

Appeal Decision

Site visit made on 2 August 2016

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 18 October 2016

Appeal Ref: APP/L2250/W/16/3145465

18 Sea Wall, Dymchurch, Kent TN29 0LS

- 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 Mr Adam Harker against the decision of Shepway District Council.
 - The application Ref Y15/0583/SH, dated 7 June 2015, was refused by notice dated 28 August 2015.
 - The development proposed is a new build for holiday tourism accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for a new build for holiday tourism accommodation at 18 Sea Wall, Dymchurch, Kent TN29 0LS in accordance with the terms of the application, Ref Y15/0583/SH, dated 7 June 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, drawing numbers 101 Rev A, 0102, 102 Rev A, 103 Rev A, 104 Rev B, 105 Rev B, 106 Rev B, 201, 202, 203, 204, 301 and TPP01.
 - 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

Main Issue

2. The main issue is the effect of the proposed new building on the character and appearance of the street scene and surrounding area.

Reasons

3. Sea Wall is located along the seafront of Dymchurch, with a number of properties located at a lower level behind the wall. To the rear of these properties is development on The Oval, a private road comprising a mix of styles and designs of predominantly detached houses, bungalows and chalet bungalows that has been defined as an Area of Special Character by the Council. Houses in the centre of the oval front the street, those on the outside
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being more of a mix in terms of character and appearance, with some fronting the street and some set at an angle or set back from the road, mostly on plots significantly smaller than that of no. 18.

4. 18 Sea Wall fronts the wall, with a very substantial garden that backs onto The Oval and additional vehicular access from The Oval to a garage in the corner of the garden. The existing garden to the property has a long undeveloped frontage to The Oval with mature trees on the boundary providing a sylvan appearance to this part of The Oval and limiting views into the garden.
5. The proposal is to construct a house that would provide holiday accommodation adjacent to the existing garage building that would be demolished. The proposed building would be two storeys, with rooms in the roof whose windows would face away from the road. The surrounding area comprises a number of substantial houses, some of which also have large roofs. The hipped sides to the roof would limit its size, such that the bulk of the roof would not be excessive. Consequently, the height of roof proposed would not be out of keeping in the locality.
6. The proposed building would have feature gable ends to the front and rear. That to the front would be below the ridge height of the proposed roof and breaks it up, which would further reduce the appearance of bulk. It would provide architectural interest to the front of the building and reflects other gable ends on properties in The Oval, particularly those on the property opposite the site. That to the rear would be larger, but its location at the rear ensures that it would be visible only from limited public vantage points such that it would not be prominent.
7. This is the largest gap in development around the Oval, such that development in this area would not appear unusual or out of character with surrounding development. Whilst visible from the sea wall and other vantage points, the proposed development would be seen in context with surrounding development.
8. The trees on the frontage with The Oval would be retained and would partially obscure the proposed building from the road, ensuring that it would not be prominent on the outside of this bend in the road. There would be removal of some other trees to enable the development, but these are located away from the road frontage, so are less prominent within the street scene and their removal would have limited effect on the character and appearance of the area. The hedge in the location of the proposed dwelling would be removed, but is behind the garage and frontage planting such that it is only visible through the existing frontage planting. As a result, the proposed development would have limited effect on surrounding planting and would retain the spacious leafy character of the surrounding area.
9. The proposed building would comprise an independent dwelling, albeit proposed to be occupied as holiday accommodation. It would not appear subservient to 18 Sea Wall, but this reflects surrounding development that fronts The Oval that comprises independent dwellings with no apparent functional relationship between properties.
10. For these reasons, I conclude that the proposed holiday accommodation at 18 Sea Wall would reflect the character and appearance of the street scene and surrounding area. As such, the proposed development would comply with

Policies SD1, BE1, BE12 and BE16 of the Shepway District Local Plan Review and the National Planning Policy Framework (the Framework) that seek sustainable development, including providing a high standard of layout, design and materials and protecting the Area of Special Character and important landscape features.

Other matters

11. I note that on road parking may be inconvenient within the street and that contractors vehicles may require parking on the road as well as there being some noise and disturbance from the construction work. However, any disturbance during construction would be for a temporary period only. Parking would be provided on site sufficient to meet the needs of the development proposed and sufficient space would be provided to manoeuvre vehicles in and out of the driveway, proposed ground floor garages and storage area. Consequently, the cumulative transport impacts of the proposed development would not be severe.
12. I understand that current projections for tidal flooding suggest this site is not considered to be at risk, but that there may be surface water flooding close to the site. Limited information has been provided as to the extent of this flooding and it is unclear what effect the proposed development would have on it. Consequently, I am only able to put limited weight on this matter.
13. The Framework refers to three strands of sustainability, being economic, social and environmental. There would be some economic benefits during the construction of the development and future occupants would support local services once it is occupied. The provision of the tourist accommodation would have a positive social impact to meet the needs of future occupants. I have concluded above that the development would not harm the character and appearance of the area and no other environmental harm has been identified. Consequently, I consider that there would be no adverse impacts of the proposed development that would significantly and demonstrably outweigh the benefits in accordance with the Framework.

Conditions

14. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition is necessary for samples of materials to be submitted to ensure that they would maintain the character and appearance of the area. The Council had the opportunity to suggest other conditions, but did not do so.

Conclusion

15. On the basis of the above considerations, I conclude that the appeal should succeed.

AJ Steen

INSPECTOR