



Appeal Decision

Site visit made on 13 February 2024

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2024

Appeal Ref: APP/J2210/D/23/3325784

220 Faversham Road, Seasalter, Kent CT5 4BL

- 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 & Mrs Rainbird against the decision of Canterbury City Council
 - The application ref CA/23/00077, dated 17 January 2023, was refused by notice dated 24 April 2023.
 - The development propose is a balcony to front including velux windows.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would be at risk from damage by wave action.

Reasons

3. The appeal property comprises a linked chalet bungalow located on the southern side of Faversham Road, a short distance to the west of a large caravan site. It forms part of a number of properties either side of Faversham Road which are small bungalows in the main, although in some cases first floor accommodation has been added. The properties on the northern side of the road front directly on to the beach, whilst to the south there is low lying open land set behind an earth bund which forms part of the flood defences in the area.
4. The appellant refers to the very dark landing at first floor, which I saw on my site visit, and that additional lighting would greatly improve that situation. At the same time, he sought to add an external balcony, noting that similar examples existed elsewhere.
5. Within the adopted Canterbury District Local Plan 2017 (LP), this part of Faversham Road is included within an overtopping hazard zone because the area is liable to overtopping from the sea. Paragraph 7.44 of the Plan classifies this as hazardous as buildings and property can be damaged by wave action. Accordingly, Policy CC7 says that no development will be permitted within the zone. Policy CC8 goes on to say that extensions to dwellings will only be permitted where there is an exceptional justification. Paragraph 7.46 explains that the properties are in front of the main sea defence bund and are at risk from direct flooding by the sea.

6. It is clear from other supporting text within the Plan that the wider area has been susceptible to coastal flooding in the past and that this is likely to increase with the concerns about climate change. The fact that the overtopping zone is labelled as 'hazardous' does not suggest to me that it is some generalised concern, but a very real concern about the prospect of wave damage to buildings. In the light of this I attach considerable weight to the policy approach and consider it should only be set aside with substantial reason.
7. The appellant says that the Council did not refer to Policy CC8 in its decision notice which is more appropriate in relation to the development proposed. I have some sympathy with that view, and as noted above the policy allows for provision for extensions where there is exceptional justification. The appellant suggests that this can be applied in the case of the balcony in that it would offer refuge at first floor. However, that already is the case in the form of existing first floor accommodation and I therefore do not consider that meets the test of exceptional justification which the policy requires.
8. In support of the appellant's argument, he cites an appeal decision from 2015 in relation to a property at 297 Faversham Road¹. A copy of that decision has not been supplied to me and therefore the full details of that case are not before me. However, I note that the appellant says that part of the Inspector's reasoning was that an additional floor being proposed as part of that scheme, would provide refuge from flooding which outweighed the longer term flood risk. That is not the case here since a first floor already exists.
9. The appellant also refers to an extension granted for a first floor extension and balcony at 227 Faversham Road². Again, the full details of that case are not before me and I am therefore considering the current case based on the evidence in front of me. However, I note in passing that the appellant refers to the fact that the Local Plan was not formally adopted at that point, albeit that the policy approach was emerging.
10. The appellant also considers that the Council should not have placed weight on the current review of the Local Plan (Draft Canterbury District Local Plan to 2045). However, whilst I note that the officer report made reference to this document, the reason for refusal clearly relates to Policy CC7 in the currently adopted Local Plan
11. Finally, I note that there is some ongoing discussion about the future of flood defences in the area and where exactly the line of flood defence will be fixed in the future. Should the current position change and flood defences be improved in the longer term to protect the properties in this part of Faversham Road, then the policy approach might change accordingly. However, that is not a justification for allowing this appeal based on the current policy approach where the risk of wave overtopping appears very real in, for example, major storm conditions.
12. Drawing the above together, I find that there are not the exceptional circumstances existing to permit the proposed extension and that the development would therefore be contrary to Policy CC7 and CC8 of the Canterbury District Plan 2017. In reaching that view I would also observe that

¹ Appeal Reference APP/J2210/D/15/3051145

² Application reference CA/16/01922/FUL

if the primary requirement is to secure additional light to the landing area, there may be other ways to achieve that under permitted development rights. In that respect I note that the preamble to Policy CC8 says that those rights remain unchanged.

13. Accordingly, for the above reasons, the appeal should be dismissed.

Kim Bennett

INSPECTOR