

Appeal Decision

Site visit made on 21 March 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 24/03/2017

Appeal Ref: APP/L2250/D/17/3167947
138 Dolphins Road, Folkestone CT19 5QB

- 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 Hindry against the decision of Shepway District Council.
 - The application Ref Y16/1167/SH, dated 18 October 2016, was refused by notice dated 23 December 2016.
 - The development proposed is demolition of existing garage and formation of new single-storey rear and double-storey side extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed development on the Council's decision notice includes a single-storey front extension. This is reflected on the submitted plans. I have therefore considered the appeal on this basis.

Main Issues

3. The main issues raised in respect of the appeal are the effect of the proposed development on the character and appearance of the area and the living conditions of the adjoining occupiers of No 136 Dolphins Road.

Reasons

Character and appearance of the area

4. Dolphins Road, in the main, is characterised by two-storey semi-detached properties. Some properties have been extended over two-storeys to the side up to the side boundary. However, most properties retain space above the garages adjacent side boundaries. These spaces contribute to the rhythm and pattern of development in the area and form part of the overall character of the streetscene.
 5. Policy BE8 of the Shepway District Local Plan Review (the Local Plan) does not preclude side extensions to semi-detached dwellings where space is available. However, it requires a minimum of 1 metre to be maintained from the side boundary of any part of the extension above single-storey level, including the roof, to avoid creating a terracing effect which could result by extending up the boundary. The proposed development, by extending up to the side boundary, would not meet with this requirement. The proposal, in my opinion, would create a development akin to a terrace. This would be out of keeping with and
-

harmful to the character of this streetscape that predominantly incorporates space between dwellings and to the side boundaries at first floor.

6. Although the design of the side extension would be subservient to that of the main dwelling and would match the design of the host property, I consider that without a 1 metre gap to the side boundary the appearance of terracing would occur, even if the adjoining property at No 136 retains its gap above the garage at first floor. I acknowledge that some properties have been extended up to the side boundary. I observed that many of those existing two-storey side extensions appear to have been in place for some time and potentially predate the adoption of the Council's Local Plan and the National Planning Policy Framework (the Framework).
7. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area. It would be in conflict with Policy BE8 of the Local Plan which seeks side extensions to maintain a gap to the side boundary to avoid the creation of a terracing effect, amongst other matters. Policy BE8 is consistent with the aims of Paragraph 58 of the Framework which seeks to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

Living conditions of adjoining occupiers of No 136 Dolphins Road

8. The Council indicate that the proposed single-storey rear extension would project 2.2 metres from the rear building line of the existing dwelling and be 2.6 metres in height. The proposed rear extension would, to some extent, fall within a 45 degree sight-line when viewed in outlook from the rear living accommodation of No 136. However, there would be space between the proposed development and the adjacent dwelling. Although some overshadowing of No 136 would occur during the course of the day, in my judgement the impact would be quite limited and would not be significantly more than the overshadowing cast by that of the existing side boundary fence. Furthermore, given the single-storey extension would not be appreciably higher than that of the existing fence the overbearing effect of the extension would not, in my opinion, be significant.
9. Overall, I conclude that the proposed development would not harm the living conditions of adjoining occupiers at No 136 Dolphins Road and, for the reasons given, would not materially conflict with Policies SD1 and BE8 of the Local Plan, which seek to safeguard the amenities of occupiers of neighbouring properties, amongst other matters. The proposal would not conflict with the aims of paragraphs 17 of the Framework that aims to secure a good standard of amenity for all future occupants of land and buildings.

Conclusions

10. Whilst I have found in favour of the appellant in terms of the effect on the living conditions of adjoining occupiers, this does not overcome the identified harm in relation to the character and appearance of the area. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR