
Appeal Decision

Site visit made on 5 February 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2020

Appeal Ref: APP/X2220/W/19/3238271

14 King Edward Road, Deal, Kent CT14 6QL

- 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 Thiagarajah Arunthavachelvam against the decision of Dover District Council.
 - The application Ref 18/01323, dated 10 December 2018, was refused by notice dated 25 March 2019.
 - The development proposed is single storey and first floor side extensions.
-

Decision

1. The appeal is allowed, and planning permission is granted for single storey and first floor side extensions at 14 King Edward Road, Deal, Kent CT14 6QL in accordance with the terms of the application, Ref 18/01323, dated 10 December 2018, subject to conditions set out in the attached schedule.

Preliminary Matter

2. I have taken the description of the development from the decision notice as this more accurately describes the proposal than that on the application form.

Main Issues

3. The main issues are the effect of the development on (a) the character and appearance of the area and (b) on the living conditions of the occupiers of 5A Godwyn Road in relation to light and outlook.

Reasons

Character and appearance

4. The appeal relates to a detached two storey building used as a shop on the ground floor with living accommodation on the first floor and to the rear and side of the shop. The building is on the corner of King Edward Road with Godwyn Road and is set back from both roads.
5. The proposed extensions would increase the massing of the building at ground and first floor levels towards Godwyn Road. The single storey extension would be less than 2m from the boundary but largely screened by the existing high boundary fence. The first floor extension would be set behind the front wall to 5a Godwyn Road, an infill dwelling to the rear of the site. There is not a strong building line to this southern side of Godwyn Road. The scale and form of the proposal would not appear unduly prominent in the street scene.

6. The extensions would be finished with windows and external materials to match the existing building. There would be a hipped pitched roof over the first floor extension that would be in keeping with the character of the existing building and other dwellings in the surrounding area. The proposal's detailed design and appearance would be sympathetic to its context and acceptable in the street scene.
7. The proposal would thereby be in accordance with Paragraphs 127 and 130 of the National Planning Policy Framework (the Framework) which require the design and scale of development to be visually attractive and sympathetic to local character including the built environment.

Living conditions

8. There would be a separation distance of about 8 metres from the rear wall of the first floor extension and the east facing flank wall to 5a Godwyn Road where there is a side window. This is a secondary window, ancillary to the main front facing windows serving the living room. Having regard to the hipped profile to the proposal, the secondary nature to the window and the separating distance to 5a Godwyn Road, the proposal's massing and design would not significantly impact on living conditions through loss of light or outlook. The proposal would thereby accord with paragraph 127 of the Framework that requires proposals to have a high standard of amenity for existing and future users including the occupiers of neighbouring properties.

Other matters

9. A mature silver birch tree in the north-western corner of the site is prominent in views along Godwyn Road and is subject to a Tree Preservation Order. The proposal would not significantly impact on the tree's canopy, but it would be appropriate to impose a condition to ensure that associated ground works do not unreasonably affect the tree's roots.
10. Residents have objected to the proposal on other grounds including similarity to a previously refused scheme. The Council's delegated report explains that the current proposal is for smaller extensions with changes to windows to preclude overlooking. The creation of a hot food take-away on the ground floor or a house in multiple occupation above would need to be the subject of separate proposals. Health concerns in relation to rotting food and litter are subject to separate legislation.

Conditions

11. In addition to the statutory condition limiting the lifespan of the permission, a condition is necessary to list the plan numbers in the interests of certainty and to enable the submission of minor material amendments should this be expedient. A planning condition is necessary to require details of external materials, to match those on the existing building to ensure a satisfactory appearance to the development. To ensure the efficient operation of the site, a condition is necessary to limit the storage use of the ground floor extension to association with the existing retail use. Finally, to safeguard the visual amenity value of the protected silver birch tree, a pre-commencement condition is needed to require approval and implementation of a scheme to protect the tree's roots and canopy.

Conclusion

12. The impact of the proposal on the character and appearance of the area and on the living conditions of the occupiers of 5A Godwyn Road in relation to light and outlook would be acceptable. For the reasons given and having regard to all other matters raised, the appeal is allowed subject to conditions.

Rory MacLeod

INSPECTOR

Schedule of 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: KD/EXT/PP/33/18K-48.1, KD/EXT/PP/33/18K-48.2, KD/EXT/PP/33/18K-48.3, KD/EXT/PP/33/18K-48.4, KD/EXT/PP/33/18K-48.5 and KD/EXT/PP/33/18K-48.6.
- 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used on the external surfaces of the existing building.
- 4) The ground floor extension shall only be used for storage in association with the existing retail use.
- 5) No development shall take place, nor any excavation works commenced, until a survey of the silver birch tree and its root protection zone has been undertaken and a foundation design and tree protection scheme has been submitted to and approved in writing by the local planning authority. The foundations of the proposed development shall be designed to protect the roots of the retained tree on site without the need to cut any roots over 50mm and the tree protection scheme shall include details which cover the excavation works within the canopy of the tree and the protection measures to be put in place during the course of construction to protect the tree from damage in conformation with BS5837:2012. The development shall be carried out in accordance with the approved details.