
Appeal Decision

Site visit made on 7 December 2016

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 13 January 2017

Appeal Ref: APP/X2220/W/16/3154317

MOT Centre, 46 West Street, Deal, Kent CT14 6AH

- 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 Robert Harley against the decision of Dover District Council.
 - The application Ref DOV/15/01035, dated 16 October 2015, was refused by notice dated 16 May 2016.
 - The development proposed is the demolition of existing building and erection of seventeen one and two bedroom apartments and maisonettes.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the occupiers of Nos 52 and 54 Anchor Lane in relation to privacy.

Reasons

Character and appearance

3. The appeal site, roughly rectangular in shape, fronts onto West Street between Sainsbury's supermarket and Anchor Lane on the edge of Deal town centre. Until recently the site was occupied by a garage/MOT testing station. This has now been demolished and the proposal is to erect a single building on the site comprising seventeen flats and maisonettes. The building would have two distinct sections, a rear terrace type section comprising four ground floor flats with four maisonettes above and a front section of nine flats in a three storey block facing West Street.
4. The site lies in an area of transition between the large scale buildings of the town centre to the south, which include the adjacent flat roofed Sainsbury's store, and the smaller scale two storey terraced houses of the residential area to the north. On the opposite side of West Street lies an open area surrounded by further terraced housing, some of which lies within the Middle Street Conservation Area. The garage/MOT testing station was a long, single storey building which occupied almost all of the site. It had a tall pitched roof and was constructed of corrugated cladding with a brick façade facing West Street.

5. The form of the proposed building takes its cue from the previous building on the site. The rear terrace section would run parallel to Anchor Lane with a longitudinal ridgeline. It would be of two storey appearance with a tall pitched roof having a line of rooflights serving the second floor accommodation. Two large front facing gable features would extend towards the lane, but the terrace would be set back compared to the previous garage/MOT building giving more space between it and No 1 Sunnyside Cottages which fronts onto the lane opposite. It would also give a more spacious feel to this part of Anchor Lane compared to the previous situation when the building ran immediately alongside the lane.
6. The end of the terrace section would be adjacent to the drive and garage on one side of Sunnyside Bungalow. In a similar position but having a narrower end profile than the previous building, the proposal would be less dominant when seen from the west. To the south the terrace section would adjoin the flat roof Sainsbury building which would screen it from view. Overall therefore, the rear terrace section of the proposal would relate effectively in townscape terms to the surrounding buildings and spaces.
7. However, the front section of the building would comprise a three storey flat roof block built hard up to the site boundaries along Anchor Lane, the West Street frontage and the open car parking area in front of the Sainsbury's store. The top storey would be set in slightly with more glazing and different cladding materials, but this would not materially reduce the overall bulk of the building. The block of flats would be an attractive contemporary design, and would not as a building type be out of place on the edge of the town centre, outside the Conservation Area with its traditional rows of terraced housing. However, seen in the context of its surroundings the front section of the building would appear unduly prominent in the street scene.
8. The previous garage/MOT building on the site was single storey with a pitched roof sloping away from Anchor Lane and the car park on its two sides. It was also set back from West Street behind a narrow forecourt. By contrast, the front section of the proposed building would be a full three stories in height on each side with no forecourt. As a result, whilst the height of the building may be similar to the previous ridge height¹, its overall bulk would be significantly greater, and this would be readily apparent from three directions.
9. The additional building height along Anchor Lane together with bringing the building forward to the West Street frontage would significantly increase its prominence in views from the north, across the garden of No 54 Anchor Lane, and when passing in front of the site along West Street. In addition, the visually unbroken flat roof would be significantly higher than that of the adjacent Sainsbury store, making the building unduly prominent in views from the south across the car park².
10. Consequently, the bulky front section would be an intrusive and incongruous feature in the street scene. Instead of forming a suitable transitional building between the large scale Sainsbury's store to the south and the smaller scale residential development to the north and east, the proposal would introduce a further relatively tall and bulky building spreading out from the town centre.

¹ Although finished floor levels would be no lower than 600 mm above existing ground level to avoid flooding

² Contextual elevations drawing 46W-AWW-A-DWG, Section through 54 Garden drawing SK05

11. For these reasons the proposal would cause significant harm to the character and appearance of the area in conflict with paragraphs 56 and 17 of the National Planning Policy Framework (NPPF). These attach great importance to the design of the built environment and require design to take account of the different roles and character of different areas.

Living conditions

12. The front section of the building would include a series of windows at first and second floor level on the Anchor Lane elevation where the previous building on the site had none. These would serve a series of habitable rooms within the flats and would look out towards No 54 and to a lesser extent No 52 Anchor Lane. These are an unusual pair of two storey properties which abut the Salvation Army building behind and as a result have their only windows facing Anchor Lane and their only gardens between the houses and the lane.
13. The separation distance between the Anchor Lane elevation and the private garden of No 54 would only be the width of the lane, about 5 m, and the depth of the garden is such that the house itself with its front facing windows would also be quite close. Contrary to the appellant's view, the garden is not particularly well screened by planting and consequently the windows would overlook the garden, including the more private area nearest the house, from relatively close quarters. With a top floor of large windows as well as the first floor, this would cause a significant loss of privacy to the occupants of No 54 in their garden. Views towards No 52 would only be oblique and the privacy of the occupiers less affected as a result.
14. For these reasons, and notwithstanding their reported views, the proposal would cause significant harm to the living conditions of the occupiers of No 54 and to a lesser extent No 52 Anchor Lane in relation to privacy. This would conflict with paragraph 17 of the NPPF which seeks to secure a good standard of amenity for all existing occupants of land and buildings.

Other matters

15. The Council has concerns regarding the detailed cladding materials to be used but this could be resolved by imposing an appropriate condition. Apart from the privacy issues raised, the proposed fenestration and level of glazing would not be inappropriate given the contemporary design approach being pursued.

Conclusion

16. The proposal would provide seventeen much needed dwellings in a sustainable location with significant social and economic benefits for the area. The redevelopment of the site replacing the previous unattractive building would also be a benefit. It is also appreciated that there were extensive discussions with the Council during the application process. However, these factors are significantly and demonstrably outweighed by the adverse impacts of the scheme when assessed against the policies of the NPPF taken as a whole. The proposal cannot therefore be considered a fully sustainable development.
17. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR