
Appeal Decision

Site visit made on 23 January 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 1 February 2017

Appeal Ref: APP/X2220/W/16/3163031
19 Bewsbury Crescent, Whitfield CT16 3EU

- 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 Dr Tej Bahadur against the decision of Dover District Council.
 - The application Ref DOV/16/00909, dated 29 July 2016, was refused by notice dated 2 November 2016.
 - The development proposed is two single storey bungalows to the rear of No19 & 21.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of No 21 Bewsbury Crescent in relation to noise and disturbance.

Reasons

3. The appeal site has been subject to two recent appeals. A similar proposal for two bungalows, although with the access drive between Nos 21 and 23, was dismissed on appeal in 2015 (appeal ref APP/X2220/A/14/2228027). The Inspector concluded that the proposed dwellings would be in keeping with the residential character of the area, and on this basis the Council has not raised objection to the principle of the development. The later similar appeal (appeal reference APP/X2220/W/16/3144400) for two bungalows proposed the access drive between Nos 19 and 21 and was dismissed due to the impact of the access drive on the occupiers of No 21 and the effect of movements arising from two dwellings which would cause an unsatisfactory level of disturbance in the context of a quiet residential area.
 4. The appeal site comprises part of the long rear gardens of Nos 19 and 21 Bewsbury Crescent, two single storey bungalows set behind front gardens in the road of mostly very similar properties. The proposal is for two new single storey bungalows, one in each rear garden, similar to that of the previous proposed development, and again proposes the access drive between the two existing properties of Nos 19 and 21.
 5. In relation to No 21 the previous Inspector commented that movements in such close proximity to the side facing bathroom, front facing bedroom and rear facing kitchen would cause a noticeable level of noise and disturbance to the occupiers of these three rooms, significantly reducing their amenity. He
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concluded that “the access drive would be so close that even the movements arising from two dwellings would cause an unsatisfactory level of disruption in the context of a quiet residential area where a higher standard of peace and quiet would reasonably be expected”.

6. The proposal would involve the demolition of the existing garage to the side of No 19 and reducing the width of the existing conservatory behind the garage. This would enable the repositioning of the proposed access a short distance away from the side elevation and boundary of No 21 to facilitate a landscaping buffer between No 21 and the proposed access drive.
7. Existing vehicular activity in front of the No 19’s garage must presently impact to a limited degree on the amenities of the occupiers of No 21. However, I consider the creation of a new access would result in the increased vehicular and pedestrian movements by occupiers of two new households and service providers in close proximity to the flank wall of No 21.
8. The appellant suggest that No 21’s bathroom window could be blocked up and replaced by a skylight. No 21 falls outside the appeal site. I have no mechanism that would secure such alterations to this dwelling, therefore I afford this consideration little weight. In addition, the proposed hedge would result in loss of light to the existing bathroom. However, without such screening the movements of vehicles and pedestrians passing close by would subject the occupants to significant noise and disturbance.
9. Vehicle movements, service vehicles, and pedestrians created by two new households would also pass close to the front and rear elevations of No 21 and its rear outdoor sitting out area. Although the proposed access would be positioned slightly further from the side of No 21 and the proposed landscaping strip would incorporate a closeboard fence adjacent to the front and rear gardens, this would, in my view, be insufficient to overcome the significant harm to the living conditions of the occupiers of No 21 as identified by the previous Inspector. Movements by the new occupant’s cars, service vehicles and pedestrians would significantly intensify the disturbance to No 21.
10. My attention has been drawn to a number of examples nearby of access drives passing close to residential properties. However, in the case at Nursery Lane (application ref DOV/16/0009) the dwelling has a greater separation from the access in which screening could be put in place. With regard to the example at Archers Court Road (application ref DOV/15/00198) the previous Inspector commented that this is a busy main road with a character very different to that of Bewsbury Crescent. I have no reason to take a different view.
11. For the above reasons the proposed development would be harmful to the living conditions of the occupiers of No 21 Bewsbury Crescent in relation to noise and disturbance, contrary to paragraph 17 of the National Planning Policy Framework which seeks a good standard of amenity for existing occupants of land and buildings.

Other Matters

12. It is acknowledged that the appeal site is situated in a suburban area and an identified Secondary Regional Centre of Dover. The proposal would create two dwellings which would contribute toward achieving the housing targets at Whitfield. The inclusion of new planting would attract wildlife and biodiversity.

However, these benefits would not outweigh the harm that I have identified above in respect to living conditions.

13. A number of residents close by have raised other concerns in relation to the proposal but in view of my conclusion on the main issue, there is no need for me to address these in the current decision.

Conclusions

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

Nicola Davies

INSPECTOR