



Appeal Decision

Site visit made on 21 June 2024

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2024

Appeal Ref: APP/J2210/D/24/3340631

66 Oxenden Park Drive, Herne Bay, Kent CT6 8UD

- 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 Mr & Mrs Price against the decision of Canterbury City Council.
 - The application Ref is CA/23/02024.
 - The development proposed is a detached garage following demolition of existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for a detached garage following demolition of existing garage at 66 Oxenden Park Drive, Herne Bay, Kent CT6 8UD in accordance with the terms of the application, Ref CA/23/02024, subject to the following conditions: -
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing host building.

Main Issue

2. The main issue raised by this appeal is the effect of the proposed development on the character, appearance and context of the site and the street scene.

Reasons

3. The proposed building would be of a scale that would exceed the height of No.62 Oxenden Park Drive (No. 62) and be slightly below the height of the ridgeline of the host dwelling. However, there is variety to the character and appearance of the properties along either side of Oxenden Park Drive. There is a mix of bungalows, chalet bungalows and two storey dwellings. As such, there are variations to the heights of properties in the area. Furthermore, there is limited separation between dwellings along either side of the street.
4. Although the proposal relates to an outbuilding, its scale, bulk and massing would not be conspicuously out of character with the existing development within this street scene. Furthermore, it would not project forward of the

general front building line within the street. As such, it would not have an unduly prominent appearance. The spacing either side of the out building would not be substantially uncharacteristic within this street scene. Given it would be lower in height to that of the host dwelling it would be a subordinate development within the grounds of the property. Whilst it would be taller than that of adjoining property, No. 62, it would not appear out of context given the variations in heights of properties in this area. Consequently, I do not find that the proposed development would appear substantially out of keeping within the character, appearance and context of the Oxenden Park Drive street scene.

5. Concern is raised to the potential for the neighbouring bungalow to be overshadowed, suffer a lack of light and be dominated by the proposed development. The proposed garage would not extend substantially beyond the rear building line of No. 62 and would be sited to the north of this neighbouring property. The local planning authority notes that there are no windows in the side elevation of No. 62. As such, there would not be significant overshadowing or loss of light that would cause harm to the living conditions of the occupiers of No. 62. Given its siting, the proposal would not create a substantially overbearing impact upon the adjoining neighbours.
6. It is questioned why an outbuilding of this size is necessary, however, that is a matter for the applicant, now the appellant. It has also been suggested that the development may be used for business purposes. The planning application has been submitted as a householder application. The proposal does not indicate any intention to operate a business from the outbuilding.
7. Concern is also expressed to there being limited drawings and information about the height of the building or what the roof space is to be used for. However, the local planning authority validated, considered and determined the planning application on the basis of the details submitted. As such, the local planning authority must have found the details pertaining to the submission to be acceptable. There is no substantive evidence before me that would lead me to come to a different view on this matter.
8. For these reasons, I conclude that the proposed development would not harm the character, appearance and context of the site and the street scene. As such, the proposed development would comply with Policy DBE3 of the Canterbury District Local Plan 2017 and the provisions of the National Planning Policy Framework (the Framework). These policies and the Framework seek, amongst other matters, development to be of a high quality design and to integrate with the character, setting and context of the site.

Conditions

9. I have considered the planning conditions put forward by the Council in light of paragraph 56 of the Framework and the Planning Practice Guidance. In addition to the standard time limit condition a condition requiring the development be carried out in accordance with the approved plans is required, as is a matching materials condition in the visual interests of the locality.

Conclusion

10. For the reasons set out above this appeal should be allowed.

Nicola Davies INSPECTOR