



Appeal Decision

Site visit made on 4 February 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2025

Appeal Ref: APP/J2210/D/24/3351812

7A Hassall Reach, Thanington Without, Kent CT1 3XX

- 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 Jonathan Callister against the decision of Canterbury City Council.
 - The application Ref is CA/24/00458.
 - The development proposed is extensions, new access and swimming pool.
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Decision

1. The appeal is allowed and planning permission is granted for extensions, new access and swimming pool at 7A Hassall Reach, Thanington Without, Kent CT1 3XX in accordance with the terms of the application, Ref CA/24/00458, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 8641/A1/02, 8641/A1/03, 8641/A1/04, 8641/A2/01, 8641/A2/05, 8641/A2/06, 8641/A2/07 and 8641/A2/08A.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 8641/A1/03.
 - 4) Prior to the occupation of the development hereby approved, the flood resilience measures detailed within the submitted flood risk assessment shall be incorporated into the development and retained thereafter.

Preliminary Matter

2. A revised National Planning Policy Framework was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.
3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has changed and different wording has been entered. The appellant has provided written confirmation that a revised description of development was agreed. However, whilst the access and swimming pool may not require planning permission, I consider that the original description of

development more accurately reflects the development proposed within the submitted plans. Accordingly, I have used the one given on the original application form.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwelling, 7B Hassall Reach with regard to outlook and privacy.

Reasons

5. The appeal site is located at the end of the cul de sac Hassall Reach and is currently occupied by a single storey dwelling with access via a shared driveway. Due to the varying ground levels on the appeal site, the existing dwelling is at the highest part of the site which slopes down towards the adjacent river. The proposal would extend the existing dwelling to the front and side with a combination of flat roof and pitched roof single storey extensions. The proposal would also provide a new access to the appeal site from the main road.
6. The proposed extensions to the front and side of the existing dwelling would project forward of the neighbouring dwelling at 7B Hassall Reach. However, parts of the proposed extension closest to this neighbouring dwelling have been designed with a flat roof to limit the overall height. These are also well set back from the shared boundary. Furthermore, due to the topography of the site, a considerable part of the front extension would be at a lower ground level than this neighbouring property.
7. I note that the dwelling at No.7B has an orangery style front extension which would be in close proximity to the proposed front and side extensions. However, this is already partially enclosed by a boundary fence and due to this the proposed development would have a limited impact on the outlook from this particular room. Consequently, due to the existing ground levels and the design of the proposal, it would not result in a sense of enclosure for the occupiers of No.7B and would have a limited impact on the outlook from this neighbouring property.
8. Whilst not raised by the Council, interested parties raise concerns in relation to the effect of the proposed development on the privacy of the occupiers of No.7B. However, any windows facing this neighbouring dwelling would be at ground floor level only, from which any views would be largely blocked by the existing boundary fence. Therefore, the proposal would also not result in a loss of privacy to this neighbouring dwelling.
9. Therefore, for the reasons above, the proposed development would not harm the living conditions of the occupiers of the neighbouring dwelling, 7B Hassall Reach. It would therefore comply with Policies DBE3 and DBE6 of the Canterbury District Local Plan 2017 which seek to ensure that new developments take into consideration the privacy and amenity of neighbouring buildings (including overshadowing, outlook and light) and that alterations and extensions to buildings do not create unacceptable overlooking or overshadowing to neighbouring properties.

Other Matters

10. A number of representations were received from interested parties in response to the original application. In particular, concerns were raised regarding the effect of the proposed development on the character and appearance of the area. I note that the proposal would result in the existing dwelling becoming considerably larger. However, the resultant dwelling would fit comfortably within the site and its single storey nature would assimilate well into the surrounding area. Therefore, I am satisfied that the proposal would not harm the character and appearance of the area.
11. Concerns were also received in relation to the disruption of wildlife habitats and transit routes, the loss of open space and harm to the watercourse and wider environment from the proposed swimming pool. However, there is no substantive evidence before me that there would be harm in respect of these matters, and no objection has been raised by the Council in this regard. Therefore, none of these concerns raised provide a compelling reason why planning permission should not be granted.
12. I also note concerns in relation to the volume of traffic and level of on-street parking. However, the proposal does not result in additional dwellings on the appeal site and a good level of on-site car parking provision is proposed. Therefore, I do not consider the proposal would result in harm to highway safety in relation to these matters.
13. Any objections in relation to the use of the neighbouring property 6 Hassall Reach, which is also under the ownership of the appellant, are not relevant to the appeal site and have no bearing on my consideration of this appeal.

Conditions

14. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision. Furthermore, a condition requiring external facing materials to match those detailed on the application form has been included, to ensure an appropriate appearance for the development. I have also included a condition requiring the development to comply with the flood resilience measures outlined within the submitted flood risk assessment, due to the location of the appeal site within flood zones 2 and 3.

Conclusion

15. For the reasons given above the appeal is allowed.

E Grierson

INSPECTOR