



Appeal Decision

Site visit made on 18 March 2020

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2020

Appeal Ref: APP/X2220/W/19/3241765

The Haven, Deal Road, Sandwich CT13 0BU

- 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 and Mrs Morling & Morling Grove against the decision of Dover District Council.
 - The application Ref 19/00848, dated 16 July 2019, was refused by notice dated 13 November 2019.
 - The development proposed is a 4-bedroom detached dwelling to replace an existing 2-bedroom bungalow. Existing bungalow to be demolished. One new dwelling to be completed.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity, the appearance of the original proposal has changed. The proposal now includes a light-coloured rendered finish and hipped ends to the roof. The position of the proposed dwelling has moved forward on the plot and some reductions in size have been made to the depth of the dwelling and the garage. These changes are reflected on the submitted drawing: AGI-A-279, dated 2 June 2019. As these changes have been accepted by the Council as part of the planning application process I have proceeded accordingly.
3. The Council has relied upon Policies CP1, DM1, DM11 and DM13 of the Dover District Local Development Framework Core Strategy 2010 in its reasons for refusal related to living conditions and the character and appearance of the area. However, these Policies have limited relevance given the reasons for refusal, and refer to instead to 'settlement hierarchies, settlement boundaries, the location of development and managing travel, and parking provision. Consequently, I have relied upon the National Planning Policy Framework (the Framework) in consideration of the effect of the proposal on the living conditions of the occupiers of 'Ryarsh', and the character and appearance of the area.

Main Issues

4. The main issues are:
 - the living conditions of the occupiers of 'Ryarsh', with particular reference to overshadowing, and;
 - the character and appearance of the area.

Reasons

Living Conditions

5. The appeal site is located in a residential area of predominantly two-storey brick and tile dwellings, some with rendered finishes. The principle of development on the appeal site, in the form of a replacement dwelling, is agreed by the main parties.
6. The properties along Deal Road are mainly older-style detached dwellings with modest front setbacks or off-street parking. 'The Haven' is a single-storey bungalow that faces directly onto Deal Road and is sited between the residential properties of 'Ryarsh' and 'Southview'. 'Ryarsh' appears to have been completed more recently than the surrounding dwellings and has hipped roof ends, a landscaped parking setback, and a glazed conservatory to the rear.
7. The proposal is to demolish 'The Haven' and construct a hip roofed, rendered, two-storey, 4-bedroom property with a landscaped set back and an attached garage to one side. The dwelling would sit further back from the road than the existing property and align more closely with 'Ryarsh' to both the front and side boundaries.
8. The proposed development would be a dwelling of some considerable size and mass in comparison to the existing bungalow. Moreover, despite the hip ends and boundary treatments, it would be closer to the side boundary with 'Ryarsh' than the existing building. As such, the submitted evidence demonstrates that despite the orientation of the building, throughout the day and the course of the year the sunlight and daylight to the rear of 'Ryarsh' would be eroded by the increased height and width of the proposed dwelling, and hence harm the living conditions of the occupiers of 'Ryarsh'.
9. My overall opinion is reinforced by the modest size and proximity of the neighbouring conservatory, that would be overshadowed at various times of the day and year by the scale and bulk of the proposed development.
10. Consequently, the proposal is contrary to Paragraph 127 (f) of the Framework which aims include, amongst other things, that development creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Character and appearance

11. The development would be a two-storey property finished in a light render. As such the proposed development would not be out of place in its immediate context which exhibits a range of design styles and elevational finishes. Indeed, the landscaped set-back and the tiled hipped roof-ends would accord with the adjacent dwelling of 'Ryarsh', and the rendered properties seen further along Deal Road.
12. Moreover, the deeper set back of the proposed dwelling would align with 'Ryarsh' and help to bring a degree of cohesion and retain the built rhythm along Deal Road. Therefore, I conclude that the proposal would accord with the wider character and appearance of the area.

13. For the above reasons, the proposal meets the requirements of Paragraph 127 (c) of the Framework which requires that development is sympathetic to local character and history, including the surrounding built environment.

Other Matters

14. The appeal site is located near the protected European site the 'Thanet Coast and Sandwich Bay Special Protection Area and Ramsar Sites'. However, it has not been necessary for me to undertake an appropriate assessment of the proposal under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 given my overall conclusion on the main issues.

Conclusion

15. Although I have found in favour of the appellant with regard to character and appearance of the area, this does not overcome the harm caused to the living conditions of neighbouring occupants.
16. For the reasons given above, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR