



Appeal Decision

Site visit made on 25 June 2019

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/L2250/D/19/3222861

3 Cornwallis Avenue, Cheriton CT19 5JA

- 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 Ellis Burgess against the decision of Folkestone and Hythe District Council.
 - The application Ref Y18/1485/FH, dated 19 November 2018, was refused by notice dated 15 January 2019.
 - The development proposed is described on the planning application form as 'alterations and extensions to existing house'.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The applicant was indicated to be Mr "Ellise Burgess" and the appeal was originally made by Mrs Burgess. Mr Burgess has subsequently confirmed that he wishes to appeal and also indicated that his name was wrongly spelt on the application form. The appeal must proceed in the name of the applicant, as indicated in the heading above where I have used the correct spelling.

Main Issues

3. The main issues in this appeal are:
 - The effect on the character and appearance of the host dwelling, locality and the streetscene.
 - The effect on the living conditions of the occupiers of the adjacent dwelling at 5 Cornwallis Avenue, with regard to whether the development would appear overbearing.

Reasons

Character and appearance

4. The appeal concerns a two storey detached dwelling that is located within an Area of Special Character that is characterised by relatively large properties set in fairly spacious plots. The proposed central addition facing the street would have a largely glazed front. While it would not increase the footprint of the property, it would have a ridge at about the same height as that of the enlarged main roof with its eaves being significantly higher. The fully gabled form would further emphasise its undue bulk. This part of the street is

characterised by dwellings with traditional facing materials and window sizes. Because of the combination of matters such as the height, form and the extent of glazing, this addition would be a particularly unusual, discordant, bulky and visually intrusive feature of the streetscene.

5. The proposed rear extension would also have its ridge at about the same height as the main roof, while approximately doubling the depth of the side elevations at two storey height. The side wall of the extension facing 5 Cornwallis Avenue would be flush with the existing flank wall. Together with the fully gabled end this would result in this side of the dwelling having an excessively bulky appearance and, as with the front projection, contrast with the hipped roof character of the existing dwelling. In consequence, this extension would also be unacceptably dominant.
6. The undue scale and bulk arising from the depth and height would be apparent in views from the street looking into the gap between the host dwelling and no. 5. In any event, the suggestion that acceptability should be conferred on the basis of restricted visibility from the street represents an implicit acknowledgement of the inappropriate nature of the development.
7. The proposed dormer additions to the sides of the rear extension would be relatively wide. However, they would have sufficient space around them to prevent an unduly top-heavy appearance. The extension of the main roof itself to the side at the same height as the highest part would be compatible with the adjacent properties.
8. Nevertheless, despite acceptability in these respects, the glazed front addition and rear extension would be overly dominant and poorly related to the host dwelling. Although the existing dwelling is of no special architectural merit, matters such as the reasonably compact plan form and hipped roof character give it a fairly cohesive appearance. Moreover, due to the above factors the enlarged dwelling would have an unacceptably bulky, disharmonious and somewhat disparate appearance.
9. For these reasons, rather than being of an appropriate contemporary design and adding visual interest, it is concluded that the proposal would harm the character and appearance of the host dwelling, locality and streetscene.
10. Among other things, Shepway District Local Plan Review (SDLPR) Policies BE1, BE8 and BE12 seek to ensure that proposals reflect the scale, proportions and materials of the original building, are of a high standard of design and do not harm the character of the area in ASC's due to the greater visual impact of buildings. The failure to satisfy the above aims means that there would be conflict with all of the above policies.

Living conditions

11. During my site visit I was able to consider the effect of the proposal from the neighbouring property at 5 Cornwallis Avenue. The two storey rear extension would project alongside the boundary with this dwelling at a distance of only about a metre. It would also extend to an appreciable degree beyond the rear of the neighbouring house. Moreover, the bulk and mass of the extension would be considerable bearing in mind its full two storey height, gable ended form and depth.

12. The fairly tall evergreen boundary trees within the garden of no. 5 would screen the addition to a significant extent. However, even if they could be protected during construction it is likely that the extension would be significantly longer lasting than these trees which could die or be removed by future occupiers. In these circumstances the size and bulk of the rear extension would result in an unacceptable and oppressive degree of enclosure to the adjacent amenity space and therefore appear overbearing.
13. In consequence, the living conditions of the occupiers of the neighbouring property would be harmed. There would be conflict with SDLPR Policy BE8, which among other things seeks to prevent such detrimental effects.

Other considerations

14. I acknowledge the absence of any objections from local residents and the Town Council. Nevertheless, this does not, in itself, confer acceptability and the proposal must be considered strictly on its own planning merits.
15. The Appellant refers to development permitted at other properties in the locality. However, I have not been provided with the full details and background to these cases. I do not therefore have drawings showing exactly what was approved and I do not have the Council's full reports explaining why such permissions were granted.
16. Nevertheless, a number of these cases can be clearly distinguished from the current proposal anyway. The adjacent dwelling at 1 Cornwallis Avenue is a corner property with a significant frontage along Cheriton Road. Although projecting to a significant depth parallel to it, the distance of the main part of this house from the side boundary with the rear garden of the host dwelling is significantly greater than that which would result in relation to the proposed rear extension and no. 5 Cornwallis Avenue.
17. The dwelling at 132 Cheriton Road is next to the rearmost part of the back garden at the appeal site, whereas the proposed rear extension would be adjacent to the area closest to the back of the house at no. 5. The appeal scheme would therefore affect an area that is appreciably more important to the quality of the residential environment of the occupiers.
18. The dwelling at 29 Cornwallis Avenue is some distance from the appeal site and not part of the immediate context within which the detrimental impact on the streetscene would occur. In any event, the large glazed area here does not rise above the eaves level of the main roof and is not in a forward projecting gable, as now proposed. There is no large glazed area at the front of no. 33, which is also not part of the immediate surroundings.
19. In the above circumstances I have no reason to believe that the Council's decision making has been unreasonably inconsistent. This matter would not be a sound reason for accepting a development that would result in the adverse effects I have identified and the other cases referred to by the Appellant do not provide any meaningful support for the appeal.
20. It is suggested that the enlarged dwelling would have a ground floor footprint comparable to that which could be achieved under permitted development. However, the effect of this would be substantially less than that now proposed which includes fairly large additions at the upper floor and roof levels.

21. The Appellant indicates that the development is needed to provide space for children and elderly parents. While personal circumstances are a material planning consideration, in my experience granting planning permission solely on grounds of personal circumstances will rarely be justified in the case of permission for the erection of a permanent building. This is especially so as it is likely that if the appeal were allowed that the development would be significantly longer lasting than the personal circumstances used to justify it. In this instance I am not persuaded that the development should be accepted on this basis.
22. The Council's decision notice refers to Policies HB1 and HB8 of the Places and Policies Local Plan, Submission Draft. However, because of the stage the emerging plan has reached these policies are subject to change and not therefore a significant consideration in this appeal.

Conclusion

23. Taking account of all other matters raised, there are no other considerations sufficient to justify accepting the development and because of the harm that would result the appeal fails. Given the circumstances of this case, I am satisfied that rejecting the appeal is both proportionate and justified.

M Evans

INSPECTOR