
Appeal Decision

Site visit made on 27 June 2019

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2019

Appeal Ref: APP/X2220/W/18/3221170

Garage adjoining 63 East Cliff, Dover CT16 1LS

- 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 Sheppard against the decision of Dover District Council.
 - The application Ref DOV/18/00662, dated 19 June 2018, was refused by notice dated 15 August 2018.
 - The development proposed is the erection of a new dwelling following removal of existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling following removal of existing garage at garage adjoining 63 East Cliff, Dover CT16 1LS in accordance with the terms of the application, Ref DOV/18/00662, dated 19 June 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 572C/P/001, 642C/P/003
 - 3) No development above ground level shall take place until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.

Preliminary matters

2. My attention has been drawn to a previous appeal which related to a scheme for a new dwelling (reference APP/X2220/W/17/3189070). I shall have regard to this background when considering the merits of this proposal.
3. There is some dispute between the main parties regarding the total internal floor area and the floor area of individual rooms of the proposed dwelling. However, the appellant indicates that his measurements are based on the electronic CAD drawings and are thus accurate. I have no substantive reasons to consider otherwise and I have judged the appeal on this basis.

Main Issue

4. The main issue is whether the proposal would provide adequate living conditions for future occupiers with particular regard to internal space provision.

Reasons

5. As was the case with the previous appeal, the Council does not appear to have any local standards relating to internal space provision for the type of development proposed. Nor has the Council referred to any local planning policy on its decision notice. Nonetheless, the broad aims and objectives of the National Planning Policy Framework (the Framework) seek to secure a good standard of amenity for all future occupants of land and buildings.
6. At ground floor level the front door would lead straight onto the open-plan lounge then through to the stair and back door to a small rear yard at the base of the cliff face. To my mind, this arrangement would provide for adequate circulation space through the living room and allow space for some basic furniture to sit and relax.
7. The appellant has provided a plan to show the arrangement of the first floor kitchen area. This demonstrates that basic appliances such as a fridge, freezer, oven, hob and sink can be comfortably accommodated within the space. I am satisfied that, whilst modest, the dimensions of the kitchen would be adequate in terms of overall usability to serve the property. No objections are raised by the Council to the shower room and toilet, and from the layout before me I have no substantive reasons to consider otherwise.
8. The second storey layout plan indicates that wardrobes can be provided abutting the back wall and without unduly affecting circulation from the stairwell to the bed. Whilst I note that there would be a sloping roof over part of the room I do not consider that the resultant space would be so cramped and confined as to warrant dismissal of the appeal.
9. I therefore conclude that the proposal would provide adequate living conditions for the future occupiers of the proposed dwelling in terms of internal space provision. It would be consistent with the Framework which seeks to ensure safe and healthy living conditions and states that good design is a key aspect of sustainable development.

Other matters

10. The Council considers that the proposal would preserve the character and appearance of the Dover Castle Conservation Area. On the basis of the evidence before me and my own observations of the appeal site and its surroundings, I have no substantive reasons to consider otherwise.
11. Local residents have expressed a range of other concerns over the impact of the proposal, including loss of light, lack of parking and no local public transport. However, these issues have been previously addressed in the planning officer's report. Therefore whilst I can understand the apprehension of local residents, their concerns are not supported by any compelling evidence that would justify the dismissal of the appeal on these grounds.
12. Concerns in respect of rights of way, the Party Wall Act, impacts on property values and chalk falls are not planning matters and have not had a material bearing on my assessment.

Conditions

13. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. Given the location in the Conservation Area I also impose a condition requiring

the submission of materials to ensure that the external appearance of the proposal is satisfactory.

14. A condition requiring details of refuse and recycling storage is unnecessary as the only place where this would be likely to occur would be in the rear yard. Given the size of the proposed house and the proximity and scale of the surrounding houses, the potential to enlarge the dwelling further is limited. As the PPG advises that conditions limiting permitted development rights should only be used in exceptional circumstances, I do not consider the Council's suggested condition to withdraw rights under classes C (other alterations to the roof) and D (porches) to be justified.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

C Hall

INSPECTOR