
Appeal Decision

Site visit made on 13 February 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 23 March 2017

Appeal Ref: APP/L2250/W/16/3162502

Land adjoining 14 The Corniche, Sandgate, Folkestone CT20 3TA

- 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 Ron Loveday against the decision of Shepway District Council.
 - The application Ref Y16/0644/SH, dated 7 June 2016, was refused by notice dated 2 September 2016.
 - The development proposed is the erection of a detached two storey dwelling elevated off the hillside together with associated staircase and lift and new driveway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appeal address from the planning application form and Council's decision notice, although I note that the house number is different on the appeal form.

Main Issue

3. The main issue raised in respect of the appeal is the effect of the development on the character and appearance of the area and the landscaped embankment that is subject to a Tree Preservation Order (TPO).

Reasons

4. The appeal site is situated within the defined settlement boundaries on a steep slope that forms part of a woodland escarpment. The area is residential in character with dwellings running generally laterally across the slope of the land that benefits from views of the English Channel. The site forms part of the wooded area along the northern side of The Corniche, although much of the former extensive tree coverage at the appeal site that is subject to a TPO has succumbed to land slippage or has been removed. I observed that land stabilising measures are in place and, whilst some trees are present, these are sparse and the site does not have a woodland character unlike that of the land to the north and north east which is designated a Sandgate Escarpment and Seabrook Valley Local Landscape Area (LLA). This wooded LLA along the escarpment makes a valuable visual contribution to this part of Sandgate, both in relation to localised viewpoints and those further away to the south.
 5. Planning permission has previously been granted in 2011 for a two-storey dwelling elevated above the hillside together with associated staircase and lift
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and new driveway (LPA Ref Y10/1054/SH) similar to that proposed here. The Council advises that at that time the innovative design was considered acceptable as the scheme preserved the woodland character and the majority of the protected trees that occupied the site. At that time the proposed development would have nestled into the tree canopy and the Council considered that the scheme responded positively to the site in a way that was not considered visually prominent or harmful to the landscape. The appellant has confirmed that this planning permission has expired and cannot lawfully be implemented.

6. Clearly, the trees were a fundamental element of the acceptability of the previously proposed dwelling. I acknowledge that the removal of some of the trees at the site would have taken place as part of the preparatory work in the context of the previous application but overall the majority of the trees were to be retained. In contrast now a large amount of the trees are no longer present at the site. Whilst this appeal scheme is a re-submission of the previously approved dwelling, the treed characteristic of the site has significantly changed in the interim period and the proposed development should be considered in the context of the current site circumstances.
7. The proposed two-storey dwelling would be positioned upon stilts and would have an elevated siting above the slope of the appeal site. The new dwelling would have a distinctly modern appearance with horizontal emphasis to the design with flat roof and large areas of glazing providing aspects southward. Indeed, the appellant describes the proposed dwelling as a 'standout landmark building that would be a bold feature on a prominent site and have a striking presence'.
8. The proposed dwelling would be set further back from the road than No.14 The Corniche that has a high concrete wall alongside the road. There is also a house to the north of, and on a higher elevation than the appeal site. Although the existing dwellings in the locality are of no specific character, they are of low density and are generally set conventionally within landscaped gardens.
9. The overall size of the proposed dwelling and exposed column foundation design with lift shaft and retaining entrance ramp walls, elevated above the steep slope of the appeal site would appear out of keeping with the more conventional dwellings in the locality. Without the presence of any significant tree coverage at the appeal site, the proposal would appear conspicuous upon the stark embankment. The elevated nature of the land would result in the dwelling appearing highly visually prominent, both when observed from The Corniche and in wider viewpoints from the south of the escarpment as the bank is only partially vegetated. The dwelling would appear intrusive and incongruous and would cause significant harm to the character and appearance of the area.
10. Whilst there are significantly fewer trees at the appeal site than previously, those that remain are protected by the TPO that is in place. I observed that the remaining trees, whilst potentially self-seeded and having scrub undergrowth, retain a visual link, although limited, with the wider woodland area.
11. The appellant has explained that it is not the intention to screen the proposed dwelling. The aim is to create a type of 'tree house' where the new dwelling would appear to sit within the tree canopy, with only the top two floors visible.

Indeed this is shown on the application drawings and the appellant indicates that a landscape scheme that would incorporate replacement tree planting over a 10 year woodland management plan period would take place once the house is built and would replace the poor quality trees which currently occupy the appeal site.

12. I accept that replacement tree planting could soften the appearance of the development in the long term but this is likely to take some time for the type and number of trees planted to recreate the former amount of woodland at the site. Whilst some interim planting could take place of fast-growing indigenous species I am not convinced that this would overcome the short to medium term visual harm. Furthermore, the existing frontage trees are not of good quality and would offer limited screening and only to part of the appeal site frontage.
13. Saved Policy BE16 of the Shepway District Local Plan Review 2006 (the Local Plan) requires proposals to retain important existing landscape features. Saved Policy BE17 of the Local Plan states that development will not be permitted if it would damage or destroy any tree protected by a TPO. Some trees remain present at the appeal site and the proposed development would, in my opinion, have a negligible effect on those that remain. As such, I cannot conclude that the proposed development would materially conflict with these policies, given the significantly reduced number of TPO trees at the appeal site that has substantially diminished the site's woodland character.
14. Although not identified on the Council's Proposals Maps the appeal site is an existing area of open space. Paragraph 7.40 of the explanation to saved Local Plan Policy LR9 makes it clear that areas of open space of leisure, recreation or amenity value unable to be identified on the proposals maps due to their scale are also protected under this policy. This open space at the appeal site provides an important visual contribution to the local environmental quality, whether or not treed or accessible to the public. Whilst the proposed dwelling may be of a similar design to that previously approved by the Council, the trees that presented the special circumstances for this design approach to be considered acceptable have largely gone. As such, the special circumstances that allowed for the development within this open space have also gone irrespective of proposed development being considered infill development in the context of saved Policy HO1 of the Local Plan.
15. The Framework and Policy SD1 of the Local Plan require decisions to be made with regard to the presumption in favour of sustainable development. Accordingly I have considered whether the appeal proposal would be consistent with the social, economic and environmental dimensions of sustainable development, as set out in paragraph 7 of the Framework noting that the Council has indicated that it has a five year supply of housing sites. Paragraph 8 of the Framework specifies that these three elements of sustainable development need to be considered together and are mutually dependant and should be sought jointly.
16. I have found that the proposed development would harm the character and appearance of the area, placing it in conflict with the environmental dimension of paragraph 7. Whilst the principle of residential development may be acceptable in this urban location, the positive housing supply benefits do not outweigh the environmental harm that I have identified above. Furthermore, having considered all of the policies drawn to my attention the visual harm

arising from the development leads me to conclude that there is conflict with the development plan as a whole and I find the scheme is not sustainable development.

17. For these reasons I conclude that the proposal would be harmful to the character and appearance of the area, even though the proposed development would not significantly harm the remaining TPO trees at the appeal site. Although the Council has cited saved Policies SD1, HO1, LR9, BE1, BE16, BE17 and CO5 of the Local Plan in its decision notice, I consider Policies SD1, HO1, BE1 and LR9 to be the most applicable in this case. The proposed development would be contrary to these policies which seek to maintain and improve the character of the built environment, promote a high quality of design, maintain and enhance trees and that protect existing areas of open space, amongst other matters. The proposed development would also be contrary to the aims of paragraphs 17 and 58 of the National Planning Policy Framework that seek to secure high quality design and to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

Other Matters

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

Conclusions

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR