

Appeal Decision

Site visit made on 22 September 2016

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 20 October 2016

Appeal Ref: APP/L2250/W/16/3149190

5 & 7 Dunes Road, Greatstone, New Romney, Kent TN28 8SS

- 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 David Tracey against the decision of Shepway District Council.
 - The application Ref Y15/0577/SH, dated 27 May 2015, was refused by notice dated 2 December 2015.
 - The development proposed is construction of pitched roof containing 2 no. 1 bedroom flats – rear extension forming new entrance to existing 4 flats and 2 new flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed pitched roof incorporating flats on the living conditions of neighbouring occupiers to the north and south with particular regard to privacy, outlook and light; and
 - the effect of the proposed development on tidal flood risk.

Reasons

Living conditions

3. The proposed extension would provide an additional floor above the existing flat roofed block of four flats, along with an entrance stairwell to the rear of the building that would provide access to the existing flats and additional two flats in the roofspace. The extension would be in the form of a pitched roof with gable ends above the existing building that would add considerably to the height of the building.
 4. The neighbouring block of flats to the south at 1-3 Dunes Road has a pitched roof with a window in the gable end facing toward the proposed flat no. 5, although I understand it only serves a loft room rather than living accommodation. That window would be located opposite a bedroom window within the proposed flats with a very limited gap between the buildings. The appellant suggests that this window could be removed, which would overcome the risk of overlooking, should the loft room be used for living accommodation in the future. I note that the neighbouring flats are in the ownership of the
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appellant, but the development would affect existing and future occupiers who are unlikely to have any relationship to the owners of the flats.

5. To the north side of the building to be extended, 9 Dunes Road contains a flat above the shop premises on the ground floor that also has first floor side windows. These include what appears to be a bedroom window that would be within close proximity of a proposed first floor side window within an existing flat at nos. 5 & 7 and there would be mutual overlooking between these windows. The proposed side window to the new flat within the roof space on this side would be at a different height and have a more oblique angle toward windows within the neighbouring property, limiting overlooking between those windows to a large extent, such that it would not have a material effect on the privacy of that neighbouring occupier.
6. The proposed gabled roof would significantly increase the height and size of the building and would be visible from the side windows of both neighbouring buildings. Given the close proximity, the height and bulk of the proposed roof extension would dominate the outlook from those windows and harm the living conditions of occupiers of those dwellings.
7. The proposed rear extension would be located slightly further from 9 Dunes Road and the eaves would be at a similar level to those of the existing building on that side, such that it would not have any material effect on the outlook of occupiers of that property. It would be significantly further from 3 Dunes Road, ensuring that it would not have a material effect on the living conditions of occupiers of those flats.
8. The limited gaps between the buildings along with the shape and size of the proposed roof would result in overshadowing of windows of the flat at no. 9. This would have some effect on the amount of sunlight available to that property. Whilst it would overshadow windows of no. 9, it would not affect the amount of daylight available to occupiers of that building.
9. For these reasons, I conclude that the proposed roof extension at 5 and 7 Dunes Road would harm the living conditions of neighbouring occupiers of the flats at 1-3 and 9 Dunes Road with particular regard to privacy, outlook and sunlight. As such, the proposed development would be contrary to Policies SD1 and BE8 of the Shepway District Local Plan Review and the National Planning Policy Framework (the Framework) that seek to protect the living conditions of occupiers of neighbouring properties from harmful development.

Flood risk

10. 5-7 Dunes Road is located close to the junction with The Parade, beyond which is a footpath to the beach through the sand dunes. The Strategic Flood Risk Assessment map shows that there is a significant risk of tidal flooding through that narrow footpath toward the site and surrounding development within Greatstone. Policy SS3 (c) of the Shepway Core Strategy Local Plan (CS) confirms that in areas at risk of wave over-topping, site specific evidence will be required in the form of a detailed flood risk assessment.
11. The Council suggest that there are other sites available within that character area that would be sequentially preferable. I accept that these are not under the control of the appellants and, therefore, not available to them to promote. However, it suggests that there are other sites at less risk of flooding that are

likely to come forward, such that alternative sites would be developed to meet the housing need of the area should this appeal be dismissed. This matter is not addressed in the submitted documentation.

12. Given that the proposed new flats would be on the second floor, there is limited risk to occupiers from flooding within their flats and the new communal rear staircase may provide some benefit to the occupiers of the ground floor flats in the event of a flood. However, the submitted documentation does not demonstrate that there would be safe access or egress to and from the building should a flood event occur and this could place extra burdens on the emergency services and increase the risk to them and the occupiers of the proposed flats.
13. Correspondence from the Council's Engineering Manager suggests that the sand dunes are an effective means to reduce the risk of tidal flooding, but the beach access is a weakness to that defence. As such, there is a longer term risk of flooding by 2115. I accept that any increased risk may be mitigated by that stage with an increase in the height of the footpath to the beach, but no information has been presented to demonstrate that such works would be effective or are likely to happen.
14. For these reasons, I conclude that insufficient information has been provided to demonstrate that the development would not be subject to an unacceptable risk of tidal flooding. As such, the development is contrary to Policy SS3 (c) of the CS and the Framework that seek to protect proposed development from the risk of flooding.

Other matters

15. I understand that, since determination of this application, the appellants have discussed an alternative scheme with the Council for an extension that does not include new residential units. However, I have seen limited information on that and, in any case, need to assess the scheme before me on its merits. I note that the design of the proposed extension would make considerable improvements to the character and appearance of the building and the surrounding area. However, the effect of the proposed development on the living conditions of neighbouring occupiers and lack of a site specific flood risk assessment to demonstrate the effect of the development on tidal flood risk would outweigh the benefits in terms of the design of the proposed development.

Conclusion

16. On the basis of the above considerations, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR