THS now.
15. I therefore conclude that the development would provide unacceptable living conditions for its occupiers, with there being conflict with Policy DBE4 of the LP because the new houses' internal space provision would not accord with the minimum standards stated in the THS. I am of the view that would also give rise to conflict with paragraph 130f) of the Framework because the development would not provide its occupiers with a high standard of amenity (living conditions).
16. I am of the view that the development's failure to provide adequate living conditions for its occupiers is a further indicator of it being an unduly intense form of development for this site.

SAC, SPA and Ramsar site

17. In my reasoning concerning the first and second main issues I have found the new houses would be unacceptable. Given that, in determining this appeal nothing turns on what effects the development might have for the SAC, SPA and Ramsar site. Accordingly, there is no need for me to reach a conclusion on this main issue.

Conclusion

18. I have found that the development would have unacceptable effects on the character and appearance of the area and the living conditions for its

² Originally published by the former Department for Communities and Local Government in March 2015, with clarifications made in May 2016

³ As notated on the floor plans (38.5 sq.m x 2) and as advised in the appellant's appeal statement

occupiers. The harm I have identified could not be overcome by imposing reasonable planning conditions. I therefore conclude that the appeal should be dismissed.

Grahame Gould
INSPECTOR