



Appeal Decision

Site visit made on 17 April 2024

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2024

Appeal Ref: APP/J2210/W/23/3325187

39 Tankerton Road, Whitstable, CT5 2AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Adrienne Barnes against the decision of Canterbury City Council.
 - The application Ref is CA/23/00451.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - The effect of the proposed development on the character and appearance of the surrounding area; and
 - The effect on the integrity of the Thanet Coast and Sandwich Bay Special Protection Area and of the Thames, Medway and Swale Special Protection Area.

Reasons

Character and appearance

3. This part of Tankerton Road is residential and the houses are generally two stories in height with a variety of designs. The proposed dwelling would be modest in scale being partly sunk into the ground and overtly modern.
4. Policy DBE3 of the Canterbury District Local Plan sets out principles of design. This seeks to promote, protect and enhance the distinctive character, diversity and quality of the District through high quality design which reinforces and contributes positively to its local context. To achieve this, regard should be had to several listed considerations. The National Planning Policy Framework also aims to achieve well-designed and beautiful places.
5. A gap of 1.9m would be retained between the proposal and the houses on either side. The spacing between buildings in the immediate vicinity is not uniform but the separation provided would be comparable to the norm and would be sufficient for the proposal to not appear cramped. The top of the flat roof would broadly align with the eaves of No 39 and, as the width of the new dwelling would be less than its immediate neighbours, it would not appear bulky. Rather it would be subservient in size to the houses on either side.

6. The plot width would be less than the detached houses along this section of the road but the same as the pair of semi-detached. However, this is not a location where the dimensions of the frontages are consistent leading to a regular arrangement of buildings and spaces. Furthermore, the proposal would replace an existing garage and the comparative narrowness of the site would not be a jarring feature in itself. Therefore, although not identical, the width of the building plot and of the proposed infill dwelling would be similar to that prevailing along the street as referred to in paragraph 8.46 of the Local Plan.
7. Flat roofs do not form part of the vernacular building tradition. The text supporting Policy DBE3 warns that they generally look out of place in conservation areas because their silhouette is abrupt and the building can look unfinished. The appeal site is not within a conservation area and a flat roof should therefore not be discounted as a matter of course. Indeed, there are some older flat roof buildings in the area as well as that permitted to the rear of 208 Tankerton Road.
8. However, the proposal would have a simple, boxy appearance with no articulation or modelling. It would therefore be restrained visually but the front façade lacks a terminating 'cap' to the roof. Materials would be textured white/cream brick on the ground floor with a composite slatted cladding above in silver birch. These would not pick up on the local palette of materials and the building would therefore not be linked visually to its surroundings. There is a discrepancy between the floor plans and elevations but the off-set first floor window shown at the front would lead to an odd appearance.
9. As acknowledged by the Local Plan, high quality contemporary design should not be ruled out. As the surrounding houses have a pleasing individuality this is not a case where a more traditional style needs to be closely followed. However, in its detailed execution the proposal would not relate sufficiently to the adjacent buildings and would not have a coherent appearance. As such, it would not adequately reflect local context and distinctiveness and so would appear alien and out of place.
10. In summary, the scale and siting of the proposed building is acceptable as it would sit comfortably between the larger houses that flank it. However, the detailed design is lacking in finesse and the external materials selected would not result in a well-integrated development. It would not contribute positively to the locality as expected by Policy DBE3. Overall, the proposal would harm the character and appearance of the surrounding area and would conflict with the relevant development plan policy.

Special Protection Areas

11. Due to its location and by increasing the resident population, the proposal would place additional recreational pressure on the special character and ecological importance of the Thanet Coast and Sandwich Bay and the Thames, Medway and Swale Special Protection Areas (SPAs). In combination with other development there would be a likely significant effect on the SPAs.
12. In these circumstances, the Council expects that a financial contribution is made to the Strategic Access Management and Monitoring Mitigation Measures. A tariff is required to mitigate the impacts resulting from increased disturbance on the over-wintering bird populations. However, no mechanism, such as a planning obligation, is in place to secure the requisite payment.

13. As a result, following an appropriate assessment, the proposal would adversely affect the integrity of the SPAs. The appellant highlights the plentiful wildlife within the site which would be preserved. However, this objection relates to the wider implications of the proposal for these sites of international conservation importance. According to Policy LB5 these must receive the highest levels of protection. As the mitigation expected by Policy SP6 would not be secured, the Conservation of Habitats and Species Regulations precludes the proposal from proceeding. This is because it can only be agreed to if it has been ascertained that it will not adversely affect the integrity of the SPAs.

Other Matters

14. The dwelling is intended for the appellant's daughter and her husband who run a business locally. There would consequently be benefits for the family by eliminating the need to use transport to travel to and from work and by providing support for the appellant. The additional house would release a two-bedroom terraced home in Canterbury and would reduce the garden to a manageable size for the appellant. Solar panels could be accommodated on the roof in response to the challenge of climate change.
15. Collectively these benefits attract moderate weight in favour of the proposal but they could all be realised by a scheme that better related to its surroundings in terms of detailed design. In any event, the adverse impact on the SPAs is an overriding factor.

Conclusion

16. The proposal does not accord with the development plan and there are no material considerations that outweigh this finding. Therefore, for the reasons given above, the appeal should not succeed.

David Smith

INSPECTOR