
Appeal Decision

Site visit made on 12 April 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 9 May 2017

Appeal Ref: APP/X2220/W/16/3166825

Land at 10 Dover Road, Sandwich, Kent CT13 0BN

- 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 Tom Beisty, 10 Dover Road Ltd against the decision of Dover District Council.
 - The application Ref DOV/15/00992, dated 30 September 2015, was refused by notice dated 25 May 2016.
 - The development proposed is 8 flats (3 one bed and 5 two bed) in a linked block of two floors situated on the land to the rear of the existing dwellings.
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Decision

1. The appeal is allowed and permission is granted for 8 flats (3 one bed and 5 two bed) in two linked blocks of two floors situated on the land to the rear of the existing dwellings on Land at 10 Dover Road, Sandwich, Kent CT13 0BN, in accordance with the terms of the application, Ref DOV/15/00992, dated 30 September 2015, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, including the effect on the setting of the Grade II listed station building, passenger shelter and footbridge.

Reasons

Character and appearance

3. The proposal is for the erection of 2 no. two-storey linked buildings to provide eight flats to the rear of No 10 Dover Road and the adjacent pairs of semi-detached houses. The large frontage building together with the two linked buildings at the rear known as No 10 was originally council offices and then a nursery but has recently been converted to 10 flats. The proposal would add to the existing scheme with the additional flats on a disused triangular site to the rear with a farm track and railway line/railway station to the north east and open land, currently in agricultural use, to the south.
4. The appeal site lies outside the defined settlement boundary of the town of Sandwich which runs along the railway line and Dover Road. Consequently it lies in the countryside for planning policy purposes and Policies DM1, DM15 and DM16 of the Dover District Core Strategy 2010 (DDCS) apply. These restrict new housing to that which functionally requires a rural location and seek to protect landscape character.

5. However, the field immediately to the south of the site, which is also outside the defined settlement boundary, has planning permission¹ for a large supermarket, doctor's surgery and pharmacy which, if built, would leave the appeal site as an undeveloped enclave between the supermarket scheme and the railway line. With this development in place the proposal would not comprise an encroachment of built development into the rural setting of the town but an infill site surrounded by buildings on all sides. The supermarket building, up to 8.4 m high, would screen the proposed flats, about 6.9 m to the ridge, from the wider countryside to the south, thus removing any objection to the flats on the grounds of loss of countryside.
6. The Council argues against the proposal on the basis that the supermarket scheme may not go ahead and in those circumstances the flats would be an intrusive encroachment into the countryside. Planning permission for the scheme expires in November 2017 and no application has yet been made to discharge the pre-commencement conditions. The Council understands that the intended foodstore operator has withdrawn, but there is no evidence from the developer that this is the case or alternatively that the scheme will not go ahead in some other form.
7. It is appreciated that permission was only granted due to the exceptional requirement for a supermarket for the town, but the Land Allocations Local Plan 2015 states that there is a quantitative need for additional convenience floorspace in the Deal/Sandwich area and includes a criteria based policy against which proposals for additional provision in Sandwich will be judged. Importantly, the committee report on the supermarket scheme includes the sequential site assessment that there are no town centre or edge of town centre sites both suitable and available for foodstore development and that the Dover Road site represents the most sequentially preferable site compared to the alternatives. Given this background, there is every likelihood that the supermarket scheme, or a variation of it, will go ahead in due course.
8. However, even if the superstore scheme were not to go ahead, the proposal would still be an acceptable extension to the existing flat development of No 10. It would lie between the existing buildings and the railway line, within the original curtilage of No 10, squaring off the developed area and not encroaching into the open countryside to the south. Whilst it would be visible from a distance across the field from Dover Road, it would be seen as an integral part of the existing scheme, with the two linked buildings joining the three parts of the existing scheme in a line of distinct but complementary building elements. The new flats would also be lower than the existing scheme which rises to a height of about 9 m, thus reducing their visual impact. The result would be a visually integrated development of flats which would not be at all intrusive or out of place when seen together across the field.
9. To the north east the site lies alongside the railway line but is separated from it by a substantial wooded embankment, a farm track and a further deep hedgerow of trees and shrubs which together provide a substantial level of screening. On the other side of the track lies the station building which is listed Grade II together with the footbridge over the tracks and a platform shelter on the nearside platform. These heritage assets are understood and appreciated in the context of the linear railway line rather than their wider surroundings but

¹ Reference DOV/13/00867

in any event are almost completely screened from the appeal site by the intervening trees, even in winter. The proposal would only be glimpsed from the top of the footbridge and in due course is likely to be seen in the context of a supermarket scheme behind. There is no evidence that these trees are likely to be removed by their owners and the flats would be far enough away for the occupiers not to press for their removal. Due to the intervening screening and separation distance the flats would not have any material impact on the setting of the three listed buildings; the buildings would continue to be appreciated and understood as now and thus their significance would be preserved.

10. The statutory requirement is to have special regard to the desirability of preserving the listed buildings, or in this case, their setting. As explained above, the harm to the setting of the listed buildings would be negligible. In relation to national policy² there would be less than substantial harm to the significance of the heritage assets and even giving great weight to their conservation the public benefit of providing eight additional dwellings would more than outweigh that harm.
11. The Council argues that the scheme is not 'sensitive to the historical architectural style of Sandwich', but a modern approach is appropriate on the outskirts of the town potentially next to a large foodstore. The extent of built footprint on the site, about 20%, would not be excessive, the proposed form of development would not be contrived or cramped as claimed and as parking can be provided at the front of No 10 only access for a disabled space and cycle parking is needed via the farm track to the scheme at the rear.
12. For these reasons the proposal would not cause significant harm to the character and appearance of the area and would preserve the setting of the Grade II listed railway buildings. Whilst the proposal would be in conflict with Policies DM1, DM15 and DM16 of the DDCS, the objective of those policies to protect the countryside would not be prejudiced. The likely development of the adjacent site represents an important material consideration in this case that outweighs the conflict with these development plan policies.

Other matters

13. In view of the close proximity of the appeal site to the town of Sandwich with its range of services and facilities there is no dispute that the site represents a sustainable location for additional housing. The local highway authority has no objections to the proposal subject to conditions.
14. The proposed treatment of the southern boundary alongside the supermarket would include 3 m high close boarded fencing with no air gaps and panels at least 20 mm thick in order to minimise noise and disturbance to the occupiers of the flats. This is shown on plan 1125 RP16 rev A.
15. Both parties have made extensive submissions regarding the housing land supply position in the District. However, given the conclusion in relation to the main issue, whether or not there is a five year supply of deliverable housing sites does not need to be established in order to determine this case.
16. The Council has suggested a number of conditions should the appeal be allowed and these have been assessed against the relevant tests making minor adjustments as necessary. In addition to the standard implementation time

² In paragraphs 132 and 134 of the National Planning Policy Framework

limit it is necessary to define the plans which have been approved in the interests of certainty and to control boundary treatment and the materials to be used in order to ensure the satisfactory appearance of the development. A landscaping scheme and its ongoing maintenance together with refuse and recycling storage arrangements are required to ensure a satisfactory development. Conditions are also necessary to ensure parking and turning space is provided in the interests of highway safety and bicycle parking to encourage sustainable transport. A Construction Management Plan is necessary in the interests of highway safety and to protect the living conditions of nearby occupiers whilst the details of surface water drainage need to be controlled to prevent flooding.

17. A condition to reserve the disabled car parking space for use of the disabled flat is necessary to protect the interests of the occupiers concerned. The appellant would be able to enforce this through lease or rental agreements. Finally a planning condition is necessary to control foul water drainage to prevent flooding and pollution in the area as a whole - the building regulations only set minimum standards for buildings in isolation.
18. A number of these conditions need to be discharged before work commences on site as these are fundamental to a satisfactory scheme.
19. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1125 RP01 rev A, 1125 RP02 rev A, 1125 RP03, 1125 RP04, 1125 RP05, 1125 RP06, 1125 RP07, 1125 RP08, 1125 RP09, 1125 RP10, 1125 RP11 rev A, 1125 RP12, 1125 RP13 rev A, 1125 RP14 rev A, 1125 RP15 rev C, 1125 RP16 rev A, 1125 RP17 rev A and 1125 RP19.
- 3) No development above slab level shall take place until full details (and samples if requested) of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 4) No development above slab level shall take place until full details of the proposed boundary treatment have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 5) The development hereby permitted shall not be first occupied until a landscaping scheme for the site has been submitted to and approved in writing by the local planning authority. The said scheme shall include hard and soft landscaping; tree/hedge/shrub planting plans; written specifications; schedules of species, sizes and proposed numbers/densities where appropriate. The approved landscaping scheme shall then be implemented in the first available planting season after completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.
- 6) The area shown on the approved drawings as vehicle parking space and turning space shall be provided, surfaced and drained before the proposed development to which it relates is first occupied, and shall thereafter be retained for that purpose at all times.
- 7) The disabled car parking space shall be reserved for use by the occupiers of the rear disabled flat only.
- 8) The development hereby permitted shall not be first occupied until bicycle storage facilities have been provided in accordance with details to be submitted to and approved in writing by the local planning authority. The approved bicycle storage facilities shall thereafter be retained solely for that purpose.
- 9) No development shall take place, including site preparation works, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The said plan shall include details of: loading and unloading of plant and materials; on-site parking for

construction workers; measures to prevent dirt or other debris from being deposited upon the public highway; hours of construction working; machine operated plant to be used and measures to control the emission of dust and dirt during construction. The approved Construction Management Plan shall then be fully complied with throughout the construction period.

- 10) No development shall take place until full details of a scheme for the provision of surface water drainage for the site, a timetable for its implementation and details of its long term management, have been submitted to and approved in writing by the local planning authority. The approved details shall then be carried out in accordance with the approved timetable and shall thereafter be maintained in accordance with the approved long term management plan. There shall be no infiltration or discharge of surface water other than that which is agreed.
- 11) No development shall take place until full details of a scheme for the provision of foul water drainage for the site have been submitted to and approved in writing by the local planning authority. These details shall include the design of all on and off-site foul sewerage infrastructure, the diameters of proposed pipes and any other infrastructure. These details shall also include a timetable and programme for the provision of the foul sewerage infrastructure. The development shall then be carried out in accordance with the approved details and in accordance with the approved timetable and programme.
- 12) The development hereby permitted shall not be first occupied until the refuse and recycling storage arrangements shown on approved plan 1125 RP17 rev A have been provided and shall thereafter be kept available for that purpose at all times.