



Appeal Decision

Site visit made on 2 November 2022

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/J2210/W/22/3301924

1 Crown Gardens, Canterbury, CT2 8LQ

- 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 D Bradshaw against the decision of Canterbury City Council.
 - The application Ref CA/22/00197, dated 23 February 2022, was refused by notice dated 19 April 2022.
 - The development proposed is ground floor side extension to be used as a holiday let. Parking bay to rear with a dropped kerb and crossover.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address of the site from the Appeal Form, which more accurately describes the name of the road than the Application Form.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The area consists predominantly of two-storey semi-detached dwellings. The spaces between the dwellings give the area a pleasant, spacious and suburban character. Many existing dwellings have garages or single-storey side extensions, some with flat roofs, but which tend to be small scale in length. The proposal seeks to erect a single storey essentially flat roof extension, to provide holiday accommodation.
5. The proposal would be set back from both Queens Avenue and Crown Gardens which, together with its height, would give it a degree of subservience to the host dwelling. There is an existing fence and single storey pitched roof outbuilding within the side garden, so there is already some built form within this space.
6. However, the proposal would be particularly long and would have a blank side elevation. This length, together with its width and the flat roof of the building, and its largely featureless form, would give the proposal an incongruous appearance, out of place with its surroundings. Furthermore, its side position would not reflect the set-back position formed from other properties facing onto Queens Avenue. As such, the significant additional built form proposed,

compared to the existing outbuilding, and its design would reduce the sense of spaciousness of the area and would result in a harmful appearance.

7. An existing hedge is proposed to be retained and this would screen parts of the proposal from both Queens Avenue and Crown Gardens. However, it would be built close to the hedge. Even if the hedge can be retained following development its screening effects would be somewhat reduced in winter months when there is less leaf coverage. In any case, I saw that the proposal would be visible from Queens Avenue above the hedge. It would also be visible from the proposed entrance off Queens Avenue and from the front entrance off Crown Gardens. As such, the harmful effects of the proposal would be visible from these roads.
8. The appellant has referred me to other similar developments in the area, for which planning permission was granted by the Council. The dwelling at 11 Queens Avenue¹ has a single storey flat-roofed garage that is prominent from the road. However, in contrast to the proposal, it maintains the frontage set-back of nearby properties and does not appear as lengthy as the proposal. As such, it does not harm the sense of spaciousness of the area.
9. The dwelling at 43 Crown Gardens² has a lengthy side extension, built out close to the road and visible from it. However, I understand that an existing single-storey element was already built up to the boundary prior to the Council's approval. I note also that the extension has a pitched roof meaning that its effect on the street scene is not as harmful as the proposal. Furthermore, I understand that the proposals at both No 11 and No 43 pre-date the current Local Plan. As such, I can attach only limited weight to these decisions, and they do not alter my overall conclusions.
10. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area. As such it would conflict with policies DBE3 and TV2 of the Canterbury District Local Plan, adopted July 2017. These policies require that development including new tourist accommodation has a high standard of design, that positively contributes to its local context. For similar reasons, it would also conflict with the advice at paragraph 130 of the National Planning Policy Framework that development is sympathetic to local character.

Other Considerations

11. Tourism is important to the area and therefore the general principle of additional tourist accommodation here is acceptable. However, the character and appearance of the area is also important, including for tourism, and the general aim to provide more accommodation does not justify the harm that I have identified above.
12. The Council's second reason for refusal refers to the site's location within the catchment area of the Stodmarsh Nature Reserve Special Area of Conservation (the SAC). As a European Designated Site and Ramsar site, this is protected pursuant to the Conservation of Habitats Regulations 2017 as amended.
13. If I had found no harm in respect of the main issue, the competent authority (in this case myself) would have needed to carry out a Habitat Regulations

¹ LPA reference CA//94/00602

² LPA reference CA//13/00951

Assessment in respect of the potential effects of the proposal on the SAC. However, as I have found against the appellant on other substantive grounds, this matter need not be considered any further in this case.

Conclusion

14. For the reasons given, there would be conflict with the Development Plan, read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR