
Appeal Decision

Site visit made on 3 May 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 19th May 2017

Appeal Ref: APP/X2220/D/17/3173149

4 Beach Mews, Kingsdown Road, Walmer CT14 8AP

- 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 and Mrs N Bryant against the decision of Dover District Council.
 - The application Ref DOV/16/01461, dated 17 December 2016, was refused by notice dated 30 March 2017.
 - The development proposed is described as '*use of part of flat roof space as amenity deck together with provision of assisted balustrades*'.
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Decision

1. The appeal is allowed and planning permission is granted for the use of part of flat roof space as amenity deck together with provision of assisted balustrades at 4 Beach Mews, Kingsdown Road, Walmer CT14 8AP in accordance with the terms of the application, Ref DOV/16/01461, dated 17 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01/48/2016 (Location/Block Plan), 02/48/2016 Revision B (Deck/House Section), and 02/48/2016 Revision A (Proposed Elevations).
 - 3) The development hereby permitted shall not be occupied until the obscured glazed screens, to the sides and front of the approved flat roofed area to be used as an amenity deck, have been erected. Thereafter, the obscured glazed screens shall be retained.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupiers of Wellington Parade, with specific regard to overlooking.

Reasons

3. The appeal building is a detached house with a parapet style flat roof. To the rear there is a strip of open/undeveloped land; with the rear gardens and elevations of dwellings facing onto Wellington Parade beyond. At their closest point, according to the Council's figures, these properties are about 59 metres away from elevation to elevation. Having visited the appeal site and looked
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from the existing double window on the second floor, adjacent to the proposed amenity deck, this distance appears a reasonable figure.

4. I was able to see from windows on the first floor and second floor of 4 Beach Mews and saw that views of the rear gardens of a number of dwellings along Wellington Parade are visible from these windows. It is unclear as to how a person moving a short distance from sitting in front of these existing windows to sitting outside on the second floor flat roof area would benefit from any greater degree of overlooking than the current windows; apart from the fact that it would be outside rather than from inside. What is more, the distance of over 50 metres is well in excess of the Council's own 'rule of thumb' distance of 21 metres; and provides a large intervening gap between the properties to prevent direct back-to-back overlooking. Moreover, the proposed seating area would be served by obscured glazed screens which would further reduce the ability to easily overlook.
5. I also saw that the existing openings in the rear of 4 Beach Mews afford varying views towards the north, south and east. In such circumstances, I concur with the Council's professional officers, who indicate in their report that there is no difference or additional viewing advantage gained from the proposed amenity deck. The Council's committee minutes refer to earlier planning conditions which I understand restricted the creation of balconies. However, I have assessed this proposal on its own planning merits and do not find that it would result in an unacceptable adverse impact on the living conditions of neighbouring occupiers given the distances involved.
6. I therefore conclude that the proposed amenity deck area would not result in a materially harmful level of overlooking into either the gardens or the properties facing Wellington Parade. Accordingly, the proposal would accord with the Policies of the National Planning Policy Framework, which amongst others, includes that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Conditions

7. A condition requiring the proposal to be constructed in accordance with the submitted drawings and that the screens are erected and retained are necessary and reasonable to provide certainty. A condition requiring levels is not necessary given that measurements are shown on the submitted drawings.

Conclusion

8. For the reasons given above, and having taken all matters raised into account including the views of interested parties, I conclude that the appeal should be allowed.

Cullum J A Parker

INSPECTOR