



Appeal Decision

Site visit made on 12 June 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025.

Appeal Ref: APP/J2210/D/25/3360347

295 Faversham Road, Seasalter CT5 4BN

- 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 Lynn Mee against the decision of Canterbury City Council.
 - The application Ref is CA/24/02188.
 - The development proposed is single-storey rear extension, first floor extension with new roof over to include side gables and balcony to rear.
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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 is a detached bungalow located within a row of similar bungalows and chalet bungalows with rear elevations facing onto the beach which is immediately beyond Faversham Road.
4. The main parties agree that the site is located within an Overtopping Hazard Zone (OHZ). This area along Faversham Road is classified as hazardous, as buildings and property can be damaged by wave action. Policy CC7 of the Canterbury Local Plan (2017) (Local Plan) states that within the OHZ no development will be permitted. Within the Local Plan paragraph 7.46 confirms that the properties are in front of the main sea defence bund and are at risk from direct flooding by the sea.
5. The provision of an upper storey could provide safe refuge at first floor level in the event of wave overtopping. I acknowledge that this could also prevent or minimise damage to furniture, electrical systems and appliances. The appellant indicates numerous other benefits that the first floor accommodation would have in the event of flooding, including easier access for rescue operations, protection for critical infrastructure, compliance with flood management regulations, psychological and social benefits and long-term resilience and future proofing of the property. A range of flood resilience measures are also proposed and include the location of high-level plug sockets, ground floor finishes and non-return valves provided to all foul water drains.
6. However, Local Plan policy CC7 does not indicate that exceptional circumstances could provide justification for development. Indeed, the policy is unequivocal that

no development is to be permitted within the OTZ. This restriction of development within the OTZ includes extensions to existing properties, regardless of whether they involve the inclusion of upper floor accommodation. The description of the overtopping zone as 'hazardous' indicates that there is significant concern about the prospect of wave damage to buildings. As a result, I attach considerable weight to the policy approach.

7. My attention has been drawn to examples of other extensions and replacement dwellings at Numbers 297, 287, 282 and 280 Faversham Road. I have not been provided with further details in relation to these, however, I note that the appeal at 297 Faversham Road¹ was determined prior to the adoption of the Local Plan which includes Policy CC7 which precludes all development within the OHZ. For this reason, I do not consider that it creates a precedent for additional residential extensions within the OHZ.
8. For the above reasons the proposal would be at risk from damage by wave action. It would therefore conflict with Policy CC7 of the Local Plan which states that no development will be permitted within the OHZ.

Other Matters

9. The appellant indicates that the proposal will enhance the appearance of the property and improve its marketability. I note that the Council has not raised the effect of the proposal on the character and appearance of the area as a concern. Be that as it may, these matters do not outweigh the harm I have identified.

Conclusion

10. For the above reasons, having had regard to the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR

¹ Ref: APP/J2210/D/15/3051145