The Planning Inspectorate

Appeal Decision

Site visit made on 30 July 2019

by Christopher Butler BA(Hons) PG Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2019

Appeal Ref: APP/X2220/W/19/3228093
62 Milner Crescent, Aylesham CT3 3BJ

- 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 Richard Hill against the decision of Dover District Council.
- The application Ref 19/00108, dated 25 January 2019, was refused by notice dated 27 March 2019.
- The development proposed is for two 2 bedroom semi-detached two storey houses on land to rear of 62 Milner Crescent, and associated hard and soft landscaping.

Decision

1. The appeal is dismissed

Preliminary Matters

2. Clarification has been sought from the main parties regarding access to the site and whether ownership notices would be required to be served on third parties to gain access over land to the site. Both the Council and the appellant responded to the effect that the submitted documents were adequate for the purposes of validating the application. As both main parties are satisfied that the submitted documents, including related notices and ownership certificates were adequate for the purposes of validating the application I shall proceed to consider the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the street scene.

Reasons

Character and Appearance of the streetscene

4. The appeal site forms part of the rear garden of number 62 Milner Crescent, which is the southern half of a pair of two storey semi-detached houses located on the eastern side of the road. The rear garden is located on the eastern side of the house and faces onto a private access road that is used to provide access to parking and service vehicles visiting Snowdown Court. This service road also appears to provide rear access to properties in Milner Crescent, some of which have hardstanding areas and / or garages accessed off this private road. The rear gardens slopes down gently from the west (nearest to the existing house) to the east (adjoining the private access road). The northern and southern boundaries of the appeal site are formed by hedgerows that run

the entire length of the rear garden. These hedgerows marginally reduce in height as you move along their length from the west to the east. The eastern boundary facing the private access road is formed by a large tree stump and overgrown vegetation.

5. To the southern side boundary of the rear garden is a large and open area of amenity land that in turn forms part of the wider streetscene to the south of the site. This amenity land is separated from the appeal site by the hedgerow, but since this amenity land is lower than the road and footpath of Boulevard Courrieres it results in the rear gardens of the appeal property and other properties in Milner Crescent being more open and visible in their appearance. This in turn significantly adds to the local areas character and sense of spaciousness.

6. The general layout of properties in the area, including their pattern and footprint are distinctive and whilst Snowdown Court is a more recently built (1990's), two and three storey sheltered housing development it fits well into the general layout of the streetscene and the distinctiveness of the wider area.

7. I consider that the proposed development would result in the loss of the relatively open rear garden that forms the appeal site and the visibility of the open rear gardens of the properties that lay beyond it to the north. These rear gardens, albeit private, make a significant contribution to the pattern and footprint of the wider streetscene and to the distinctive open and attractive character of the surrounding area in general, especially when viewed from Boulevard Courrieres.

8. The proposed development, as a result of the loss of a substantial part of the rear garden of No.62 Milner Crescent to built development, would be unacceptable in terms of its impact on the areas spacious feel and distinctive open character. The resulting development would also be out of context with the pattern and footprint of development in the wider streetscene to its detriment. The distinctive open and attractive character and the pattern and footprint of development in the wider area are intrinsic parts of the wider streetscene. They significantly contribute to the area's appearance and its sense of place.

9. I therefore conclude the development would be harmful to the character and appearance of the streetscene contrary to the objectives of paragraph 127 of the National Planning Policy Framework (the Framework), which among other criteria seeks to ensure that development is: sympathetic to local character and history, including the surrounding built environment and landscape setting; and maintains a strong sense of place.

Other Matters

10. I note the appellants references to the village of Aylesham being defined in Policy CP1 of the Council's Dover District Local Development Framework Core Strategy (Adopted February 2010) (CS) as a Local Service Centre and to table 3.38 in the supporting text to Policy CP3 of the CS. I also note the appellants reference to other infill development in the local area, including the development of Snowdown Court, and the fact that the site is not close to any listed buildings, designated conservation areas or any special character areas. However, none of these factors overcome the concerns I have identified above, and I am required to determine the appeal as currently before me.

Planning Balance and Conclusion

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. However, the Council's states that their Local Plan is no longer up to date and is in the process of being reviewed (Paragraph 2.1 of the Council's Statement of Case (SOC)). The Council also state that they can demonstrate a 5-year housing land supply and that their refusal of this proposal was made in the light of updated information (Paragraph 2.7 of the Council's SOC).

12. I note the development would be located in an accessible location and would create some short-term economic benefits through construction related employment, and investment in the local economy following its occupation (including through the New Homes Bonus and Council Tax receipts). Additionally, I note that the proposed development would result in a net addition of 2 new dwellings, built to modern, energy efficient standards, making a small contribution to the Council's housing requirement and the Government's aim to significantly boost housing. I attach moderate weight to these factors. However, when weighed against the harm that would arise from the adverse impact resulting from the loss of the open nature, spacious feel and the sense of place experienced in the surrounding area, especially when viewed from Boulevard Courrieres, the adverse impacts of granting permission for the scheme as proposed would significantly and demonstrably outweigh the benefits of the scheme in this case.

13. Overall, taking account of the Framework and the above considerations, including the benefits of the development, I find the proposed development would adversely impact the character and appearance of the streetscene contrary to the objectives of paragraph 127 of the Framework, which among other criteria seeks to ensure that development is: sympathetic to local character and history, including the surrounding built environment and landscape setting; and maintains a strong sense of place. I find that material considerations do not indicate that planning permission should be granted for the development.

14. For the reasons given above, I conclude that the appeal should be dismissed.

Christopher Butler

INSPECTOR