



Appeal Decision

Site visit made on 21 January 2020

by Mr D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 18 February 2020

Appeal Ref: APP/X2220/W/19/3239534

Plot Adjacent to 44 Foster Way, Deal CT14 9QP

- 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 Eastern Builders Limited against the decision of Dover District Council.
 - The application Ref 19/00105, dated 25 January 2019, was refused by notice dated 10 June 2019.
 - The development proposed is the erection of a detached dwelling and associated parking and vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the surrounding area; and
 - The living conditions of occupiers of 44 Foster Way in terms of sense of enclosure and loss of outlook.

Reasons

Character and appearance

3. The appeal site is an area of land located between Foster Way and Belvedere Gardens. Foster Way is a cul-de-sac of modern detached and semidetached residential properties that are mostly 2 storeys. Belvedere Gardens runs to the rear of Foster Way and is a long, straight road with a turning head at the end that is adjacent to the appeal site. There is a terrace of modern chalet bungalow style properties running most of the length of Belvedere Gardens on the same side as the appeal site. The properties on both streets are set back from the road to provide front gardens, an element of which is generally used as car parking.
4. The proposed development would introduce a detached 2 storey dwelling to the appeal site. The new dwelling would be orientated to front Foster Way and have a small enclosed rear garden backing on to Belvedere Gardens. The gables of the new dwelling would be to the front and rear and there would be a pitched roof to the sides.

5. The scale, orientation, and detailed design of the proposed development would be consistent with the surrounding residential properties, in particular those of more recent construction that are closest to the appeal site. As the front of the new dwelling would face Foster Way it would relate to the neighbouring properties and reinforce the general pattern of development in the street scene. The proposed development would result in the loss of a high boundary wall at the border with Foster Way, however this is not a particularly strong or consistent feature of the street scene.
6. The appeal site is prominent and open to longer views along Foster Way due to its location at the end of the cul-de-sac. The eye is drawn further to the appeal site as it is not covered by built forms of any significance and therefore provides a comparatively large visual gap between the properties on Belvedere Gardens and Foster Way, allowing views beyond.
7. The gap offers some benefits in terms of offering views between streets and a break between built forms. Notwithstanding this, a gap of this scale is not consistent with the general pattern of development around Foster Way and Belvedere Gardens, where residential properties are more tightly clustered. The general sense of openness in the area is created more by the set back of buildings from the highway than gaps between buildings. As the proposed development is otherwise appropriately designed and would be consistent with its surroundings, on balance I conclude that dismissing this appeal on the grounds of the need to preserve the gap between Foster Way and Belvedere Gardens would not be justified.
8. For the reasons above, the proposed development would not have a harmful effect on the character and appearance of the surrounding area. Consequently, I do not find conflict with paragraphs 127, 130, and 131 of the National Planning Policy Framework (the Framework) which, taken together, aim to achieve well designed places.

Living conditions

9. 44 Foster Way is located to the side of the appeal site and is a dwelling of a similar scale to the proposed development. Its front of this property faces Foster Way and has a single window at ground floor level and two windows at first floor level that appear to serve habitable rooms. There is an amenity space to the front of No 44 Foster Way that is currently hard surfaced. No 44 is set back further from the road than the neighbouring No 42. The position of the side wall of 42 Foster Way creates an existing degree of enclosure and loss of outlook to the front windows and amenity space of No 44.
10. The proposed development would be located forward of the front wall of No 44. The result would be a tunnelling effect between the proposed development and No 42 that would create a dominating sense of enclosure and loss of outlook to the front windows and amenity space of No 44.
11. This effect would not be mitigated to an acceptable level by either the small gap that is proposed between No 44 and the proposed development or the pitch of the roof on the new dwelling.

12. For the reasons above, I conclude that the proposed development would have a harmful effect on the living conditions of occupiers of No 44 due to the sense of enclosure and look of outlook that would be created. Consequently, I find conflict with paragraph 127 of the Framework, which aims to ensure that places are designed to provide high standards of amenity for existing and future users.

Other Matters

13. In reaching these conclusions I have considered the previous appeal decisions and other decisions that have been drawn to my attention. It has been indicated that each of these proposals differs to some degree from the appeal proposal and I do not have all the information relating to them. As such, my primary assessment has been made based on the merits of the proposed development.

14. Representations from other parties are noted, most of which support the Council's reasons for refusal. None of the other issues raised affect my findings on the main issues.

Conclusion

15. For the above reasons the appeal is dismissed.

D. R. McCreery

INSPECTOR