The Planning Inspectorate

Appeal Decision

Site visit made on 17 September 2019

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/X2220/W/18/3214168
Land adjacent to Pica Pau, Moorland Road, Shepherdswell, Kent CT15 7NS

- 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 J Chamberlain against the decision of Dover District Council.
- The application Ref DOV/18/00684, dated 25 June 2018, was refused by notice dated 23 August 2018.
- The development proposed is a new bungalow.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. No address for the appeal site is given on the planning application form and so the address I have used above reflects that given on the appeal form which is consistent with that stated on the Council's decision notice.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The area is characterised by a mixture of detached bungalows, chalet bungalows and two storey dwellings on spacious plots. They all front the road such that their front elevations are broadly parallel with the road but are set back from it. This arrangement forms a relatively consistent front building line and provides space for rectangular front gardens and/or off-street parking areas. All of the existing dwellings on this road are on plots which from the street appear rectangular.

5. By contrast, the appeal site is limited in size and is a plot which appears obviously triangular when viewed from the street. The proposed dwelling would be sited with its footprint at 45 degrees to the road, close to the site's front boundary and very close to its northeast boundary. Whilst areas of garden and an off-street parking space would be provided, the overall effect of the proposed arrangement means the appeal development would appear cramped compared to other houses on the street. I conclude therefore that it would harm the character and appearance of the area.

6. The Council's decision notice draws my attention to the National Planning Policy Framework (the Framework) which is a material consideration in the determination of planning applications. Paragraph 127 states that planning decisions should ensure that developments are visually attractive as a result of their layout and sympathetic to local character including the surrounding built environment. Paragraph 130 states that permission should be refused for development of poor design. Given my findings above the appeal proposal would not comply with the above provisions of the Framework.

Other Matters

7. The appeal site has been described as derelict and unkept. But this is not a good enough reason for allowing the appeal in light of the harm identified above. I note that pre-application advice was sought from the Council before the application was submitted. But such advice cannot guarantee what decision will be made on a proposal.

8. The evidence indicates the Council cannot demonstrate a 5 year housing land supply. That being the case, paragraph 11 (d) of the Framework is engaged and accordingly permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

9. I acknowledge there are benefits of the scheme including the provision of an additional dwelling within the Local Centre of Shepherdswell. Nevertheless, the harm identified above significantly and demonstrably outweighs the benefits of the appeal scheme when assessed against the policies of the Framework taken as a whole.

10. I have had regard to the site's location in relation to the Thanet Coast and Sandwich Bay Special Protection Areas (SPAs) and associated Ramsar sites, which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended. The Council has identified that housing development can have a significant effect on these sites as a result of the disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay. As any consideration of this matter would not affect my finding on the main issue, and the appeal would in any case be dismissed, it is not necessary for me to address that matter any further as part of this decision.

Conclusion

11. For the reasons given above the appeal is dismissed.

L Perkins

INSPECTOR