
Appeal Decision

Site visit made on 24 July 2017

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 1st August 2017

Appeal Ref: APP/X2220/W/17/3173771
r/o 223 Telegraph Road, Deal CT14 9DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr B Wells against Dover District Council.
 - The application Ref DOV/17/00135, is dated 30 January 2017.
 - The development proposed is erection of one pair of semi-detached dwellings, formation of four car parking spaces and construction of two vehicular accesses.
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Decision

1. The appeal is dismissed and planning permission for the erection of one pair of semi-detached dwellings, formation of four car parking spaces and construction of two vehicular accesses is refused.

Preliminary Matters

2. The Council did not determine the application prior to the appeal. However, the Planning Committee subsequently resolved that they would have refused the scheme on the basis of reasons set out in a report prepared by the officers. I have had regard to this report in reaching my decision.
3. The Council did not refer to any specific policies in the Dover District Local Development Framework: *Core Strategy* to support its objections to the proposal. I have therefore determined the appeal having regard to the requirements set out in the National Planning Policy Framework (the Framework).

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupants of Nos 221 and 223 Telegraph Road in relation to outlook, sense of enclosure and privacy.

Reasons

5. The appeal site is a small plot of land on the north-eastern side of Bevan Close, a recently constructed development to the north-west and south-west. It lies to the rear of No 223 Telegraph Road on slightly higher ground than the gardens of Nos 221 and 223. The boundaries of the appeal site with these adjacent properties are marked by conifer hedges.

6. The site is about 21m wide and varies in depth from 11.2m to 14.6m. The size of the proposed dwellings would leave only limited space between the building and the boundaries with Nos 223 and 221. The south-eastern flank wall would be a tall and visually dominating feature that would appear overbearing from the rear of No 223 and its garden. It would introduce an unacceptable sense of enclosure into the small rear garden of this semi-detached dwelling.
7. The height and bulk of the rear elevation of the building, in such close proximity to the boundary with No 221, would also result in a strong sense of enclosure to much of its garden, particularly given the difference in levels between the two sites. The sense of enclosure created by a two-storey, permanent building would be more harmful and different in character to that caused by the existing conifers along the boundary. Furthermore, there is no guarantee that the conifers would remain to provide any screening. Their proximity to the rear elevation of the proposed dwellings would almost certainly result in future occupiers seeking to have them removed in order to increase natural light into the homes. In these circumstances, and as these trees have little amenity value, it would not be reasonable to secure their retention by imposing a condition. However, if the trees were removed the overbearing appearance of the dwellings from within the adjoining garden and house would be significantly increased.
8. The current proposal is an amendment of a previously rejected scheme. The use of oriel windows and obscure glazing would reduce direct overlooking of Nos 221 and 223, although some oblique views over the rearmost part of No 221's garden would still be possible. A single oriel window was considered an appropriate design feature when the Council approved a dwelling in Thornbridge Road. I am therefore satisfied that the proposal would not give rise to an unacceptable loss of privacy for the neighbouring dwellings.
9. Nevertheless, I conclude that the proposal would be harmful to the living conditions of the occupants of Nos 221 and 223, as a consequence of appearing overbearing and introducing an unacceptable sense of enclosure to the rear of both properties. The proposal would therefore conflict with the core principle set out in paragraph 17 of the Framework which requires development to provide a good standard of amenity for all existing and future occupants of land and buildings. It would also be contrary to paragraph 58 of the Framework which requires development to create attractive and comfortable places to live.

Conclusions

10. The Government is seeking to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development. There is no objection in principle to a residential development on the appeal site as it lies within the urban area of Deal. However, the benefits that would accrue from the provision of two additional dwellings would not significantly and demonstrably outweigh the harm I have identified to the living conditions of the occupants of the adjacent dwellings. For this reason I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR