
Appeal Decision

Site visit made on 13 March 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 27 March 2017

Appeal Ref: APP/X2220/W/16/3164812

Railway Hotel, 85 Station Road, Walmer CT14 7RL

- 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 J Digges, Blackstone Estates Ltd against the decision of Dover District Council.
 - The application Ref DOV/16/00840, dated 17 June 2016, was refused by notice dated 23 November 2016.
 - The development proposed is the redevelopment of the site to provide a scheme of eight houses.
-

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
 - whether the proposal would provide satisfactory living conditions for existing and future occupiers in relation to privacy and future occupiers in relation to noise and disturbance.

Reasons

Character and appearance

3. The rectangular appeal site, which was previously occupied by a public house, lies on the corner of Station Road and Mayers Road in an established residential area. The proposal is to develop the now vacant site with a total of eight dwellings, a terrace of three dwellings on the Station Road frontage, a terrace of four dwellings on the Mayers Road frontage and a single storey dwelling set back towards the western corner of the site.
4. The proposed terrace hard up to the Station Road frontage would reflect and align with the existing terraced houses which line the road to the north west. Similarly, the proposed terrace set back slightly from the Mayers Road frontage would reflect and align with the terraced houses further along that road. However, two mostly blank side elevations with single storey porches would face the prominent street corner with a tree located within the garden on the corner as a focal point. This would turn the corner in a disjointed manner and place too much visual importance on a single privately owned tree.

5. Whilst a promising contemporary design concept using modern materials, the terraces would include two incongruous design features, the flat roof side elevation porches and flat roofed two storey projections to the rear. The Mayers Road terrace would also have an unbalanced appearance with an asymmetrical set of dormers along the roof slope and a fully hipped roof at one end but only a quarter hipped roof at the other.
6. In addition, the proposal includes an eighth single storey dwelling behind and unrelated to the two terraces. This would be a one-off building type not found in the vicinity, would not front a street which is uncharacteristic of the area and would be oddly set back from the adjacent terrace Nos 6-18 Mayers Road. Whilst not particularly prominent in the street scene this dwelling would appear an odd feature in relation to the rest of the scheme and its surroundings.
7. Contrary to the Council's view, retaining the existing road edge wall alongside Mayers Road (private section) would provide some beneficial enclosure to the parking area on that side of the site.
8. 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

9. The rear facing first floor windows of the Mayers Road terrace would overlook the rear gardens of No 87 Station Road and No 18 Mayers Road from about 18 m away. However, the first floor windows in the rear elevation of those terraced properties already overlook the rear gardens of those opposite so the additional loss of privacy would be minimal.
10. With terraced housing there is inevitably some mutual overlooking of neighbour's rear gardens. However, the proposal for two terraces at right angles and oblique rear gardens would reduce privacy further. The most private areas immediately behind some of the houses would be visible obliquely from the rear facing first floor windows of the other terrace at close quarters and some rear gardens would be directly overlooked by the first floor windows of other properties¹.
11. The private garden of unit 4 would be alongside the side elevation of unit 5 but there would be no window openings in the flank wall except for an obscure glazed first floor bathroom window. As such, the occupiers of unit 5 would be unlikely to be significantly affected by noise or disturbance from the garden. The garden would need to be enclosed by a high wall to ensure privacy from passers-by and this would protect the users of the garden from undue noise or disturbance arising from the road junction.
12. The window of the shower room in unit 8 would be obscure glazed so there would be no interlooking with unit 1. However, the rear access to units 1-3 and 5-7 would pass immediately in front of the kitchen and bathroom windows of unit 8. This awkward relationship would lead to a significant level of noise and disturbance for the occupiers of unit 8 and in the case of the kitchen

¹ eg the private area behind unit 2 would be obliquely overlooked by units 5 and 6 and the garden of unit 3 would be directly overlooked by units 2 and 5

window a loss of privacy. Parking space 9 would also be uncomfortably close to the kitchen window leading to noise and disturbance from manoeuvring.

13. For these reasons the proposal would not provide satisfactory living conditions for all future occupiers in relation to privacy or noise and disturbance. This would conflict with paragraph 17 of the NPPF which seeks to secure a good standard of amenity for all future occupants of land and buildings.

Conclusion

14. It is appreciated that the proposal would provide eight additional dwellings in a sustainable location on a previously developed site. It would also deliver important social and economic benefits for the area. However, the objections that have been identified under the two main issues outweigh these benefits and preclude planning permission for this particular scheme.
15. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR