
Appeal Decision

Site visit made on 24 January 2017

by Lesley Coffey BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 March 2017

Appeal Ref: APP/J2210/W/16/3160821

64-65 Central Parade, Herne Bay Kent CT6 5JQ

- 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 Sarjanda Ltd against the decision of Canterbury City Council.
 - The application Ref CA/15/02729/FUL, dated 17 December 2015, was refused by notice dated 13 April 2016.
 - The development proposed is to demolish remaining existing building and erect block of 14 apartments and commercial unit to ground floor with bin and cycle stores.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted two unilateral obligations in respect of the proposal, one to Canterbury City Council and the other to Kent County Council. The former covenants to make a financial contribution towards Strategic Access Management and Monitoring (SAMM) in order to mitigate any adverse effects of the proposal on the Thanet Coast and Sandwich Bay Special Protection Area, as well as make a contribution towards open space in accordance with the Council's Development Contributions Supplementary Planning Document. The second undertaking covenants to make a contribution towards library facilities. These obligations would address the Council's second and third reasons for refusal and I have considered the appeal accordingly.

Main Issue

3. I consider the main issue to be the effect of the proposal on the character and appearance of the Herne Bay Conservation Area.

Reasons

4. Planning permission was granted in 2007 for the change of use of the ground floor to a restaurant, a new shopfront, and the extension of the building to provide nine flats. However, during the subsequent conversion works, the building partially collapsed and the remainder was subsequently demolished for safety reasons. The site has since remained vacant pending agreement on a suitable redevelopment. The previous building comprised a commercial use on the ground floor with residential accommodation above.
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5. The appeal site comes within the Herne Bay Conservation Area. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 sets out that in assessing applications within conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. This duty is reflected in the policies within the Canterbury District Local Plan Review 2006 where policy BE7 requires proposals to preserve or enhance the character or appearance of all features that contribute positively to the conservation area in which it is located. In addition, policy BE1 seeks a high quality design, and states that amongst other matters, regard will be had to the visual impact on the local townscape character, as well as the scale, massing, materials, finish and architectural details of proposals. Policies DBE3, DBE10, HE6 and HE8 of the emerging Canterbury District Local Plan have a similar intent to the above Local Plan policies.
6. The appeal site is located at the junction of Central Parade and Market Street. It occupies a prominent sea-front location opposite an area of seating and close to the Grade II Listed Herne Bay Clock Tower. To the south of the site lies a public car park. This is adjoined by a further area of parking which extends as far east as William Street. A public footpath provides a pedestrian link to the rear of the frontage development linking Market Street and William Street. As a consequence, the rear of the site is clearly visible from Mortimer Street to the south and William Street to the east.
7. The buildings along the sea-front vary in terms of their scale, style and appearance. There are a number of individual terraces each with its own distinctive style and character. The terrace in which the appeal site is located comprises bungalow fronted shops with two storeys of residential accommodation above. The flat roofs to the shops provide a terrace enclosed by decorative iron work which is a prominent and attractive feature of the terrace. The upper floors have been subject to unsympathetic alterations in terms of windows and a flue has been attached to the front elevation of one property. Overall the terrace has a slightly neglected appearance and the appeal site in its present form detracts from the character and appearance of the conservation area. Notwithstanding this, the terrace has a traditional form and appearance, with window openings of traditional proportions. There is uniformity in terms of the height of the buildings, the window openings, the bungalow fronts and depth of the fascia. Whilst the remaining buildings within the terrace are not particularly high quality, nevertheless they are appropriate in scale to their context and maintain the character of the conservation area.
8. The appeal proposal is for a 5-storey building comprising a retail unit at ground floor and a total of 14 flats above. The appellant states that the scheme references the better quality sea-front architecture within the conservation area and in particular St George's Terrace. The proposed building would occupy almost the entire site. The proposed ground floor would be significantly lower than the neighbouring properties. The upper floors would be set back from the ground floor, but would project forward of the main elevation of the existing terrace. The uppermost floor is set back from the remainder of the building and would broadly align with the front elevation of the adjacent terrace.
9. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development. I agree with the Council that there is no objection in principle to a contemporary

design approach in this location. Indeed, paragraph 60 of the National Planning Policy Framework (the Framework) is clear that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It also states that whilst design policies should avoid unnecessary prescription or detail, they should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. It also confirms that it is proper to seek to promote or reinforce local distinctiveness.

10. The flat roof to the shop would provide a terrace to the first floor flats in a similar manner to the neighbouring dwellings. However, the ground floor would be significantly lower by comparison, such that the upper part of the first floor balustrade would broadly align with the lower part of the fascia to the neighbouring properties. This change in scale would be accentuated by the proposed materials and would introduce a prominent and discordant feature to the terrace and detract from its appearance as a whole.
11. Due to the forward projection of the proposed building it would obscure views of the adjacent terrace particularly from the east. The appellant explains that the purpose of the forward projection is to create a modest additional prominence in respect of the proposal and also to distinguish between the original terrace and the contemporary addition. It is suggested that the main body of the proposed building reflects the vertical proportions of the adjoining terrace and the previous buildings on the site.
12. I agree with the appellant that it is possible for a building to differ in some respects from its immediate neighbours and still contribute to a high quality public realm. In particular, the forward projection of a new building can be a legitimate design approach for the reasons suggested by the appellant. However, the proportions of the proposed building differ significantly from the existing terrace, and based on the submitted information it would seem that they also differ from the previous building. The proposal would fail to reflect the existing terrace in terms of design, scale, proportions, storey height, fenestration and materials. In my view the proposed building would be entirely unrelated to the terrace of which it would form part and would fail to maintain local distinctiveness contrary to paragraphs 59 and 60 of the Framework and policies BE7 and BE1.
13. Due to its scale and prominent location, the proposal would dominate the part of the sea-front in which it is located and would also detract from the higher buildings to the west. There are other buildings within the conservation area similar in height to the appeal proposal, and in some instances these adjoin lower buildings. However, those I observed generally responded to local character and history, and reflected the local materials, proportions, and architectural features of buildings in the locality.
14. I have had regard to the building under construction at 46 Central Parade, a short distance from the appeal site. Like the appeal scheme, this building steps forward of its neighbour, and is greater in terms of overall height than its immediate neighbour. However, the terrace in which it is located is varied in terms of the height, appearance and the juxtaposition of the buildings and

lacks the strong architectural rhythm of the terrace in which the appeal property is located. The building under construction replicates some of the features and proportions of the existing buildings within the group, and despite its modern appearance it complements the character of the existing terrace.

15. Overall the proposal would fail to deliver the high quality design sought by national and local planning policies. The Framework is clear that design which fails to take the opportunities available for improving the character and quality of an area and the way in which it functions should be refused. Whilst I accept that in its present condition the appeal site detracts from the character of the conservation area, such harm is localised and short term, whilst due to its scale and visual prominence, the appeal proposal would have a more enduring and widespread effect on the conservation area. I therefore conclude that the proposal would harm the character and appearance of the Herne Bay Conservation Area and would fail to comply with the development plan as a whole.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR