



Appeal Decision

Site visit made on 29 October 2024

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2024

Appeal Ref: APP/J2210/W/24/3344889

Dean Court, Station Approach, Whitstable, Kent CT5 1QS

- 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 Philip Dean (Crystal Brook Properties Ltd) against the decision of Canterbury City Council.
 - The application reference is CA/23/01916.
 - The development proposed is described as *three proposed storage containers with cladding and erection of fence*.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appeal form indicates that the appeal is against the Council's failure to give notice of its decision within the appropriate period. However, the appeal is dated 22 May 2024, which is after the issue of the Council's decision notice on 25 March 2024. I have therefore treated this as an appeal against that decision.

Main issue

3. The main issue is the effect of the proposal on the character and appearance of the Canterbury and Whitstable Railway and Whitstable Station Conservation Area.

Reasons

4. The conservation area boundary is tightly drawn around railway infrastructure and a disused railway embankment. It includes Whitstable Station, together with the station forecourt and car park. The designated area also includes areas of trees and vegetation between the forecourt and the car park, alongside the railway and along the disused railway embankment. These features all contribute to the character and appearance of the conservation area and to its significance as a designated heritage asset.
5. Part of the station premises has been converted to a day nursery. There is also a taxi office adjacent to the station. Otherwise, the immediate surroundings of the station, within the designated area, are quite open in character. The wider area, outside the designated area, is predominantly residential in character, comprised mainly of two storey housing.
6. Dean Court is a modern two storey residential block located within the conservation area, close to the station. There is a gravelled area for parking in

front of the building and, to the side, there is a tapering strip of land between the station access road and the side boundary of a semi-detached house at No 26 Railway Avenue. The frontage of the appeal site is enclosed by a low brick wall with railings. Viewed from the station forecourt, the appeal site is seen as part of the generally open area in front of the station and there are views across it to the adjoining residential properties. It therefore makes a positive contribution to the character and appearance of the area, albeit a minor one.

7. The proposed storage containers would have a stark and utilitarian appearance. They would not meet the requirements of Canterbury District Local Plan (CDLP) Policy DBE3, which seeks to achieve high quality design that promotes the distinctive character and quality of the district. Although timber cladding would soften their appearance a little, this would not overcome the harmful visual impact that the containers would have.
8. The proposals include a 1.8m high close boarded fence topped with a 600mm trellis along the site frontage. Whilst this would screen the containers from the adjacent footway, they would still be readily apparent in views from higher ground, such as the station platform, as well as in views from nearby houses. Moreover, the combined height of the fence and trellis, at 2.4m, would itself be an intrusive feature that would detract from the open character of the station forecourt and car park. The fence would not meet the requirement of Policy DBE3(f) which is to provide visually interesting frontages at street level.
9. I conclude that the proposal would fail to preserve the character and appearance of the conservation area. It would conflict with CDLP Policy DBE3. It would also conflict with Policies HE1 and HE6, which together seek to protect the historic environment, including conservation areas.
10. In the terms of the National Planning Policy Framework (the Framework), the harm to the significance of the conservation area would be less than substantial harm. However, this does not mean that the harm would be minor or unimportant. The Framework makes clear that great weight should be attached to conserving the significance of designated heritage assets. Consistent with the Framework, Policy HE1 states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I return to that balance below.

Other matters

11. The appellant contends that the appeal site has been wrongly included in the conservation area. However, that is not a matter for me to consider. The site has been designated as a conservation area and, as such, the relevant policies apply. Moreover, I have found that the site makes a positive contribution (albeit minor) to the character and appearance of the area.
12. It is further argued that the proposal would make better use of a site that serves no purpose. I accept that the proposal would make some economic use of land that is not actively used at present. Whilst that is a benefit, I consider that any economic benefit arising from the use of the three storage containers proposed would be minor.

13. The appellant suggests that there would be a health and safety benefit, in that the site is said to be subject to unauthorised access by children. However, from what I saw, there is no reason to think that this small strip of land poses any significant hazards. Finally, the appellant draws attention to other developments that have been permitted by the Council that, it is said, should not have been permitted. It is not for me to comment on other decisions made by the Council, as my focus is on this appeal. In any event, there is no evidence that the developments that are of concern to the appellant are comparable to the appeal scheme. These factors do not alter my conclusions.

Conclusion

14. The proposal would be harmful to the significance of the Canterbury and Whitstable Railway and Whitstable Station Conservation Area. Mindful of the Framework, I attach great weight to this harm. For the reasons given above, I consider that any public benefits associated with the proposal would be minor. They would not outweigh the harm to the conservation area.
15. The proposal would be contrary to the development plan. There are no considerations that indicate a decision other than in accordance with the development plan. It follows that the appeal should be dismissed

David Prentis

Inspector