
Appeal Decision

Site visit made on 22 November 2016

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 1 December 2016

Appeal Ref: APP/X2220/W/16/3152054

12 Archers Court Road, Whitfield, Kent CT16 3HP

- 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 Mrs Janice Rigden against the decision of Dover District Council.
 - The application Ref DOV/15/00742, dated 21 July 2015, was refused by notice dated 14 March 2016.
 - The development proposed is erection of a new dwelling in the garden.
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Decision

1. The appeal is dismissed.

Procedural Issues

2. During the consideration of the application by the Council amended plans were submitted revising the design of the proposed dwelling. These amended plans were used by the Council in making its decision and I too will use them.
3. In the decision notice refusing planning permission the Council did not refer to any development plan policies, although it refers to three policies from the Dover District Core Strategy (2010) in the Officer's report, and in no case did it find conflict. However, I need to consider the appeal against all other material considerations, including the guidance in the National Planning Policy Framework (the Framework) and the Kent Design Guide, both of which were referred to in the decision notice.

Main Issues

4. The main issues are the effect on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 10, 12 and 14 Archers Court Road in terms of overlooking and privacy.

Reasons

Character and appearance

5. Archers Court Road is a relatively straight residential road. The properties on either side of the road are a mixture of houses and bungalows, with houses being in preponderance on the south side of the road in the vicinity of the appeal site. To the rear is a small strip of wooded land and beyond that the A2
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road. The site slopes slightly down to the rear, meaning that the properties fronting Archers Court Road are at a slightly higher level than the location of the proposed dwelling.

6. The Kent Design Guide indicates that new buildings should form a harmonious composition with surrounding buildings or landscape features in local views and vistas. I consider that this guidance is consistent with paragraph 64 of the Framework which indicates that development should take the opportunities available for improving the character and quality of an area and will give this significant weight.
7. The properties in Archers Court Road vary considerably in size and design. For example, 10 Archers Court Road is a large two-storey property with, what appear to be, extensive extensions, but others are much smaller. The Council does not object to a dwelling being located on the appeal site, subject to the design being appropriate, and I concur that a dwelling would be acceptable in principle. This would be similar to other properties in depth behind properties in Archers Court Road, for example Nos 18b and 18c, on this same side, and the new property to the rear of No 11a, on the northern side of the road.
8. In looking at the relationship of the existing properties located to the rear of Archers Court Road, they all appeared to be smaller, and thus subservient to the properties at the front. This ensures that development has a hierarchy which emphasises the local distinctiveness of the area.
9. While the properties in Archers Court Road are of varying architectural styles and design I saw that they were generally consistent as regards the relationship between the windows and the eaves, whether the ground floor windows in bungalows, or upper floor windows in houses. The eaves line was either just above the top of the windows or, at most, there was a single soldier course of brickwork between the two.
10. In the appeal proposal there would be a large section of brickwork between the top of the ground floor windows and the eaves. Rooms at first floor would be lit from dormers or rooflights, but there would be only a small section of roofing between the eaves and the bottom of the dormers rather than a larger section which is more conventional in chalet style properties. This would mean that the property would appear to be neither a two storey house nor a chalet bungalow, but rather an unsatisfactory hybrid.
11. Because the property is quite deep the roof would be quite high and thus result in a tall building. There would be large expanse of roofing above the dormers meaning that the roofing would dominate and the building would appear top-heavy, especially as the windows on the ground floor front elevation would appear relatively small in the overall expanse of brickwork between the ground level and the eaves line.
12. No 12 is quite a tall property, and due to the sloping nature of the site the property would be at a lower level than the properties fronting Archers Court Road. However, when viewed from Archers Court Road, along the proposed driveway, due to the overall height of the proposed property and its unsatisfactory it would appear bulky, of poor design, and out of keeping with the character and appearance of the area.

13. The Council is also concerned that the roof above the garage would appear incongruous with the main roof because it has a different pitch. However, this would be at the side of the property and behind No 12. Of itself this would not be determinative, but this dichotomy in design approach adds to the overall poor design of the proposed property.
14. Therefore the proposed property would represent poor design and be out of keeping with the character and appearance of the area. As such it would be contrary to the Kent Design Guide as it would not form a harmonious composition with surrounding buildings. It would also be contrary to paragraphs 56, 61 and 64 of the Framework as would not represent good design which is a key aspect of good planning, would not integrate satisfactorily into the built environment, and would fail to take the opportunities of improving the character of the area.

Living conditions

15. The Kent Design Guide makes clear that minimum privacy distances are not prescribed and thus each case should be judged on its own merits. Within an urban area such as this there will always be a degree of overlooking between properties but in order to protect the living conditions of occupiers this overlooking should not be direct at close distance, and if there is a change of level the separation distance should increase as it is possible to look over intervening fences more easily.
16. Privacy between ground floor windows could be secured by the erection of fencing between the properties. Therefore, the issue relates to potential overlooking from the first floor windows of the proposed dwelling. At first floor facing the front towards Archers Court Road the proposed dwelling would have two bedrooms lit by dormer windows and two rooflights over the stairway. Given this arrangement it is only the potential for overlooking from the two bedroom windows that needs to be considered, as the rooflights could be conditioned to be obscure glazed and would not be to a habitable room.
17. While there would be a degree of overlooking towards the rear of No 12 I am satisfied within the overall context of the area, and noting the change of levels, that there would be sufficient separation so as to not lead to an unacceptable loss of privacy for the occupiers of that property. I am also satisfied that as the separation distances to both Nos 10 and 14 would be greater and at oblique angles that the relationships to those properties would also be acceptable.
18. As such the proposal would result in satisfactory living conditions for the occupiers of neighbouring properties. The proposal would therefore comply with the guidance in the Kent Design Guide and would comply with paragraph 17 of the Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

19. Notwithstanding the lack of harm I have found in respect of the effect on the living conditions of the occupiers of the adjoining properties, the harm to the character and appearance of the area is such that the appeal should be dismissed.

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

RJ Jackson

INSPECTOR