

Appeal Decision

Site visit made on 22 May, 2017

by C. Jack, BSc (Hons) MA MA(TP) MRTPI

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

Decision date: 2nd June, 2017

Appeal Ref: APP/X2220/W/17/3169119

377 London Road, Deal, Kent, CT14 9PS

- 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 ATS Estates Ltd. against the decision of Dover District Council.
 - The application Ref: DOV/15/00864 dated 10 August, 2015 was refused by notice dated 27 October, 2016.
 - The development proposed is the development of 4 new homes and garages, formation of revised access and associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. No 377 London Road is a large two-storey detached property set in expansive gardens, particularly to the rear. There is an existing vehicular access onto London Road and a detached double garage to the side of the house. London Road is an A road which I observed to carry significant levels of traffic at the time of my visit. Built development on both sides of the road is predominantly residential in this area, featuring a wide variety of sizes and styles of properties. There are various trees and shrubs at the front of the site, providing partial screening of No 377 from London Road. I note that the site is not subject to any specific designations or tree preservation orders.
 4. It is proposed to construct four detached houses in the rear garden of No 377, together with part of the rear garden of neighbouring No 375 London Road. The new houses would be access from London Road via a private driveway, which would be facilitated by the widening of the existing access and the removal of the detached garage. The development would also provide for turning, parking and garaging facilities, and a garden area for each house, including retained, reduced rear gardens for Nos 377 and 375.
 5. The site lies in the urban confines of Deal, identified as a District Centre and secondary focus for development by Policy CP1 of the adopted Dover Core Strategy 2010 (CS), where the acceptability in principle of the development is not in dispute. Properties adjacent to No 377 on either side are somewhat varied in terms of their size and design, but share significant established similarities including that the dwellings are set back from the road and have
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long gardens behind them, which rise gently providing an undeveloped visual break in the built form of the area, where tree tops rather than buildings are generally visible from London Road and Bowser Close.

6. The site currently features a variety of trees, and I note that a significant proportion of these are proposed to be retained, particularly to the rear of the site and near the boundaries. I accept that development would have a modest impact on the street scene of London Road, where some of the site would be screened from public view by the existing dwellings at Nos 377 and 375, together with the trees and vegetation at the front. Nonetheless, in the view between Nos 377 and 375, the access drive would be visible, clearly indicating a different pattern of built development, out of keeping with the general character of large, undeveloped gardens and trees that prevails along this side of the road in the vicinity of the site. Furthermore, some trees and vegetation would be removed at the front of the site principally to enable the widened access and drive, which would reduce the existing level of screening to a degree.
7. In addition, the development would represent a back land form of development in an area where I saw no significant evidence of any other similar forms of development contributing to the character of the locality. This would therefore be inconsistent with the prevailing pattern of built development here and would have an adverse effect on the generally spacious, garden setting which predominates. Despite the traditional design and the proposed materials, which would be generally in keeping with the host properties and the local area, the development would erode the garden character and the sense of openness between London Road and Bowser and Patterson Close beyond.
8. I therefore conclude that the development would be significantly detrimental to the character and appearance of the area. It would be inconsistent with Paragraph 56 of the Framework, which attaches great importance to the design of the built environment, which in my view would include the character and layout of the proposed development and the pattern of development that would result in relation to the surrounding established context and character. It would also be inconsistent with Paragraph 58 of the Framework which, in relation to decision making, seeks to ensure that developments will add to the overall quality of the area, establish a strong sense of place, and respond to local character, among other things. I find no significant conflict with Paragraphs 17 and 57 of the Framework because the design of the individual buildings would not be significantly detrimental to the character and appearance of the area, but this does not diminish the conflicts I have identified with Paragraphs 56 and 58.

Other Matters

9. The Council advises that when the application was determined it was unable to demonstrate five years' supply of deliverable sites for housing, based on its Authority Monitoring Report 2014-2015 (AMR). However, with the appeal the Council states that it can now demonstrate 6.02 years' supply based on its 2015-2016 AMR published March 2017. This revised position has not been specifically contested by the appellant. Accordingly, for the purposes of this appeal and in the absence of any substantive evidence to the contrary, I see no significant reason to conclude other than that the Council can currently demonstrate five years' supply as required by Paragraph 49 of the Framework.

10. Nonetheless, the Council has not relied on any development plan policies in its reason for refusal. I have had regard to the various benefits that the development might bring, including the addition of four dwellings to local stock, making full use of a site in an accessible location, and associated benefits to the local economy. However, these would anyway be modest in relation to the scale of the development and so would be significantly and demonstrably outweighed by the significant harm to character and appearance that I have identified above, assessed against the Framework as a whole.
11. The Council is of the view that to allow the proposal would set an undesirable precedent for similar back land development in the immediate vicinity. There is no significant evidence before me that such a scenario would be particularly likely to happen. Moreover, I have determined the appeal on the basis of the evidence and the merits of the proposal before me and any subsequent proposals would also need to be considered on the same basis. Concerns about precedent can therefore carry no significant weight against the appeal and so have not been determinative in my considerations.

Conclusion

12. For these reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR