



Appeal Decision

Site visit made on 4 October 2022

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/J2210/D/22/3297882

4 Oaten Hill, Canterbury CT1 3HP

- 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 Brian Cox against the decision of Canterbury City Council.
 - The application Ref CA/20/02800, dated 8 December 2020, was refused by notice dated 1 March 2022.
 - The proposed development is for the erection of a fence (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a fence (retrospective) at 4 Oaten Hill, Canterbury CT1 in accordance with the terms of the application, Ref CA/20/02800, dated 8 December 2020, and the plans submitted with it (site location plan, block plan, floor plan and elevations as shown on drawing no. P01).

Preliminary Matter

2. At my site visit, I saw that the development has been completed and I note that the application has been submitted retrospectively.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupants of adjacent properties in respect of overbearing impact.

Reasons

4. The appeal site relates to a Grade II listed, mid-terrace dwelling on Oaten Hill, located in the Old Dover Road, Oaten Hill and St Lawrence Conservation Area. The surrounding neighbourhood is predominantly residential in nature, with sporadic commercial premises.
5. The fence is clearly evident from the rear windows and patio door of 3 Oaten Hill, adding development on the common boundary (it does not appear to have a material impact on any other neighbouring residence in the immediate vicinity). Nevertheless, I observed that the rear garden of no.3 is already partially enclosed and dominated by the substantial two-storey side wall of the outrigger to no.4, and the height of the panels broadly reflects other boundary treatments within the surrounds, including the hedgerow on the border between 3 and 2 Oaten Hill.

6. Within this context and given its position towards the rear of the curtilage of no.3, to my mind the fence is sufficiently distant from the rear windows and patio door of no.3 such that it does not result in an adverse overbearing impact. I am also aware that the fence provides for a privacy screen between the rear gardens of nos. 3 and 4, which is a benefit of the scheme. Taken in the round, whilst I acknowledge that there is some effect, I consider that any overbearing impact is not so harmful as to warrant dismissal of the appeal.
7. I conclude that the scheme would not be deleterious to the living conditions of the occupants of neighbouring properties in relation to overbearing impact. It meets DBE3 and DBE6 of the Canterbury District Local Plan July 2017, which seek to ensure that development does not prejudice the environment or amenity of the occupiers of adjacent properties. It would also be consistent with the advice in the National Planning Policy Framework, which advocates secure safe and healthy living conditions.

Other Matters

8. The Council is satisfied that the proposal would not harm the setting of the Listed Building or the wider character and appearance of the Old Dover Road, Oaten Hill and St Lawrence Conservation Area within which the site is located. I have no reason to disagree, and I consider that the significance of the heritage asset would be unharmed.

Conditions

9. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. The development is complete and therefore the standard time limit and plans condition are no longer necessary. I am satisfied that no conditions are required.

Conclusion

10. Based on the preceding and accounting for all matters raised the appeal is allowed.

C Hall

INSPECTOR